

BANNER ELK TOWN COUNCIL
June 8, 2020
MINUTES

The Banner Elk Town Council met Monday, June 8, 2020 at 6:00 p.m. by remote meeting via an electronic conference due to the COVID-19 pandemic.

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

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

Others present: Tom and Jo-Ann McMurray and Ted Silver.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of June 2020 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: Rezoning Request – 431 S. Beach Mountain Parkway

Mayor Lyerly opened the public hearing at 6:05 p.m. Ms. Buchanan reported that the applicants had changed their mind and did not want to proceed with the project. Ms. Buchanan told Council that rezoning the property at this time would be of no benefit to the Town and she recommended Town Council not approve the request to rezone. Mayor Lyerly closed the public hearing.

Public Hearing: Proposed 2020-2021 Budget

Mayor Lyerly opened the public hearing. Mr. Owen read the Budget Message for the 2020-2021 Fiscal Year. No further discussion was forthcoming.

Approval of the Regular Meeting Minutes

Mayor Lyerly asked for a motion to approve or amend the May 11, 2020 Regular 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 Stated Agenda

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

Public Comments

There were no public comments.

Rezoning Request 431 S. Beech Mountain Parkway (C-2 to R-2)

Since Staff has recommended that no action be taken on this application, Robert Tufts questioned how to accomplish this. Town Attorney Four Eggers instructed the Council that a motion could be made and if no second was forthcoming, the motion would die on the floor or if no motion was made, the request would be denied. No motion was made, and the property was not rezoned.

Consider Ordinance Amendment – Short Term Rentals

Ms. Buchanan presented the Town Council with a new ordinance regulating short term rentals of property within the Banner Elk Corporate limits. The Planning Board reviewed the draft ordinance at three different meetings, along with input from the Attorney Eggers. Ms. Buchanan asked Council to call for a public hearing at the July meeting to consider the ordinance amendment. Council Member Dunn motioned to call for a public hearing at the July Council meeting. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Annexation Request, Neekaytan and Sandra Sharma

Town Manager Rick Owen reported that the Clerk has certified the petition for the requested annexation of a 9.280-acre tract at the top of Klonteska Road owned by Neekaytan and Sandra Sharma. A portion of the property is already in the town limits, but the majority of the property is in the ETJ. A developer is interested in making single family lots. Town Manager Rick Owen said he had some concerns about providing services and the use of Klonteska Road, which is terribly narrow in places. Council Member Dunn motioned to call for a public hearing at next month's meeting. Council Member Tufts seconded the motion. Mayor Lysterly called for a vote. All were in favor. No one opposed.

Discussion: Greenway Trail Usage – Shared Pathway

Mr. Owen reported that the amount of traffic has increased on the Greenway Trail System, especially in the Park. Mr. Owen said he had received several complaints regarding “wheeled devices” (i.e. skateboards, scooters, hover boards, bicycles, tricycles) and the lack of courtesy of these users toward walkers/pedestrians. Mr. Ted Silver, chairman of the Bicycle/Pedestrian Advisory Committee, spoke to the Council on this subject via his connection to the meeting. Manager Owen reviewed the Park Rules and Regulations for the Council's edification. Council Member Lecka stated that he believes numbers 4 and 14 of the Park Rules and Regulations address the problem. #4 states: *Driving any motorized vehicle, except for motorized wheelchairs, except in areas paved for that purpose or parking areas designated for that purpose.* #14 states: *Operating a bicycle or other wheeled device and failing to yield to pedestrians* could potentially be used to deny someone access to the park. Council Member Dunn stated that perhaps more signage in and around the park, such as yield to pedestrians, might be the way to go. Council Member VonCanon suggested requiring bells on bicycles that could notify a pedestrian when approaching them from behind. There was a brief discussion regarding the new business which rents ATV's located across from the Circle K. Police Chief Kevin Hodges told the Council that these are tagged as a moped and are allowed on the road. Ted Silver weighed in on the discussion by stating that micro-mobility is a new threat and that anyone 16 years or younger is required to

wear a helmet. Council Member Tufts shared his thoughts with perhaps some new signage that takes a positive spin, such as: *Welcome. Thank you for coming to Banner Elk Town Park and remember to be courteous to pedestrians.* He noted that this might be a good topic for the Bicycle/Pedestrian Advisory Committee and that he will talk to Ted Silver about it. No action was required.

Fiscal Year 2020-2021 Budget Discussion

Mr. Owen reviewed several aspects of the budget. He reminded Council that there is a final budget meeting scheduled is for Monday, June 29, 2020 at 6:00 p.m. for further discussion and approval.

Manager's Update

Mr. Owen noted that included in Council's packets is the Financial Summary Report for 11 months ending 5/31/20, the police report, planning, zoning and tax collection reports. He stated that if there were any questions regarding these reports to let him or staff know. Mr. Owen noted that also included in their packets is a copy of the High Country ABC Board Meeting Minutes of April 30, 2020.

Mr. Owen reported that there are two Budget Amendments that need Council's approval. He noted that the first (#20200608-1) is a General Fund Budget Amendment. There are three different revenues: Fund Balance Appropriations, Miscellaneous Revenue and Proceeds from Loan. Mr. Owen explained in detail each revenue account and the expense accounts: Governing Body, Administration, Police, Parks and Streets and the monies associated with each. Mayor Lyerly asked for a motion. Council Member Bolick motioned to approve Budget Amendment #20200608-1. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Mr. Owen noted that the second Budget Amendment #20200608-2 is a Water/Sewer Fund amendment. This amendment requests a fund balance appropriation in the amount of \$33,100. He noted that this has been offset by increases in revenues that the Town has not budgeted for. Mr. Owen went over the monies in each expense account. Mayor Lyerly called for a motion. Council Member VonCanon motioned to approve Budget Amendment #20200608-2. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mr. Owen reported on the utility late fees and cut-off policy. He noted that back in March he discussed with Council that the Town would not do cut-offs or charge late fees during the pandemic and stay at home orders issued by the governor. Mr. Owen stated that the governor has extended his no cut off and no late fee executive order through the end of July. He asked for Council's confirmation to continue not doing cut-offs or late fees for commercial customers in addition to residential customers. Mr. Owen stated that not too many people are taking advantage of this. The June monthly filing report that the Town sends to the State reports that \$170 in late fees were not collected for residential customers and \$94 for commercial customers. Council Members were in consensus and supported this mandate.

Mr. Owen stated that Town Hall remains closed to the public. However, there is a run-off election on June 23rd. The Board of Elections intend to use Town Hall for that election. Mr. Owen stated that they discussed with him their plans for the use of Council Chambers, maintaining how many people enter the Chambers for voting and the cleanup following the voting.

Mr. Owen noted that Avery County will conduct another COVID drive-through testing on Tuesday, June 9th from 4:00 till 8:00 p.m. at the Health Department. It is free of charge.

Mr. Owen noted that in Council's packets is a Memo regarding the changes to the site plans for the Historic Banner Elk School Project along with reduced copies of Sheet C-100, Site Plan, C-200, Grading Plan and Sheet C-400, Utility Plan. Derek Goddard with Blue Ridge Environmental Consultants has finished the final set of changes that the Town requested of him to make. Mr. Owen stated that listed on the Memo are questions that Mr. Goddard needs input from Council. There was discussion regarding the Utility Plan, the transformers and finalizing the layout. Mr. Owen noted that some of the major goals that were addressed were the stop signs and speed bumps to help manage traffic through that area, the 3 additional parallel parking spaces and the changes to the back parking area at the dumpster site. Mr. Owen discussed the changes to the Grading Plan, specifically the new parking area where they are proposing a 3:1 slope. There was discussion about providing a retaining wall or rock wall which can be added to the plan as money permits. There was discussion about the placement of additional electrical panels, junction boxes and the overall electrical layout. Mr. Owen stated that he would like the Town to move ahead in getting these plans finalized so that they can go out for bid and getting a price. Then decide on where the money will come from and how the Town will proceed. He noted that he would like Council to have a larger set of plans so they can better study the layouts and be sure all is covered. Mr. Owen was asked if a settlement was reached with the owner of the small piece of property behind the school. He stated that he will follow up on it.

Other Business

Council Member Tufts asked what additional information Staff needed in regard to the Sharma Annexation and will it be accomplished before the public hearing next month. Mr. Owen reported that the Town is waiting for an answer on getting a right of way on Klonteska Drive and whether he has right of way to get onto Beech Mountain Parkway and a right of way leaving his property coming down Klonteska. Mr. Owen stated that he was concerned about the potential for more traffic on Klonteska. It is not big enough for the amount of traffic which it currently handles. He noted that his other concern was water and sewer availability. There is not much water pressure above that point. He felt that it will take substantial cost for the developer to get water where he wants it which will be additional infrastructure for the Town. Mr. Owen stated that we have responsibility to properties that are already in the Town limits but do not have the same responsibility for properties outside of Town limits. He noted that he is concerned about annexing property into the Town limits that we do not want to provide services to at the same level. There was discussion regarding widening Klonteska.

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

At 7:22 p.m. Council Member Lecka motioned to adjourn the June 2020 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 7:22 p.m.

Mayor Brenda Lyerly

Attested

Approved: July 13, 2020