

BANNER ELK TOWN COUNCIL

**July 13, 2015
MINUTES**

The Banner Elk Town Council met Monday, July 13, 2015 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, Chief Byron Clawson and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Brenda Lyerly called the regular monthly meeting for July 2015 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 (Amend Telecommunication Tower Ordinance)

Mayor Lyerly opened the Public Hearing to Amend the Telecommunication Tower Ordinance. Mrs. VonCanon addressed Council. She noted that the Planning Board discussed several issues that needed to be changed to this ordinance in order to better protect the Town. The Planning Board suggests that the amended ordinance require that the telecommunications tower be placed on a wooded lot which will be added to *Section 4 Definitions*. The lot would consist of at least three acres and require shrubbery and trees. Fifty percent (50%) of the trees would be a minimum of 35 feet in height. Mayor Lyerly asked if there were any questions or comments from the public or Council Members. Council Member VonCanon commended the Planning Board for all their work and a job well done on the new terminology involved with this ordinance. Mayor Lyerly concurred. There being no further questions or comments, Mayor Lyerly closed the Public Hearing at 6:10 p.m.

Public Hearing (Amend the Zoning Ordinance – Section 704 Buffer Yard)

Mayor Lyerly opened the Public Hearing to Amend the Zoning Ordinance Section 704 Buffer Yard. Mrs. VonCanon reported to Council that a buffer yard provides a transitional area between two different zoning districts (i.e. commercial property butting up against a residential property). She noted that the commercial property is required to provide this buffer. Mrs. VonCanon noted that over the years many of the buffer plants have become overcrowded or died out. Mrs. VonCanon stated that the Planning Board is recommending that buffer yards be required to have a mix of evergreen and deciduous trees along with shrubbery. Council Member Dunn asked how much open space is or is not allowed; is there a definition that addressed this issue? Mrs. VonCanon reported that this issue is addressed in the main ordinance. It states how far the buffer needs to be from each property (i.e. the actual structure) and how deep it needs to be. Mrs. VonCanon also read sections from the ordinance which addresses such issues as: transitional areas in different developments, visual separations, uses of densely planted

landscaping, complete visual separation, the buffers should be 8 ft. in width, etc. Attorney Eggers clarified the ordinance further by stating that it addresses existing uses which are governed by code as it applied to when the structure was built. Mayor Lyerly asked if there were any further questions or comments. Mayor Lyerly closed the Public Hearing at 6:18 p.m.

Public Hearing (Amend the Zoning Ordinance – Section 600 Signs)

Mayor Lyerly opened the Public Hearing to Amend the Zoning Ordinance Section 600 Signs. Mrs. VonCanon reported to Council that this subject was somewhat new to the Planning Board because of the digital technology. Lees-McRae put in a request to the Town of Banner Elk to change their marquee in front of Hayes Auditorium. A spokeswoman from the college, Ginger Hansen, stated that they are exploring incorporating LED lighting into their digital display. It is Lees-McRae's desire to maintain a sophisticated sign for the college, but also for the Town. She noted that the college is opting for a sign that have bulbs spaced closer together to help with the clarity and variation of the lettering. The brightness of the sign will be no greater than 5,000 NIT during daylight and will have an automatic shift at sunset reducing the brightness to 350 NIT. Mrs. VonCanon stated that the Planning Board is questioning if the lighting will be solar controlled or timed controlled. She also noted that in their research the Planning Board found that many of the restrictions and numbers are generated by the DOT for safety reasons and the Board is concerned with the sign being a driving hazard. It was suggested that the Planning Board change the wording from digital to electronic. Mr. Owen stated that what is in Council's packets does not fully represent the Planning Board's recommendations in reference to exempt signs, size restriction, location restriction, quantity of signs, size of signs, brightness, etc. These concerns are not reflected in the ordinance. Discussions followed regarding time constraints for Lees-McCrae in regards to project time along with its product design, logistics that need to be worked out with this ordinance, tabling the project until further research by the Planning Board, more definitive definitions in the ordinance, changeable copy signs, etc. Attorney Eggers stated that he would prefer the Planning Board and Town Council agree to what the regulations should be and then pass the ordinance accordingly. Mr. Eggers noted that Council needs to adopt some set of limitation, less stringent than more. Mayor Lyerly asked if there were any further comments or questions. Mayor Lyerly closed the Public Hearing at 6:45 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve the June 8, 2015 Town Council meeting minutes. Council Member Tufts motioned to approve the minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Approval of the Stated Agenda

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

Public Comments

Mayor Lyerly called upon Ted Silver. Mr. Silver reported that the Historic Banner Elk School's Fund Raising Committee and a group of volunteers supported the last two shows at Art on the Greene. Mr. Silver recognized all those involved in volunteering at these events in support of the Historic Banner Elk School (manning the booth, setting up publicity, promoting the wishing well, etc.). Mr. Silver also noted that the wishing well has collected over \$400 and that 10 bricks

have been sold; the money going in support of the school. Mayor Lyerly thanked Mr. Silver for the update and all his efforts.

Mayor Lyerly called upon Fred Schmitt. Mr. Schmitt distributed a handout to Council Members. Mr. Schmitt reported that following a suggestion he gave to Council last month regarding the need for a project management team to lead the efforts of the Historic Banner Elk School, he felt obligated to provide Council with a few amplifying comments. Mr. Schmitt read through his suggestions to Town Council in regards to considering a project management approach. He stated that the Town needs a more formal project methodology to achieve its goals and he is willing to assist in any way he can. Mayor Lyerly thanked Mr. Schmitt for the informative presentation.

Mayor Lyerly presented to Council and those present a brochure regarding Habitat for Humanity in Avery County. She noted that it is a wonderful organization and she is helping it by raising money. Mayor Lyerly stated that if anyone wishes to make a tax deductible donation in her name to please take a brochure upon leaving. She thanked everyone for their consideration.

Telecommunications Tower Ordinance

Mr. Owen stated that unless Council Members have any additional questions regarding the two changes to this ordinance: the addition of “wooded lot” under *Section 4 Definitions* and “acreage requirements” under *Section 6 General Standards and Design Requirements*, Council may then pass on their recommendations. Council Member Bolick motioned to adopt the Telecommunication Tower Ordinance changes as set up by the Planning Board for Council’s consideration. Council Member Lecka seconded. All were in favor. No one opposed.

Zoning Ordinance – Section 704 Buffer Yard

Mayor Lyerly asked Council if there were any further questions or comments regarding this zoning ordinance. If not, she asked for a motion. Council Member Tufts motioned to accept the revised Section 704 Buffer Yard Zoning Ordinance as written. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Zoning Ordinance – Section 600 Signs

Mayor Lyerly asked Council if they were ready to vote on this item or was further discussion needed. Council Member VonCanon motioned to table this item and send it back to the Planning Board for further research. Council Member Dunn seconded the motion. All were in favor. No one opposed. Attorney Eggers suggested that Council call for another Public Hearing at the August Town Council meeting in case there are substantial changes brought forth by the Planning Board. Mayor Lyerly agreed. Council Member VonCanon motioned to call for a Public Hearing at the August 2015 Council meeting regarding Section 600 Signs. Council Member Dunn seconded. All were in favor. No one opposed.

Call for a Public Hearing – Zoning/Design Aesthetics Control

Mr. Owen reported that included in Council’s packets was a copy of legislation passed on June 19, 2015 (Senate Bill 25) which affects the Town’s ability to regulate aesthetic controls on single family dwellings. The changes that Staff is recommending, which is statutory required, is striking the reference to the Town’s view shed overlay. Mr. Owen stated that this section gave the Town the ability to control paint color, exterior cladding materials, materials of roof structures, etc. on single family dwellings that can be seen on Highways 184 and 194. The

ordinance will need to be changed under *Section 500 Architectural Design Standards* to reflect the new Senate Bill 25. Mr. Owen noted that this bill does not affect commercial structures in the Town, structures in the Historic Overlay District or POA standards. Attorney Eggers reported that any restrictions that are currently in place (i.e. Apple Orchard, Crooked Creek) would be enforceable not by the Council but by the members of the community /subdivision. Council Member Tufts motioned to call for a Public Hearing at the August 2015 Town Council meeting. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Historic Banner Elk School Project

Mr. Owen reported that he outlined on the agenda topics and areas of discussion that he wanted to go over with Council. He stated that recent events held on the school grounds were the Wold groundbreaking and Art on the Greene.

Mayor Lyerly reported that the Wold groundbreaking was very successful. Mrs. Wold was very pleased and in attendance were several of her friends from the Elk River Club community. She noted that the groundbreaking has stirred much interest in the school project.

Council Member Tufts reported that Art on the Greene held over the 4th of July weekend was also a success. There were 50 vendors which brought a lot of money to the Town. The event drew a large crowd of people who inquired about the school project. Mr. Tufts stated that Labor Day Art on the Greene is in its planning stages with 25 vendors already signed up, many of whom are returning because of the success of the 4th of July show and would like to return next year. He noted that there was a lot of positive feedback on how the Town was running the shows.

Council Member Bolick gave an update on Team of 83. He reported that a lot of information has been sent out to a lot of people. The committee is working at getting 83 individuals, businesses, churches, etc. to donate \$1,000 a year over 12 years. If we could raise \$83,000 a year, the Town's yearly payment to the County, this would take a lot of the pressure off the Town. Letters were sent out about six weeks ago and the committee has received 10 full pledges. Mr. Bolick stated that it's just the beginning and is hopeful that more money will be raised due to all the inquiries and interest the community has shown.

Council Member Bolick reported that in regards to the golf tournament, posters have been placed around Town and brochures and letters have been mailed. Through our budgeting process, we have determined all the costs: cost to play, hole sponsorships, prizes, lunch and refreshments, etc. To date we have 30 plus people who have signed up as wanting to play and several sponsorships have been lined up.

Mr. Owen reported that the Street Front Plans that were done for Mrs. Wold are displayed in Town Hall. Bob Mann has put more details on the plans along with providing measurements to the plans so that we can determine what work can be done by Town Staff, what needs to be contracted out and what portion can be serviced out in lieu of a donation. Any costs that we can cut will help in the long run. Joel Shipley is still working on the revisions to the Site Plan. Mr. Owen is hoping that in the next couple of weeks we will have more to share with the public in terms of sidewalks, parking, lighting, etc. Council Member Tufts inquired about the permanent stage and if it will be completed by Woolly Worm. Mr. Owen noted that it is a matter of setting up a time to meet with the Kiwanis regarding the stage. Mr. Tom McMurray agreed that we

need to meet with Town staff to formalize the plans for the stage, its construction and its cost. He noted that it doesn't seem feasible for its completion by the Woolly Worm Festival.

Council Member Bolick reported on the Building Use Plan. He noted that at the July 4th Art on the Greene we had a book sale in the "lending library" and the response was extremely good. Currently we have 4,000 books and a promise of 1000 to 1500 books a year from an individual. Issues that exist: replace carpet or refinish floors, painting the library, shelving, furniture, lighting and heating/AC. Mr. Bolick asked Council if a committee can be established consisting of someone knowledgeable in the library science and computer fields and several people who can help in the renovation of the library. Council members all agreed with Council Member Bolick in regards to moving ahead with forming a committee. Council Member Bolick also reported that he met with a couple who were interested in touring the school and the Town's plans for each of the rooms. They were interested in the rooms marked 19A and B and setting it up as a computer room; using it for a training center for computer classes, senior citizens and our local citizens. Council Members agreed upon tearing down the wall readying this space for a computer area.

Manager's Update

Mr. Owen reported that included in Council Member's packet were the police report, planning, zoning and tax collection report. Also included were a draft copy of the June 2015 Planning Board Meeting Minutes and the May 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 distributed an informational handout that Ms. Earhart dropped off regarding the DART Committee (when it was founded, how it was founded, the purpose of the committee, etc.). He noted that she wanted Council to have this information to show their support for the Drug Task Force and the Drug Court. and their interest in keeping these "teams" working together throughout Avery County.

Mr. Owen reported to Council that the deadline for election signup is Friday, July 17th at noon (anyone interested in running for Town Council or Mayor).

Mr. Owen stated that he met with William and Pat VonCanon regarding the sidewalk easements, walked their property and discussed again the Town's plans. He noted that they were thinking about not doing a full rock wall, the full length of the sidewalk, which would be costly. They were interested in the new design around the school property and the elk which incorporates rock columns and wood. They were going to meet with their attorney regarding the new easement and would report back to him. Mr. Owen needs to discuss with Mr. Eggers reference points and right of ways.

Mr. Owen reported to Council that there was vandalism in the park the past weekend, tearing down some of the signs, destroyed the little lending library, trashed the bathrooms and several other assorted items. A staff member discovered the damages on Sunday morning and called the police. Mr. Owen discussed with Chief Clawson the possibility of installing cameras around the park area. It wasn't the first time this has occurred.

At 7:35 p.m. Council Member Dunn made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member VonCanon seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 8:30 p.m.

Other Business

Council Member Bolick stated that in closed session, Council Members discussed the Town Manager's salary, performance and job well done. He noted that Council took the Town Manager's base rate salary rate, approved the 2% rate increase given to all the Town employees and also approved an additional 3% increase effective immediately. Council Member Bolick motioned to approve the salary increase. Mayor Lyerly noted that the monies would be taken from the Administrative Contingency Fund. Council Member Tufts seconded the motion. All were in favor. No one opposed. Mayor Lyerly stated that Council appreciates all the work Mr. Owen does for the Town; he goes above and beyond the hourly wage he receives. Mr. Owen thanked Council for their support.

Council Member Bolick returned to the subject of the Historic Banner Elk School. The couple that was very interested in the school posed a subject to Town Council: *What is one thing Council would like done to the school?* Mayor Lyerly stated that she would like the kitchen renovated. Council members discussed renovations to the gymnasium and the bathrooms. Council Member Bolick noted that there are several items that need tended to: sprinkler system, painting and repair work, etc. Council Member Tufts noted that paving in front of the school is also important. Mayor Lyerly stated the storm draining and the paving are major issues; we need more parking. Council Member Dunn noted that renovations to the gymnasium would allow the Town to rent the space out for private parties or functions, which would give us immediate reward and a good return on our investment. Council Member Bolick stated that before we give this "one item" to the couple, we will need a dollar figure, a cost estimate of the renovations. Discussions continued regarding priority items that needed to be done to the school, which project item is the most expensive, which item will bring the quickest benefit to the Town, etc. Council Member Dunn motioned to approve the gymnasium being the key project at the Historic Banner Elk School which include walls, heating, flooring, etc. Council Member VonCanon seconded. All were in favor. No one opposed.

Council Member Tufts asked if Council was going to consider Fred Schmitt's proposal. Council Member Dunn asked if Mr. Schmitt would consider volunteering to be an interim director to get this project moving. He has an organized plan, has a professional approach and wants to be involved. Perhaps Council should consider his proposal. Council Members agreed that the Town should approach Mr. Schmitt to see how much he wants to be involved and give him the opportunity to help the Town with the school project.

Council Member Dunn reported that he had a conversation with the Avery County Health Inspector regarding food vendors obtaining food permits. Per the inspector, food vendors must have their applications submitted to the Avery County Health Department 15 days prior to the event that they want to participate in. Council Member Dunn stated that he wanted to pass this information on since it applies to Art on the Greene and other functions held within the Town.

Council Member VonCanon noted that the Town does need to work on a parking lot at the new picnic shelter. He noted an event where the people had undone the traffic barrier in order to drive their cars to the shelter to unload coolers, supplies, etc. for a baby shower.

Council Members discussed the installation of security cameras within the park area. Mr. Owen noted that Chief Clawson is in the process of obtaining quotes to install a camera at the picnic shelter.

Council Member Tufts reported that on Thursday, July 23rd a picnic will be held in the park for all Town employees. All Council Members volunteered to participate in supplying/donating food, supplies, time, etc.

Council Member Bolick reported on several items regarding the golf tournament: the number of sponsors needed for each hole, the distribution of posters, participating vendors, the auction event, donations, etc. He noted that we desperately need players and hole sponsors.

There being no further business, at 9:06 p.m. Council Member Tufts motioned to adjourn the July 2015 Town Council meeting. Council Member Dunn seconded the motion. All were in favor.

Adjourn

The Town Council meeting adjourned at 9:06 p.m.

Mayor Brenda Lyerly

Attested

Approved: September 14, 2015