

# **BANNER ELK TOWN COUNCIL**

**June 14, 2021**

## **MINUTES**

The Banner Elk Town Council met Monday, June 14, 2021 at 6:00 p.m. in person for Council and staff with public participation facilitated through remote communication using audio and video connections due to the COVID-19 pandemic.

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

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

### **Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of June 2021 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 2021-2022 Budget**

Mayor Lyerly asked for a motion to open the Public Hearing. Council Member Tufts motioned to open the public hearing. Council Member Dunn seconded the motion. All were in favor. No one opposed. Town Manager Rick Owen read the Budget Message for 2021-2022 Fiscal Year dated June 14, 2021. Mayor Lyerly asked if there were any questions for the Town Manager. There being no comments or questions, Council Member VonCanon motioned to close the Public Hearing. Council Member Lecka seconded the motion. All were in favor. No one opposed.

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

Mayor Lyerly asked for a motion to approve or amend the May 10, 2021 Regular Meeting Minutes. Mr. Owen stated that a correction needed to be made on page 2 under *Manager's Update*, line 9. Remove the word *cram*. Council Member VonCanon motioned to approve the minutes with making the correction. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Approval of Stated Agenda**

Mayor Lyerly called for a motion to approve or amend the stated agenda. Council Member Tufts motioned to approve the agenda as written. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

## **Public Comments**

There were none.

## **ABC Board Member Appointment**

Mayor Lyerly reported that Donna Dicks' term is up at the end of June and is up for reappointment. She noted that Donna Dicks is willing to continue to serve on the Board for another 3-year term. Council Member Dunn motioned to reappoint Donna for another 3-year term. Council Member Tufts seconded the motion. All were in favor. No one opposed.

## **Request Public Hearings – Consider Ordinance Amendments**

Cheryl Buchanan noted that there are five ordinance amendments that the Planning Board is bringing before Town Council and are requesting public hearings. She noted that the first refers to Table 308-2 Dimensional Requirements by District. It addresses pervious surfaces in relation to the amount required for a given project. The Planning Board is recommending that of the required amount, no more than 30% of pervious service be made up of pervious materials such as permeable pavers, turf block, artificial turf. The remaining 70% must be natural vegetation (i.e. grass, flower beds, etc.). Attorney Eggers noted that this will provide clarification to the ordinance requesting a minimum amount of green space that in fact is green.

Ms. Buchanan reported that the second amendment is Section 311, Procedures for Review of Plans and Applications. She read the requested change: *For Special Uses, any public hearing with the Board of Adjustment will be scheduled in the month following the Planning Board meeting to allow sufficient time to meet the requirements of advertising the public hearing in the local newspaper.*

Ms. Buchanan stated that the third amendment is Section 316, Mobile Food Trucks. She noted that in number 2, Regulation of Mobile Food Vending, is highlighted and marked out because state legislation did away with requiring a Privilege License. Ms. Buchanan noted that in number 5 regarding the use of generators, added was the phrase: *unless operating on Town owned property during Special Events.*

Ms. Buchanan noted that the fourth amendment is Section 400, Parking and Loading Regulations. A section was added: *Special Use Permit Applicants (for uses not listed specifically in this table). To be determined by the Board of Adjustment dependent on this use, location of and amount of property, topography, hours of operation.*

Ms. Buchanan reported that the fifth amendment is Section 708, Location and Screening of Dumpsters and Outdoor Storage. She noted that under Section 708.1.3 Screening, letter (e) was added. *Metal shall be used when bear-proofing is needed. Metal shall be painted a color that blends into the environment, black, brown or dark green.*

Mayor Lyerly asked for a motion to call for a Public Hearing. Council Member Lecka motioned to approve calling for a Public Hearing in July for all five ordinance amendment proposals. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Town Code of Ordinances – Codification Project**

Mr. Owen reported that the new codified Town Code of Ordinances has been completed and needs to be adopted by Council. Attorney Eggers recommends calling for a Public Hearing and to have a resolution for adoption. Mr. Owen noted that once adopted, the Town Code of Ordinances will be made available to the public in an up-to-date format. He stated that this project made updates to the Town Code and includes the Zoning, Floodplain Management, Subdivision and Telecommunication Ordinances. Attorney Eggers stated that this has been a very involved project and thanked Rick Owen, Chief Hodges and Cheryl Buchanan for their involvement in going through and updating the Town's ordinances. He noted that this being available on-line will make it more user friendly for those who need to read certain sections quickly. Council Member Dunn motioned to call for a Public Hearing in July to adopt the Town Code of Ordinances. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Fiscal Year 2020-2021 Budget Discussion**

Mr. Owen reported that there is another Budget Workshop on June 28<sup>th</sup> at which time he would ask Council to adopt the fiscal budget. He noted that he has three updated items for Council. Mr. Owen stated that the ABC Board has increased the amount they are budgeting to allocate to each town and this increase can be included in the budget. He noted that he also has to update the Town's property and liability insurance rates from the League of Municipalities. A minimal change that he will update. Mr. Owen reported that he discussed with the Town's IT personnel potential computer upgrades needed especially the Town's server which will need to be replaced. He noted these are the changes he would like to make to the document Council has before them in preparation for Council's approval.

### **Manager's Update**

Mr. Owen reported that included in Council's packets is the Financial Summary Report for eleven months ending 5/31/21, Public Services Monthly Report for May 2021, police report, planning, zoning and tax collection reports. He asked that if there were any questions regarding these reports to let him know or staff know. Mr. Owen noted that also included in Council's packets is a draft copy of the Planning Board Meeting Minutes dated June 7, 2021, draft copy of Board of Adjustment Meeting Minutes dated Monday April 26, 2021 and May 6, 2021.

Mr. Owen reported that the Book Exchange will open on Tuesday, June 15<sup>th</sup>.

Mr. Owen stated that the Town has been notified by Republic Services of a rate increase of 3.19% effective July 1<sup>st</sup>.

Council Member Tufts reported that Art on the Greene held on Memorial Day weekend went very well. Vendors will be kept at 50%. He noted that July 4<sup>th</sup> is full with a waiting list.

There being no further business, Mayor Lyerly asked for a motion to adjourn the July meeting.

At 6:42 p.m. Council Member Lecka motioned to adjourn the July 2021 Town Council meeting. Council Member Tufts seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Banner Elk Town Council meeting adjourned at 6:42 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: July 12, 2021