

BANNER ELK TOWN COUNCIL

**February 8, 2016
MINUTES**

The Banner Elk Town Council met Monday, February 8, 2016 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, David Lecka, Allen Bolick, Robert Tufts and Charlie VonCanon.

Staff present: Town Manager Rick Owen, Cheryl Buchanan and Attorney Austin Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting for February 2016 to order.

Pledge of Allegiance

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

Invocation

Council Member VonCanon opened the meeting with prayer.

Public Hearing – Zoning Ordinance Amendment -Section 502.2 Exterior Materials

Cheryl Buchanan reported that the Planning Board is recommending to Council that the Town amend Section 502.2 Exterior Materials to add a Commercial Grade Vinyl Siding. She noted that it must be ASTM approved, must be a minimum of .044” grade and must be installed by someone who is certified by VSI (Vinyl Siding Institute) or by a similar institution, manufacturer or supplier. Ms. Buchanan stated that it would be allowed only on commercial buildings and in the C-2 Zoning District only. Mayor Lyerly asked if Council or anyone in the audience had any questions or comments regarding this proposed amendment to the zoning ordinance. There being no comments or questions, Mayor Lyerly closed the public hearing at 6:03 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve the January 11, 2016 Town Council Minutes. Council Member Bolick reported a change on *page 1* under *Zoning Ordinance Amendment, line 4* the number should read .044 not .44. Mayor Lyerly asked if there were any other changes. Council Member VonCanon motioned to make the correction, then approve the January 2016 minutes as submitted. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Approval of the Stated Agenda

Mayor Lyerly reported that Misty Watson is not able to attend this evening’s meeting. She was to present the 2014-2015 Audit to Council (Item #1). Mayor Lyerly noted that this item will be on next month’s agenda. She asked if there was a motion to amend the February’s Agenda, removing Item #1. Council Member Dunn motioned to amend the agenda as noted. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Construction Professionals Network Institute, Inc. Presentation

Mayor Lyerly stated that Mr. Arty Bolick is with us this evening and asked Fred Schmitt to introduce him to the audience. Fred Schmitt reported that Construction Professionals Network Institute, Inc. is a non-profit initiative focusing on construction industry related projects and community services throughout the State of North Carolina and the Historic Banner Elk School is one of their projects. CPNI spent December 11th and 12th with the Town, spent time touring the school and discussing the project. Mr. Schmitt stated that Arty Bolick is chairman of the board associated with the institute, is also a partner with Brooks Pierce in Chapel Hill and noted that Mr. Bolick will deliver his report to Council. Mr. Arty Bolick stated that CPNI's mission is to assist rural communities throughout the state of North Carolina in refurbishing under-utilized assets. CPNI is a network of construction professionals from various disciplines (attorneys, bankers, engineers, architects, accountants, etc) and the work they perform is of no cost to the towns. Mr. Bolick named all the CPNI volunteers and those who comprised the team from the Town of Banner Elk (officials and volunteers). He noted that when the two groups came together on December 11th and 12th they discussed the general history of the school, the previous efforts to raise funds and the Town's goals for the future of the school. He reported that they also discussed the current uses of the school (Woolly Worm Festival, Book Exchange, the current partnership with Mayland, etc.) and the economic conditions around Banner Elk (retail, hospitality, service sectors). He understands that the focus of the Town is to preserve the school for future public use. They discussed how the school could also help enhance other Town assets in the business community. The right use in the school can bring more traffic into the Town which in turn would generate more retail customers, etc. Mr. Bolick gave a power point presentation summarizing the two days spent in comprehensive discussions regarding uses for the Historic Banner Elk School and its property, overall observations of the school, issues with the building that need to be assessed and addressed, along with recommendations. Two important recommendations are that the Town partner with another entity to manage the property and that until consensus on future use is reached, discontinue renovations efforts on the school. Mr. Bolick reported that CPNI and the Banner Elk Team reviewed several suggestions for the future use of the school. One suggestion is to partner with a private developer (i.e. use the already established 501 (c)(3) Friends of the Historic Banner Elk School organization to serve as an intermediary). Another suggestion was to partner with the North Carolina Museum of Natural Sciences. The museum in Raleigh is interested in opening auxiliary locations in rural communities across North Carolina. Mr. Bolick noted that he and Richard Conner reached out to the museum and met with the director and regional network person. The museum is interested in continuing discussion with the Town's leaders. However, funding would remain a challenge. Mr. Bolick stated that CPNI appreciates the opportunity to work with the Town of Banner Elk and it is their mission to help with any rural community. He noted that the partnership doesn't end with this report. Mr. Bolick stated that CPNI want to have an ongoing relationship with Town and the Town can call upon them with potential uses for the school. There were questions and concerns presented to Mr. Bolick: brick exterior of the addition, museum potential and time frame and the existing kitchen. Mayor Lyerly thanked Mr. Bolick and his team for their time and support and the Town looks forward to an ongoing relationship.

Zoning Ordinance Amendment – Section 502.2 Exterior Materials

Mayor Lyerly reported that this item was presented at the Public Hearing and now Council needs its recommendation regarding the amendment. She asked if there were any further questions or comments. Council Member Lecka motioned to approve the Zoning Ordinance Amendment as presented. Council Member Tufts seconded. All were in favor. No one opposed.

Stormwater Grant Discussion

Mayor Lyerly called upon Derek Goddard with Blue Ridge Environmental Consultants (BREC) to review the stormwater grant. The Town was awarded a \$95,000 grant to repair or replace the Town's stormwater retention system. This grant requires a 50% match. Mr. Goddard reported that the Town has an underground stormwater retention system adjacent to the Historic Banner Elk School and behind the fire department (between Shawneehaw Creek and the fire department). The system was installed in or around the year 2001 and was a university demonstration project at that time. It was one of the very first stormwater projects completed in the mountains of North Carolina. Mr. Goddard explained to Council the design and operation of the existing system using visuals and a slide presentation (i.e. how the water is collected from the Town's streets to a central location, disbursed into several chambers, the permeation and flow through this system before emptying into Shawneehaw Creek). He noted that over time, this system needed to be maintained. He stated that in 2011 the Town hired Blue Ridge Environmental Consultants to investigate and evaluate this system to determine how it can be maintained, the functionality of the system and at what cost. He noted that over time a lot of sediment and trash have accumulated in the system. A detailed report of their findings was presented to the Town which cited the problems with the system (i.e. the vault was taking in ground water, water from the Town was entering this system, etc.) along with solutions (i.e. wetlands can stay in place, but the underground vault system needs to be replaced). Mr. Goddard summarized the preliminary design of the new system which will take into account the following: any improvements made to the Historical Banner Elk School and its property, a parking area on top of the system, long term maintenance (an isolation chamber which is easily assessable), etc. Mr. Goddard reported to Council that in order to move forward they need to decide how they wish to proceed with the use of this grant. The Town will need to authorize Blue Ridge Environmental to move forward with the project and authorize the matching funds. Mr. Goddard proposed to Council that BREC would donate \$50,000 in time provided that the Town can provide up to \$55,000 in cash matching funds. BREC's time would include completing a topo of the site with regards to the existing site plans, completing a grading plan, completing calculations for the stormwater receiving area and developing detailed options. He noted that he wants the Town, citizens, all stakeholders to be involved by conducting a series of design meetings presenting options for parking and evaluating the project based on the future plans of the Town. Mr. Goddard noted that he hopes BREC and the Town can begin the planning stages of this project this summer. BREC wants to use the Town's guaranteed maximum out of pocket (\$55,000) and in turn BREC would design, permit and build the project. Mr. Goddard noted that their primary goal is to develop a functioning system. It needs to be dual purpose (the stormwater vault retention system and parking), matching long term goals for the Town and for the school property. Mr. Goddard also noted that their design is based on current NC regulatory requirements. There were several questions for Derek Goddard from Council Members and discussions carried forth. Mr. Owen questioned the maintenance of the new system, the collection of silt, sand from the runoff entering the Town's system and how often the

system will need to be maintained. Mr. Goddard stated that in the right designed system (approximately seven times larger than the existing system), there will be personnel who can maintain it for the Town and it will be more manageable. He also stated that the existing system is grossly undersized for what's getting to it (i.e. sediment, silt, etc.) so it does become a maintenance issue. The bulk of the pollutants are coming from city streets. Discussions continued regarding costs, time frame, long term goals of the school property (landscaping, sidewalks, handicapped parking, etc.), storm water pipe size, DOT water, etc. Council Member VonCanon thanked Mr. Goddard for all the work he has done for Banner Elk. Mr. Owen stated that he would like Council to think about what was heard and discussed this evening and provide him with feedback which he in turn will discuss with Mr. Goddard. Mayor Lyerly thanked Mr. Goddard for the informative presentation. No action was taken.

Mayor Lyerly stated that she failed to welcome and thank Austin Eggers for being with us this evening as our Counsel, instead of his brother, Four Eggers. Mayor also reported that there will be a "Meet the Candidates Forum" at the Book Exchange on Tuesday, March 8th from 6:30 until 8:00 p.m. which is open to the public.

Historic Banner Elk School Project Updates

Mr. Owen reported that Council has before them the recommended By-laws for the Historic Banner Elk School Leasing Commission. He noted that a couple of months ago, Mr. Eggers presented Council with the Articles of Incorporation which have been filed and which establishes this Commission. The By-laws will be a part of this Commission and will guide the Council in creating a Board. Mr. Owen stated that no action is required this evening in appointing Board Members. However, Mr. Eggers would like Council's approval of the By-laws so they can be filed along with the Articles of Incorporation. Mr. Owen noted that the only change to the By-laws is with the Chamber of Commerce. He stated that originally written, two designees from the Chamber of Commerce would be appointed to the Board. It has been changed to one designee from the Chamber and one from the Tourism Development Authority. They don't have to be a Board Member, just have to be selected by those Boards. Mayor Lyerly asked Council if they had any questions. Council Member VonCanon asked if this will conflict with Arty Bolick's committee and their recommendations to the Town. Mr. Owen stated that it will not. Council doesn't have to use it. It is a tool that Council will have if deemed necessary. The purpose of this Commission would be to enter into long term leases of rental space. Currently the Town can rent space to someone for terms of less than one year. Mr. Owen noted that as Manager, Council has given him the authority to rent Town property for less than one year. Anything over that term has to come back to Council and go through the statutory requirement for basically upset bids for renters on a competitive leasing property. This is a way for Council to work through this process without it coming back to them. A Commission has been appointed for the responsibility of leasing space in the building. Council Member VonCanon motioned to approve the By-laws of the HBES Leasing Commission, Inc. which is a non-profit corporation. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Mr. Owen gave Council an update on Art on the Greene held on the school property. He reported that Kimberly Tufts will hold three art and craft shows: Memorial Day, 4th of July and Labor Day. She has also put a committee together to assist with these shows.

Mr. Owen reported that there has been a lot of discussion regarding a Woolly Worm stage on the school property. He noted that he has met with several people on the Woolly Worm Committee asking their needs for a stage. As Town Manager his concern is appearance. It needs to be permanent and substantial looking to the property. Mr. Owen stated that he has been working with Bob Mann on the design that will function for what the Woolly Worm festival needs along with future needs of the Town. It will be a Town structure owned by the Town. Mr. Owen reported that the structure will be 16' x 50'. The Woolly Worm Committee required 12' x 50', basically the size of the trailer. They requested a roof over the stage which will in turn make it more functional for long term use. The structure itself will be timber frame, eight posts holding the structure and no exterior wall, nothing blocking the view. Placement of the structure has also been a topic of discussion. Mr. Owen reported that there are concerns that Council needs to be made aware of and thinking about before we move forward: (1) The cost will be more than what the Woolly Worm Committee originally wanted to spend. (2) Whether it will be contracted out or volunteers build it. Right now Council needs to determine what the structure will look like and then figure who will pay for it and how to budget for it. Tom McMurray addressed Council and shared his thoughts and the thoughts of the Committee regarding the design of the structure and the needs for the Woolly Worm Festival. They want it to be attractive and tie in with the future developments of the school property. He noted that it is on record that the Committee pledged a minimum of \$50,000 towards the construction of the stage. Discussions continued regarding location of the stage, size of the stage, future Town use of the stage, etc. Mr. Owen asked Council for feedback on the design of the stage. Council Member Lecka stated that we should proceed with the stage as presented with an intent on getting a dollar figure for its construction to see if it fits with the Woolly Worm Committee's financing and the Town's needs and budget. Council Member VonCanon asked how the stage would fit in with the Zoning Ordinances and setbacks. Ms. Buchanan stated that she would look into it and get back to Council. Council Members agreed to move forward with pricing.

Mr. Owen asked Council if we could hold a special work session to further discuss the school project, where we are after a year, things that have taken place and need to take place, the direction we are heading, key points that need answers, etc. He noted we need time with this subject. Council Members decided to meet on Monday, February 29th at 6:00 p.m.

Tax Release

Cheryl Buchanan reported to Council that after taxes were printed and mailed, Avery County released the taxes on Account #12896 (Lees McRae College) for educational purposes, but failed to inform Banner Elk. The Town needs to release this bill in the amount of \$1,776.63. Council Member VonCanon motioned to approve the Tax Release. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Audit Contract

Mr. Owen reported that the Town of Banner Elk contracted with Misty Watson, a certified public accountant in Boone, for audit services. This contract is a repeat of last year's contract, for the period beginning July 1, 2015 and ending June 30, 2016. He noted that the staff has enjoyed working with Ms. Watson. She also provided services for the TDA. Mayor Lyerly asked if her fee remained the same. Mr. Owen concurred her fee will remain the same at \$9,500. Council Member Dunn motioned to approve the Audit Contract and Engagement Letter with Misty Watson. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Manager's Update

Mr. Owen reported that included in Council Member's packet were the police report, planning, zoning and tax collection report. Also attached is a draft copy of the February 2016 Planning Board Meeting Minutes and December 2015 High Country ABC Board Meeting Minutes. Mr. Owen noted that if there were any questions regarding these reports to let him or staff know.

Mr. Owen reported on a letter he received from the DART Committee and copied to Council Members regarding the Drug Task Force. He noted that the Town has not rehired someone in the position of the Drug Task Force Officer. The Drug Task Force received a check from the DART Committee for half of a year of their funding. The position was only filled for a quarter of a year, so they are asking for a reimbursement for the additional quarter that they overpaid. Mr. Owen stated that he and the Mayor have met with DART several times. The Town would rather reimburse DART rather than hold onto the monies until a decision is made on the future of the Drug Task Force position

Mr. Owen reported on the sidewalk project. As Council is aware, the Town contracted with Destination by Design for the design work of the sidewalk from the caboose to the Mill Pond. The survey work is almost completed. He stated that the surveyor is waiting for the underground utilities to be marked which they want shown on the survey report. Once this is completed the design work will begin.

At 7:53 p.m. Council Member Tufts made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 8:02 p.m.

Other Business

Mr. Owen reported that Cycle North Carolina is interested in starting their mountain to coast bike ride in Banner Elk this year. He stated that he met with the group along with Gil Adams from Ski Beech and the cycling coach at Lees-McRae. The discussion concerned using the facilities at Lees-McRae. However, the weekend of the ride falls on the same weekend as Lees-McRae homecoming (October 1st and 2nd). Alternate locations were discussed being Town property (i.e. the school property, the lower park area, the field on Culver Street). The event is for two nights and will involve close to 1,100 people. Council Members discussed the impact on traffic, the event schedule, gymnasium use, camping in the park, etc. Council Members agreed that it should be held in Town. Mr. Owen stated that he will keep Council up to date with the event and the group's plans.

Mayor Lyerly asked when discussions on next year's budget will begin. Mr. Owen reported that he was planning on bringing it up at March's meeting, but if Council had any thoughts and direction for him, to let him know. He noted that he was also thinking about a planning retreat along with setting goals. Mr. Owen stated the Town's focus has been and will be on the school property for the time being along with the stormwater grant which is now on the table. Discussions continued regarding the stormwater grant, matching funds, the vault system, retention pond and parking area.

There being no further business, at 8:27 p.m. Council Member Tufts motioned to adjourn the February 2016 Town Council meeting. Council Member Lecka seconded the motion. All were in favor.

Adjourn

The Town Council meeting adjourned at 8:27 p.m.

Mayor Brenda Lyerly

Attested

Approved: March 14, 2016