

# **BANNER ELK TOWN COUNCIL SPECIAL MEETING**

**February 10, 2020**

## **MINUTES**

The Banner Elk Town Council met Monday, February 10, 2019 at 5:30 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

Staff present: Town Manager Rick Owen, Town Clerk Cheryl Buchanan, Chief of Police Kevin Hodges, Public Works Supervisor Justin Hodges, and Town Attorney Stacy C. Eggers, IV.

### **Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular meeting of February 10, 2020 to order.

### **Pledge of Allegiance**

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

### **Invocation**

Council Member Bolick opened the meeting with prayer.

### **Approval of the Regular Meeting Minutes**

Mayor Lyerly asked for a motion to approve or amend the January 13, 2020 Regular Meeting Minutes. Council Member Tufts motion to approve the minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Approval of Stated Agenda**

Mayor Lyerly asked if there was a motion to approve the stated agenda. Council Member Tufts motioned to approve the stated agenda. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Public Comments**

There were no public comments.

### **Special Presentation – Madison Cornwell – Grandfather Home for Children**

Madison Cornwell introduced herself as a new employee of Grandfather Home for Children and a new resident to Banner Elk. Mrs. Cornwell said it began when her husband was called for a consultation and simply fell in love with the Grandfather Home. He was so touched by the need and told Mrs. Cornwell that he felt a calling to move here and help. Mr. Cornwell was hired as the Clinical Director. A position came open for a Development Officer at Grandfather Home for Children and Madison applied. After a rigorous interview process she was hired. Madison Cornwell went through the five (5) levels of care that can be provided and this helps determine which living quarters the children are assigned to, five being the greatest need and one being ready for acclimation outside Grandfather Home for Children. Madison ended with sharing that she

feels the school is positive and in a good place, but that community support is low. She is hoping through community outreach and sharing information about the current operation that there will be improved support and understanding of Grandfather Home. Council appreciated her presentation.

### **Capital Improvement Planning Services – McGill Associates**

Town Manager Rick Owen told the Council that the Town has contracted with McGill Associates to complete a System Development Fee Study, something the Town needs to bring the Town into alignment with state statute requirements. Part of the information being collected for the System Development Fee Study relates to the Towns capital improvement plan. While the Town has a list of capital projects it does not include the detail we desire. The manager had requested a proposal from McGill to help the Town develop a detailed CIP that can be included in the System Development Fee Study. The proposals cost for services being offered by McGill is a lump sum fee of \$17,900. Mayor Lyerly asked for comments and questions. After discussion, Council Member Allen Bolick motioned to waive the requirement for a request for proposals from other firms based on the work already being completed by McGill on the System Development Fee Study and the history with past infrastructure projects in the Town. Seconded by Council Member David Lecka. All were in favor. No one opposed.

Council Member Charles B. VonCanon, Jr. motioned to approve the contract with McGill Associates for Capital Improvement Planning Services. Seconded by Council Member David Lecka. All were in favor. No one opposed.

### **Town Code Codification Project**

Town Manager Rick Owen reviewed with Council; In the 2019-2020 fiscal year budget Council approved an expenditure to have the Town Code Codified which has not been done since 2000. The Town received a quote for the project from American Legal for \$7,000.00 and budgeted that amount. The quote they provided was based on their prior work for the Town. At the time of that work the Town had removed the Zoning Ordinance to be a separate volume and it was not included in their last codification. It is the desire of Town staff and Attorney Eggers to have all of our ordinance's codified and located in one volume. This would include the Town Code, Zoning Ordinance, Subdivision Regulations, Telecommunications Ordinance and Flood Damage Prevention Ordinance. After discussing the project further with American Legal they provided the Town with an updated quote based on the estimated pages to be included. The new quote is \$11,200.00. It should be noted that the price may change up or down depending on the actual number of pages.

While this is a large expenditure the importance of this project cannot be over stated. The information contained is the base for all that the Town directs and the support for decisions Town staff makes, and further is the legal support for that direction and those decisions. Once complete the Town will have an organized record of all Ordinances that can be hosted online by American Legal and will be easily available to the public in a searchable format.

Zoning Administrator Cheryl Buchanan said this was important also because State Legislation has taken 153A, which governs the County and 160A, which governs municipalities and combined them into one statute, now referred to as 160D. This new statute becomes effective in January 1, 2021. The Town will be required to make some changes to our current ordinances and those changes would be covered by this new fee.

Council Member Robert Tufts motioned to approve the new charge for the codification of the Town's Code and Ordinances. Seconded by Council Member Allen Bolick. All in favor. No one was opposed.

### **Board Appointments**

Town Manager Rick Owen asked Council to consider realigning the dates that members of the Planning Board, Board of Adjustment and Tourism Development Authority are appointed. The terms are staggered per the requirement of the ordinance but the months members were appointed have also been staggered, making it hard to keep up with. Manager Owen would like to use January 1<sup>st</sup> as the appointment month for all board terms as their staggered terms expire. Council Member Mike Dunn motioned to approve moving the reappointment date to January 1<sup>st</sup> of each year as terms expire. Seconded by Council Member Allen Bolick. All were in favor. No one was opposed.

Second, Manager Owen asked the Council to consider removing term limits for the Tourism Development Authority. The pool from which these members are chosen is narrower than the other boards and the Town would like to be able to keep those members who are active for longer periods of time. No other Town boards have term limits and the lack of term limits does not restrict the Council from appointing new members as terms expire. There is nothing in the State Statutes that requires term limits. Council Member Charles B. VonCanon, Jr. motioned to approve the removal of term limits for the TDA. Seconded by Council Member Allen Bolick. All were in favor. No one was opposed.

Lastly, Manager Owen asked that the current list of board members whose terms are up for reappointment before the Council tonight be approved. Fred Schmitt, Chairman of the Board of Adjustment, was recognized by Council and expressed concern for the shortage of members on the Board of Adjustment, telling Council that they were down one full time ETJ representative and that this could cause a problem with voting should a quorum not be available. Town Attorney Eggers confirmed that this could be a potential problem. Mr. Schmitt stated that two (2) ETJ representatives were needed, one full time and one alternate. The Mayor asked the Council to be on the lookout for potential ETJ board members. Council Member David Lecka motioned to approve the appointments of those board members who are up for reappointment. Seconded by Council Member Robert Tufts. All were in favor. No one was opposed.

Those reappointments were:

Planning Board – Joel Owen and Penny VonCanon

Board of Adjustment – Fred Schmitt

Tourism Development Authority – Mike Dunn, Tom McMurry and Lauren Foster

### **Advertisement of Tax Liens**

Tax Collector Cheryl Buchanan told Council that one of the statutory requirements for her position was to report to the Governing Body the unpaid taxes from the current tax year during the month of February. NCGS §105-369 requires a reporting of unpaid real property taxes in February with a mailed notice to those taxpayers that if their taxes are not paid within 30 days, their name will appear in a newspaper of local circulation. Ms. Buchanan told Council that notices have gone out and she has had six (6) responses since she included the list in their packets. No action was needed for this item.

### **Manager's Update**

Manager Owen handed out the Financial Summary Report for period ending 01/31/2020. Manager Owen also mentioned that several staff reports were also included in the packets along with a copy of the draft minutes for the Board of Adjustment from January 2020.

Manager Owen stated that some of the newly elected officials still needed to watch the Ethics Webinar and that this can be made available at Town Hall if needed or a link can be provided if a Council Member wanted to watch it at home.

Manager Owen reported on the status of the ARC Grant and the Downtown WiFi Project, telling Council that only one more station needs to be installed and the project will be up and running. Mr. Owen said the weather had made it difficult to finish the project. Zoning Administrator Cheryl Buchanan added that several representatives from the Appalachian Regional Commission (ARC) were in Town last week to check on the project and were pleased with what they were shown.

Manager Owen reported that Public Services was at full staff after a year of being short staffed and was pleased with the new hires.

Manager Owen asked the Council to consider setting a date for a planning workshop to coincide with upcoming budget workshops. Mayor Lyerly asked the Council for input on the last two Monday's in March. March 30<sup>th</sup> was the decided date for the planning workshop set for 5:30 p.m. at Town Hall.

Manager Owen said he has a planned meeting with Derek Goddard on Wednesday, February 12th at 3:00 p.m. if any Council members wanted to participate. The meeting is to finalize the plans for the improvements to the Historic Banner Elk School site. Council is welcome to attend.

Manager Owen confirmed with Council that the date for the Community Picnic could be set for September 17, 2020. This would be the 3<sup>rd</sup> of what has become an annual community event partnering with Lees-McRae College.

Council Member Robert Tufts asked for a status on the Elk River Lift Station from last week. Manager Owen answered that there had been several issues related to the heavy rain fall. Out of an abundance of caution the Town contracted to have pump trucks help relieve the high flow. There was no wastewater over flow.

### **Adjourn**

With no closed session, Council Member Robert Tufts motioned to adjourn. With a second by Council Member David Lecka, the meeting adjourned at 6:52 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: March 9, 2020