

## **BANNER ELK TOWN COUNCIL**

**March 9, 2015**

### **MINUTES**

The Banner Elk Town Council met Monday, March 9, 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, Charlie VonCanon, Allen Bolick and Robert Tufts. David Lecka was absent.

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

#### **Call Meeting to Order**

At 6:00 p.m. Mayor Brenda Lyerly called the regular monthly meeting for March 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.

#### **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve the February 9, 2015 Town Council meeting minutes. Council Member Tufts motioned to approve the minutes as written. Council Member VonCanon seconded the motion. All were in favor and no one opposed.

#### **Approval of the Stated Agenda**

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

#### **Public Comments**

Mayor Lyerly called upon Roy Krege. Mr. Krege addressed Council thanking them for all they are doing for the Town. He reported that he is present this evening to represent Dr. Janet Barton Speer who is responsible for the Lees-McRae College Summer Theater. He noted that the group is working on three great plays for the summer: Oliver, which will involve over 50 young children, Lend Me a Tenor and The Denim King, a story of Moses Cone (a local story). It should be a great summer. Mr. Krege read a letter written by Dr. Speer in which she reported on the progress of Lees-McRae College Summer Theater. In the letter, she thanked the TDA for their continued donations which have helped in making it possible to produce the quality of shows that have been presented over the years. They have brought in actors, actresses, production managers, etc. who

help support the Town of Banner Elk and its businesses. She noted that the change in demographics has taken them by surprise. It was discovered that our summer patrons have gradually been moving away, suffering illnesses and even death. We are slowing losing that generation who has supported and loved our theater productions. The upcoming generation is less theater savvy and doesn't have the means to attend. Our numbers are decreasing. She noted that for this reason they are taking up a major campaign to bring more people into Banner Elk and the theater and are trusting in the support of Town Council. The letter ended with their mission statement and quotes from President Buxton and Mayor Lyerly. Mr. Krege thanked council for the opportunity to talk about Lees-McRae and its summer theater. Mayor Lyerly thanked Mr. Krege for the update on the summer theater, a wonderful event that attracts many people into our Town.

### **Kiwanis Proclamation**

Mayor Lyerly introduced Brian Raymond. Mr. Raymond addressed council stating that the Kiwanis of Banner Elk are committed to helping the youth of Avery County and Banner Elk in particular. He noted that Kiwanis International celebrated its 100<sup>th</sup> anniversary in January and the Kiwanis of Banner Elk will celebrate its 47<sup>th</sup> anniversary on March 19<sup>th</sup> of this year. Mr. Raymond asked Town Council to consider approving a proclamation recognizing the Kiwanis and their contributions to the Town of Banner Elk. Mayor Lyerly thanked Mr. Raymond and the Kiwanis for all they do in serving our community. Mayor Lyerly read the proclamation and asked council for a motion to accept this proclamation, proclaiming March 2015 as *Kiwanis Club of Banner Elk Appreciation Month*. Council Member Tufts motioned to accept the proclamation. Council Member Bolick seconded the motion. All were in favor. No one opposed. Mr. Raymond noted that the Kiwanis is always open to new distinguished members. There is a small membership fee. Members are required to attend so many meetings a year and asked to serve on special projects held throughout the year. He stated that it is a great way to be a member of a service club within the community and see the great results it produces. Mayor Lyerly again thanked Mr. Raymond.

### **Historic Banner Elk School Fund Raising Committee Update**

Mr. Ted Silver reported to Council that the Fund Raising Committee received a generous donation from Mrs. Elaine J. Wold and several other donations since then. He reported that the committee has secured domain names to begin web site development for the Friends of Historic Banner Elk and Historic Banner Elk School. The committee is working with the Town in developing information about the school for these web sites. In addition, we are compiling mailing lists, working on a mission statement and continuing publicity. Mr. Silver noted that High Country Press on line published an article last week regarding the generous donation and another recent article informing the public of our naming rights and categories. The committee is working on getting more word out and making a bigger presence on all social media. Mayor Lyerly thanked Mr. Silver and the committee members for all their work.

### **Historic Banner Elk School Property Use Committee Update**

Mr. Tom McMurray reported to Council. He noted that the committee met and it is an ongoing process. As things come up it causes changes in concepts that we are proposing. Outside the commitments that Mayland has made to the Town and the ones Mr. Owen is working on, he noted that the committee contacted Toe River Arts Council who took over many of the responsibilities of Avery Arts Council (which dissolved). They are interested in doing something at the property and having artists and artisans obtain studio and gallery space within the building. Mr. McMurray stated that an application has been received funded by the Kiwanis Club through the Friends of Historic Banner Elk School for obtaining a bingo license for the property. The committee is looking into this as a revenue source especially during the summer season. Mr. McMurray noted that the Woolly Worm Festival Committee met and they endorsed whole heartedly that they will be staying in Banner Elk. Pending approval of plans in regards to the Town's land-use terms, the committee is committed to investing a minimum of \$50,000 to build a permanent stage to replace the trailer. This will serve the festival in October and the Town for the remainder of the year. He noted that the committee discussed the importance of the green space of the property, keeping it a focal point of the downtown. Mr. McMurray reminded everyone of the Kiwanis one-day cleanup project to be held on April 11<sup>th</sup>. Their focus this year is the Historic Banner Elk Elementary School. We want to cleanup and renovate the outside, but in case of inclement weather, cleanup work will be done on the inside (gymnasium, empty classrooms). They are hoping for many volunteers so that work on the inside and outside can be accomplished. Mayor Lyerly thanked Tom McMurray for the good news and the update. Mr. McMurray added that the bingo will be a joint venture between the Banner Elk Chamber of Commerce, the Banner Elk Heritage Foundation and the Kiwanis who has graciously put up the money for the application.

### **Tax Release**

Mr. Owen reported that the release is regarding Lees-McRae College, the improvements/restoration to the old rock cottage. Avery County assessed them, but released it due to their tax exempt status. Staff is recommending Council also release the tax. Mayor Lyerly asked if there was a motion. Council Member Bolick motioned to approve the tax release. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Advertisement of Tax Liens**

Mr. Owen reported that there are two issues: (1) Council approve the Tax Collector (Cheryl Buchanan) advertising the tax liens for the year 2014 (the list is included in Council's packets) and (2) Council approve the Resolution Supporting the Tax Collector to Use All Means Necessary in the Collection of Outstanding Bills. Council Member VonCanon motioned to approve the advertising of the tax liens. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Council Member Tufts motioned to accept the resolution. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **A.T.T.I.C Design Lease**

Mr. Owen reported that Attic Design wishes to renew their lease with the Town as of April 1, 2015. He noted that the only difference in this year is the calculation of the CPI. Per the lease agreement, the CPI has been used in the past to increase the rent. This year the CPI shows a decrease. Mr. Owen stated that he talked with Bob Mann and he is content leaving the rent at \$599.46 versus decreasing it. Mr. Eggers stated that it should be noted in the motion that the space is not needed for Town business during the term of the lease. Council Member Dunn motioned to accept the lease as written and for the record, it is noted that the Town does not need the space for business purposes. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen reported that included in Council Member's packet were the financial report, police report, planning, zoning and tax collection report. Also included is the January 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 reported that a few months ago Council approved a new Town ordinance referencing the use of alcohol in the park. Mr. Owen handed them a draft of the permit which is a part of the ordinance. He asked Council Members to look over the draft and if they have any questions or comments to let him know. He noted that he will ask them at next month's meeting to approve the permit to go along with the ordinance that has already been approved. Mr. Owen stated that this permit is a combination of issues that Mr. Eggers has reviewed along with comments that Council made and changes that were made to the ordinance.

Mr. Owen handed Council Members a copy of the lease Mr. Eggers drafted for Mayland Community College and their requested space at the Historic Banner Elk School. He intends to meet with staff members from Mayland to discuss the improvements they intend to make at the school. Mr. Owen would like Council to review the lease and let them know if they have any questions or comments. He noted that he will be meeting with Dr. Boyd later this week to go over the lease. Dr. Boyd is very eager and anticipates the signing of the lease.

Mr. Owen reported that Chief Clawson is requesting the purchase of Viper radios for the police department. Mr. Owen handed Council a document written by Chief Clawson giving a description of the radios and explaining the reason for the request. Mr. Smith addressed Council stating the money spent for these radios is related to police operations enhancement. The money comes from seizure money, tax money from illegal substances, etc. and cannot be put into any other fund (general fund, water and sewer) other than this special police fund. Mr. Smith noted that money has been budgeted for this account (\$20,000). Mr. Owen stated that the cost for these radios is \$15,000. Chief

Clawson addressed Council explaining that the Viper (Voice Interoperability Plan for Emergency Responders) is a digital system that can be used with every radio frequency throughout the state of North Carolina. Avery County Dispatch has it. It would be outfitted for the six patrol cars plus the police office. Mayor Lyerly asked Council if everyone was in favor of the Viper radios. All agreed. Chief Clawson received an endorsement from the Mayor.

Mr. Owen reminded everyone that on March 28<sup>th</sup> an Easter egg hunt will be held in the park. The Town has teamed up with the Chamber to organize and prepare for the event. It begins at 9:00 at The Banner Elk Café with “breakfast with the bunny”. The Easter egg hunt starts at 11:00 and the pet Easter egg hunt is at 1:00.

Mr. Owen also reminded everyone that on April 11<sup>th</sup>, the Kiwanis will hold its One Day Project.

Council Member Tufts questioned an item on one of the reports. He stated that under the section “properties transferred” he questioned the property transferred to the Secretary of Housing and Urban Development, Washington DC. Mr. Eggers stated that in some instances properties are underwritten by the Federal Home Mortgage Corporation for home loans. If that property goes into foreclosure and there is no other bidder it would go back to them. There are also funds on the County level for rehabilitation of property and if someone sells the property and there are no repayments within a period of time they have the right to foreclose on the property. The County also administers a Community Development Block Grant. This is another way it could show up.

At 6:41 p.m. Council Member Bolick made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 8:02 p.m.

### **Other Business**

Council Member Tufts asked Mr. Owen if he contacted Pat Harris (formerly with Mountain Top Promotions) about obtaining her vendor list for use with the Town’s craft shows. He noted that it is important that the Town obtains as many contacts/vendors invited to these shows as possible for a successful summer. Council Member Tufts stated that perhaps the Avery Chamber of Commerce and the Woolley Worm Committee would be willing to do a mailing for the Town through their contacts. According to the Property Use Committee the Town will have three craft shows and the Avery County Chamber will have two. He posed the question about having the Town do all five craft shows next year. Having all five craft shows would be potential revenue for the Town (depending on how much the Town charges for use). Mayor Lyerly stated that Mr. Owen needs to help Council make this decision; research and bring “numbers” to Council for review. Mr. Owen stated that he wants Council’s input on pricing. We don’t want to price the shows

out of business. Discussions continued regarding vendors' parking, expanding the Property Use Committee, landscaping plan, repaving the parking area, etc.

Council Member Dunn reported that the Enhance Banner Elk Committee will be meeting on March 10<sup>th</sup>. This committee wants to work on rebranding Banner Elk, focusing on cycling. As Chairman of the TDA, Council Member Dunn stated that the TDA wants to "bring out" Banner Elk as well, but not focusing on cycling only. Council Member Bolick stated the committee is looking at ways to improve "getting things going" in Banner Elk. He told the committee members that it is not just not about cycling. Banner Elk also attracts skiing, hiking and camping as well. Council Member Bolick stated that everyone needs to be on the same page, the same concept when it comes to advertising.

There being no further business, at 8:37 p.m. Council Member VonCanon motioned to adjourn the March 2015 Town Council meeting. Council Member Dunn seconded the motion. All were in favor.

**Adjourn**

The Town Council meeting adjourned at 8:37 p.m.

\_\_\_\_\_  
Mayor Brenda Lyerly

\_\_\_\_\_  
Attested

Approved: April 13, 2014