

# BANNER ELK TOWN COUNCIL

**June 12, 2017  
MINUTES**

The Banner Elk Town Council met Monday, June 12, 2017 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Police Chief Kevin Hodges and Attorney Four Eggers.

## **Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of June 2017 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: Proposed 2017-2018 Budget**

Mayor Lyerly opened the public hearing at 6:01 p.m. Mr. Owen read the Budget Message addressed to the Mayor and Council Members dated June 12, 2017. Mayor Lyerly asked if there were any questions or comments from those in attendance. There being no comments or discussion, Mayor Lyerly closed the public hearing at 6:05 p.m.

## **Public Hearing: Amend Zoning Ordinance – Mobile Sales/Rentals**

Mayor Lyerly opened the second public hearing. Ms. Buchanan reported that this request comes as a recommendation from the Planning Board to allow the use of mobile sales and rentals in the C2 zoning district. This use will require a \$25.00 permit fee that will be renewable each year. She noted that the permit will need to be accompanied with a written copy of the property owner's permission to use the property. Mayor Lyerly asked if there were any questions or comments. There being no questions, Mayor Lyerly closed the public hearing at 6:10 p.m.

## **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the May 8, 2017 Town Council Minutes. Council Member Bolick motioned to approve the May Town Council Minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

## **Approval of the Stated Agenda**

Mayor Lyerly asked for a motion to approve or amend the June 2017 agenda. Council Member Lecka motioned to approve the June 2017 agenda as presented. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Public Comments**

Mayor Lyerly recognized Judy Hilsmier. Ms. Hilsmier, president of the Greater Banner Elk Heritage Foundation, addressed Council. She noted that they received a grant 2 years ago from the Frank Bragg family to assign a consultant, Stewart Gray, to assist in the process of getting the Historic Banner Elk School on the National Registry of Historic Places. Ms. Hilsmier spoke of the good news that the State Advisory Committee has approved the application. It will then go forward to the U. S. Department of Interior and that we are hoping to receive a decision in 45 days. Mayor Lyerly thanked July Hilsmier, the Bragg family and Stewart Gray for their work with this project.

### **Request to Amend Zoning Ordinance, Mobile Sales/Rentals**

Mayor Lyerly stated that Council previously heard from Cheryl Buchanan at the public hearing regarding this amendment. She asked if there was a motion to approve the amendment to the zoning ordinance regarding mobile sales and rentals. Council Member Dunn motioned to approved the zoning ordinance amendment. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Call for Public Hearing - Amend Zoning Ordinance, Heliports**

Mayor Lyerly called upon Cheryl Buchanan. Ms. Buchanan handed out a revised Section 925 Heliports, which Attorney Four Eggers has fine-tuned. She reported that the Planning Board addressed the operation of helicopters in the Town area. More citizens own helicopters in the area and the Town wants to be more proactive in regards to their use. They recommend an amendment to the ordinance as a conditional use for heliports in the R-1 Zoning District. Ms. Buchanan stated that she contacted the FAA and was advised that the Town cannot regulate flight paths or prohibit a helicopter from flying over Town limits. The pilot has the final decision on the flight path they choose based on safety. Ms. Buchanan stated that the intent of this ordinance is to address the personal use of a helicopter within the Town limits, not commercial use. There were discussions regarding the wording of Section 925, the size of the landing pad, etc. Mayor Lyerly asked for Council to entertain a motion. Council Member Tufts motioned to call for a public hearing at the July 2017 meeting to address the zoning amendment. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Amend Zoning Ordinance, Section 612, Sandwich Board Signs**

Cheryl Buchanan reported that this has been a temporary ordinance for the past 12 months and it expired at the end of May 2017. The Planning Board is recommending that Sandwich Board Signs be made a permanent part of the Zoning Ordinance. Ms. Buchanan stated that in Council's packets there is a copy of Section 600 which highlights the definition of a Sandwich Board Sign, Table 608-3 Standards for Sandwich Board Signs which highlights the size, height and location, and a section regulating their use. There will also be the addition of a \$25.00 permit fee to the approved fee schedule. Ms. Buchanan reiterated that Sandwich Board Signs are not intended to advertise the existence of a business, but rather to advertise a special event or special item for sale at the business location. For this reason, the sign is to be kept within 10 feet of the entrance to the business. Ms. Buchanan noted that the Planning Board is asking Council to approve the amendment to the Zoning Ordinance. Attorney Eggers stated that since this is a zoning ordinance it would require a public hearing associated with it. Mayor Lyerly asked if there was a motion. Council Member Tufts motioned to call for a Public Hearing at July's meeting. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Planning Board Member Application**

Cheryl Buchanan reported that Will Mauney resigned from the Planning Board which left the ETJ representation down to one member. She stated that Aaron Barlow attended June's Planning Board meeting and was interested in filling that position for the ETJ. Ms. Buchanan noted that Mr. Barlow is the owner/operator of the Subway at Sugar Mountain. His resume is attached and the Planning Board recommends the appointment of Mr. Barlow contingent upon the Avery County Commissioner's approval. Council Member Bolick motioned to submit Aaron Barlow's name to the Avery County Commissioners for approval to become an ETJ member of the Planning Board. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Historic Banner Elk School Project Updates**

Mr. Owen reported that Ensemble Stage will have its opening show June 16<sup>th</sup> weekend.

Mr. Owen updated Council on the stormwater vault project. He noted that the vault is in place and is working. He spoke with Derek Goddard and Derek feels certain that the project will be completed in 3-4 more days. Mr. Owen stated that dirt is being brought in to level out the area to create a parking lot.

Mr. Owen stated that the Avery Rotary Club and the Banner Elk Chamber of Commerce sponsored a yard sale fundraiser last weekend which raised money for the Historic Banner Elk School. Council Member Bolick added that there was a good turnout for the one day event which raised \$975.00 to go towards school.

Council Member Bolick reported that the preparations for the Golf Classic are underway. He noted that it will be held on September 25 at Beech Mountain Club. He stated that the posters and brochures are finished, 3 team sponsorships are still available and nine teams have signed up.

Council Member Bolick reported on a new project for the Historic Banner Elk School. He noted that the Committee met and its goals for the school are: remodel the hallway (redoing the hardwood floors and painting the walls), add a windbreak at the front door, rework the ceiling and lighting to a previous look which will add an historic value, replace the motion light and emergency lights, add 30 old schoolhouse lights, add power outlets to the hallway, ceiling tiles replaced, etc. Council Member Bolick noted that they are working on the funding and are confident they will get it. He is asking for Council's permission to proceed with this project. Council Member VonCanon motioned to proceed with the project. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Council Member Tufts reported that the Memorial Day Art on the Greene was a success with 30+ vendors. The next Art on the Greene will be held on July 1<sup>st</sup> and 2<sup>nd</sup> and thus far there are close to 70 vendors who have signed up. Council Member Tufts requested the use of a room/space within the school (i.e. teacher's lounge) for use as a vendor hospitality space during the shows. Council Member Tufts also noted that a storage place is needed in the school for signs, etc. They used to be kept in the gymnasium until Ensemble Stage set up their location there. Council Members discussed options and suggested space in the old kitchen. Finally, Council Member Tufts stated that Council will need to start looking for a new director to oversee

next year's shows. He noted that his wife, Kimberly, has done the job for three years and would like to focus on her glass business as a vendor.

### **Budget Discussion**

Mr. Owen reported that there is a budget workshop scheduled for Monday, June 26<sup>th</sup> at 5:30. He noted that on June 20<sup>th</sup> there will be a presentation by the MAPS Group and asked that Council wait to finalize the budget till after the 20<sup>th</sup>.

### **Manager's Update**

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning and tax collection report. He noted that he will email Council a copy of the finance report. Also attached is a copy of the June 5, 2017 Planning Board Minutes and the April 13, 2017 High Country ABC Board Meeting Minutes. Mr. Owen stated that if there were any questions regarding these reports to let him or the staff know.

Mr. Owen reported on the water line project. He stated that the Town contracted to replace approximately 800 ft. of asbestos concrete pipe with ductile pipe at the caboose, to research possible water leaks at the Mill Pond and to move a fire hydrant and water meters all related to the sidewalk project at that area. Mr. Owen noted that when the contractor, Iron Mountain Construction, began the project they found that sometime in history the AC pipe had already been replaced with ductile pipe which was a surprise. However, the contractor did move the fire hydrant and water meters and discovered two water leaks. One leak was found related to the location of the fire hydrant and was repaired. The other was found in a service line which runs roughly from Banner Road to Donese Preswood's house under the creek. Mr. Owen stated that Iron Mountain replaced that line with a new service line.

Mr. Owen stated that he will be meeting with the contractor and David Poore to discuss how we can adjust the cost of this project. The Town had a bid price to do all the work. There were materials and time spent on the job, so we will discuss how to proceed with payment for the work done versus the work contracted to do.

Mr. Owen reported that the Town will be considering getting a contractor to do the grading for the sidewalk project, someone to the curb and guttering, etc. It is budgeted in next year's budget beginning in July.

Mr. Owen noted that the clock tower is complete and that the Town is working with Mrs. Wold and Don Baker in planning a Town event to dedicate the clock tower and unveil the area as the Corner on Main. Mayor Lyerly stated that the event will take place on Saturday, June 24<sup>th</sup> at 1:30 p.m. and asked that Council Members be present to hand out brochures and answer questions regarding donations for future projects at the Corner on Main. She noted that following the dedication there will be a tent set up for refreshments, etc. on the Town Commons. Mr. Owen stated that a sign will be displayed showing a colored 3D rendering of the Corner on Main project, its construction progress (yesterday, today and tomorrow) and opportunities in which future donors could participate.

At 6:54 p.m. Council Member VonCanon motioned for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Tufts seconded the motion. All were in favor. No one opposed. Mayor Lyerly thanked everyone for coming.

Council returned to open session at 7:07 p.m.

**Other Business**

Council Member VonCanon stated that he received a lot of positive feedback regarding the yard sale held in front of the Historic Banner Elk School.

Mr. Owen reported that he prepared a Budget Amendment for Council's consideration. It is related to the sludge removal and the valve replacement at the waste water treatment plant. He stated that the amount requested is \$33,833.82, the total of the two invoices the Town received. These are actual expenses incurred but wasn't budgeted for. Council Member VonCanon motioned to approve Budget Amendment #20170612 in the amount of \$33,833.82. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mayor Lyerly stated that she knows a young man, Joseph Melchionna, who recently graduated college with a degree in political science and is considering law school. His grandparents own a home in Linville Ridge. The Mayor noted that he wants to learn more about local government and would like to do an unpaid internship here at Town Hall. Mr. Owen stated that he is not doing this for educational credits, so there are no set number of hours that he needs and he is also interested in helping at Town events, including those held on weekends. After some discussion, Council Members agreed to welcome Joseph to Town Hall.

There being no further business, at 7:15 p.m. Council Member Bolick motioned to adjourn the June 2017 Town Council meeting. Council Member Lecka seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 7:15 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: July 10, 2017