

BANNER ELK TOWN COUNCIL

**July 12, 2016
MINUTES**

The Banner Elk Town Council met Monday, July 12, 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 and Charlie VonCanon. Robert Tufts was absent.

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Chief Byron Clawson and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting July 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.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve the June 13, 2016 Town Council Minutes. Council Member Dunn noted that in regards to the Public Hearing on the Budget, the TDA's budget was also considered as a component unit of the Town during the public hearing. Mr. Owen noted that change. Council Member Dunn motioned to approve the June 2016 minutes as amended. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Approval of the Stated Agenda

Mayor Lyerly asked for a motion to approve the July 2016 agenda. Council Member VonCanon motioned to approve the July 2016 agenda as stated. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Public Comments

Mayor Lyerly recognized Mike Halus. Mr. Halus stated that he has a concern regarding the way the citizens of Banner Elk can present their views at the Board of Adjustment meetings. He requested that the Town attorney set legal guidelines so that citizens can present their concerns on issues in an acceptable manner and that the Board of Adjustment conduct their meetings with fairness that would give citizens an equal opportunity to voice their opinions. Mayor Lyerly thanked Mr. Halus for expressing his concerns.

Mayor Lyerly called upon Danny Ray with the NC Wildlife Resources Commission. Mr. Ray reported that a month ago he conducted a program regarding nuisance wildlife issues, in particular pertaining to bears. He noted that he is continually trying to educate people on how to live in bear country. Mr. Ray stated that several communities are becoming proactive in

becoming “bear wise”, establishing programs, websites, brochures and posters to inform local citizens as well as tourists on bears, their habitats and the dos and don’ts on living with bears. Mayor Lyerly thanked Mr. Ray for the informative presentation. Mr. Owen noted that the Town’s website provides information on bears and the NC Wildlife Resources Commission.

Mayor Lyerly called upon Carroll Berkley. Mr. Berkley stated his concerns of the following: the Town’s fire department, health issues relating to the cell tower, training of Board of Adjustment members in public safety, the Town’s compliance with FCC limits for human exposure to microwave radiation, cell tower fires and the collapsing of cell towers and the need for emergency management within the Town. Mayor Lyerly thanked Mr. Berkley.

Mayor Lyerly recognized Ted Silver. Mr. Silver reported that the Friends of the Historic Banner Elk School was represented at the July 4th weekend event, Art on the Greene. He thanked all the volunteers and noted that during the four-day event, over \$600 was raised. Mr. Silver noted that people bought bricks, bought BE license plates and picked up brochures on the golf tournament. He said there was a lot of public interest in our Town. Mayor Lyerly thanked Mr. Silver and all the volunteers for their work.

Mayor Lyerly called upon Bill Stevenson. Mr. Stevenson stated that he felt the Board of Adjustment lacked enthusiasm, vision for the Town and were not responsible stewards. He expressed his feelings toward the BOA’s decisions at their June meeting. Mayor Lyerly thanked Mr. Stevenson for his comments.

Rezoning Request - Boggs Road, LLC

Cheryl Buchanan reported that Boggs Road, LLC submitted an application for rezoning their property at 1302 Banner Elk Highway (the former Mormon Church property) from R-1 to R-2. She noted that included in Council’s packet were: a copy of the application, a map showing the location of the property, a section of Banner Elk’s zoning map which shows the zoning designations for the surrounding properties along with the location of the Town limits and a draft copy of the Planning Board minutes of July 7th which gives the recommendation made by the Planning Board. Ms. Buchanan noted that the Planning Board recommends that Council call for a Public Hearing in August. Mayor Lyerly asked if there was a motion. Mr. Owen stated that the Town received additional information from the party involved and they would like to withdraw their request for the property to be rezoned. Stephen Cuff addressed Council and stated that he represents the Waterfront Group and Eagles Nest. He noted that after listening to all the comments put forth at the Planning Board meeting they felt that it would be in the best interest of all parties involved that they should withdraw the rezoning request and will not be pursuing a zoning change. Mayor Lyerly thanked Mr. Cuff. No action was taken.

Annexation Request – Mt. Calvary Baptist Church

Mr. Owen reported that Mt. Calvary Baptist Church was annexed into the Town in 2006. He referred Council Members to the map of the area currently in the Town and the proposed annexation acreage. He stated that there are two parcels on either side of the church. Mt. Calvary would like to combine them all into one parcel (the total area would be 4.98 acres) and would like the entire parcel to be annexed into the Town limits. This would be considered a noncontiguous (satellite) annexation. Mr. Owen noted that the Town has approximately 39 more acres available as satellite area. He also noted that the property is non-taxable. Mr. Owen asked Council’s permission to proceed with certifying the petition and at next months’ meeting,

if all is in order, to call for a public hearing regarding the annexation request by Mt. Calvary Baptist Church. Mr. Owen also noted that the property is in the ETJ so they are currently under the Town's zoning ordinances. Council Members agreed to proceed with the annexation process.

Sewer Line Maintenance

Mr. Owen reported that the Town has 93,300 feet of sewer line. The Town is required by State law to clean 10% of its lines each year. Mr. Owen stated that the staff is currently working on a Capital Improvement Plan in which the Town has approximately \$670,000 in projects identified as critical relating to the Town's infrastructure. He noted that some of the projects listed on the plan relate to sewer and the waste water treatment plant. The best way to determine what is going on with the Town's system is to camera the system. Mr. Owen stated that the Town does have a small camera which tells us what issues exist, but it's unable to categorize what we video and we are not certified to rate the pipes in terms of importance and replacement. Mr. Owen is asking Council to consider hiring a professional company to video, clean and inspect about 20,000 feet of line. The proposed cost is \$2.95 per foot. One section of line runs from Sugar Mountain down the main corridor to the Mill Pond and on to the treatment plant and the second runs from the Mill Pond Road into Town and left to Lees-McRae where the line dead ends. His goal is that over the next three years to have the entire system videoed and cleaned. Mr. Owen stated that the Town has been raising its water and sewer rates over the past several years in order to fund such a project. Mayor Lyerly asked if there was a motion. Council Member Bolick motioned to approve the project. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Consider Changing September Council Meeting Date

Mr. Owen reported that the September Town Council Meeting falls on the same evening as the Historic Banner Elk School Golf Tournament at Elk River. Council Members discussed dates. Council Members agreed to change the meeting date to Tuesday, September 6th at 6:00 p.m.

Historic Banner Elk School Project Updates

Mr. Owen reported that Art on the Greene was a successful event over the 4th of July weekend. There were 54 vendors and 10 of those vendors had double booths so there were 64 spaces occupied. Mr. Owen thanked all those who volunteered for this event.

Mr. Owen noted that two other events are coming in July: the Avery Chamber of Commerce Art Show and Pet Fest.

Mr. Owen reported that the elk area landscaping has begun; the footers are in and have been approved by the County and the design work for the wall is being laid out.

Council Member Bolick reported on the \$25,000 matching grant. He stated that a thermometer type stand, approximately 5 ft. tall, is being designed to put in front of the school so we can mark as monies come in. The Town will be able to see the progress that is taking place. Mr. Bolick handed Council a draft copy of a letter he wants to send out to people asking for donations and pledges. He asked Council to give him 15 names and addresses each who they want the letter to be sent to.

Council Member Bolick reported that the golf tournament is fast approaching and still needs hole sponsorships, players, shirt sponsors, etc. He handed Council Members a list of items that are still needed and asked Council Members for their help. Letters are being sent out to last year's players inviting them again for this year.

Council Member Bolick distributed a handout regarding the upcoming Community Yard Sale to be held in front of the school. Those setting up tables are donating all of their money to the school.

Mayor Lyerly reminded everyone of the monthly event Second Saturday which is sponsored by the Banner Elk Chamber of Commerce.

Manager's Update

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning, tax collection report and the financial report for 12 months ending 6/30/16. Also attached is a draft copy of the July 2016 Planning Board Meeting Minutes and May 2016 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 the proposal submitted to the Town from Derek Goddard with Blue Ridge Environmental Consultants (BREC) which he presented to Council at last month's meeting. He noted that Attorney Eggers is working on a contract between the Town and BREC.

Mr. Owen reported that the sidewalk project between the caboose and the Mill Pond is ongoing. Destination by Design is working on the final design phase to present to the DOT. He noted that there was a delay due to the rock outcrop near the Cheese House and other route options which involved the Corps of Engineers. The design proposal will show the sidewalk going through the rock (moving it) along the caboose side of the road, crossing at the Mill Pond and connecting the boardwalk, even though we may not build the phase across the street at this time.

Mr. Owen reported that there has been a lot of positive response to the former Corner Palate property. He noted that he and the Mayor will be meeting with the donor to discuss the future of that property.

At 7:15 p.m. Council Member Dunn made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Lecka seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 8:04 p.m.

Other Business

Discussions resumed regarding the property across from Elk River. Mr. Owen noted that the developer still intends to develop the property. By not pursuing the rezoning, they can still construct eight units versus the twelve they originally wanted. Mr. Owen stated that they plan on coming back to the Planning Board with a subdivision plat with nine parcels (4.4 acres) and keep

the original building (church). Council Members discussed water and sewer availability in the same area. Mr. Owen also reported that the developer plans to meet with the Planning Board regarding their plans for the shopping center property.

Mr. Owen reported that the Town has a list of water and sewer projects which are not yet listed in order of priority. Once the Town meets with the State in regards to the collections system at the sewer plant, Mr. Owen will present to Council the list and dollar amounts involved.

There being no further business, at 8:16 p.m. Council Member Bolick motioned to adjourn the July 2016 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Adjourn

The Town Council meeting adjourned at 8:16 p.m.

Mayor Brenda Lyerly

Attested

Approved: August 8, 2016