

BANNER ELK TOWN COUNCIL

**March 13, 2017
MINUTES**

The Banner Elk Town Council met Monday, March 13, 2017 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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

Call Meeting to Order

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

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve or amend the February 13, 2017 Town Council Minutes. Council Member Bolick motioned to approve the February 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 March 2017 agenda. Council Member VonCanon motioned to approve the March 2017 agenda as stated. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Public Comments

Mayor Lyerly recognized Ted Silver. Mr. Silver reported that he and four of his cycling minor students at Lees-McRae attended a conference in Washington DC. He noted that they had the opportunity to meet with Virginia Foxx's transportation representative. Mr. Silver also noted that Lees-McRae was named a Bicycle Friendly University. Their poster was on display at the conference and at the Rayburn House foyer. He stated that it was good that the students from Lees-McRae received individual recognition.

Stormwater Vault Project Update

Mr. Owen reported that the Town was awarded a \$95,000 grant for help in making repairs to its stormwater vault behind the fire department. He noted that Derek Goddard with Blue Ridge Environmental Consultants applied for the grant. It is a matching grant so the Town is required to participate with the cost. Mr. Owen stated that Council agreed to fund \$55,000 toward this project and approved Derek Goddard proceeding with the design plans. The goal is to have this

project completed by June. Mr. Owen reported that the plans for the vault design are complete and Council Members have reviewed them. Derek Goddard has made a few modifications based on comments Council had about the plans. Mr. Owen also presented to Council the site plan which covers this project, the Town's long range goal of a gravel parking lot on top of the vault and future plans for the area. Derek Goddard stated that the Town had a lot of foresight to enter into this project and that he strived to make the design of the stormwater vault very maintainable for the Town. There were discussions among Council Members and Mr. Goddard regarding the gravel parking, future paving and curb and gutter, the excavation of the site, waste haul off, the reorientation of the culvert at Shawneehaw Creek, the cost of cleanout of the concrete vaults, etc. Mr. Goddard noted that upon approval by Council to get started, he plans to begin the project in April and have it completed by mid-May. Mr. Owen referred Council to a second page which relates to this stormwater project indirectly. It relates to part of the project that Derek Goddard is tied into which refers to the road interconnection between the fire department, the school and adjoining Culver Road. Mr. Owen stated that the current property owner on Culver would be affected and the Town would have to communicate its intentions. He asked Council to look over the plans and asked for their direction. Mr. Owen stated that before approaching the owner of the property, he would discuss with Mr. Eggers the legalities of a couple of options (obtaining an easement for a portion of the property vs. deeding a portion of the property to the Town for the road). Mayor Lyerly asked if the property was wide enough for 2-way traffic. Mr. Goddard stated that the area is 24 ft. wide and the design includes a curb and gutter section and sidewalk. It would be a nice street. Council Members supported moving forward with this future project. Mayor Lyerly asked if there was a motion to approve the plan for the construction of the stormwater vault. Council Member Tufts motioned to approve the stormwater vault plan. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Wellhead Protection Plan

Mr. Owen reported that the Town has been working with the North Carolina Rural Water Association to update the Town's Wellhead Protection Plan. The Town originally received the plan in 2008 and due to be updated. Mr. Owen presented the plan to Council and noted that the Town needs to have a public review period before it is approved by the state. He suggests Council setting the public review dates beginning March 20th and running through the next Council meeting on April 10th. Mr. Owen stated that Council will have a week to review it and needs to let him know if they have any comments or additions to add to it before it becomes public. The State calls for a public review only; however, Council could also call for a public hearing at the next Council meeting and offer any comments that were made. Mr. Owen noted that the process also involves Council granting authority to the Town Manager to implement the plan and approve any changes necessary for plan approval by the State. Council Member Tufts motioned to make available for public review the draft of the Well Protection Plan beginning March 20th, call for a Public Hearing at next month's meeting on April 10th followed by its adoption and authorize the Town Manager to implement the plan. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Mount Calvary Church Annexation, Request Public Hearing

Mr. Owen reported that Mt. Calvary Baptist Church was annexed into the Town in 2006. Last summer Council approved Staff to certify their petition for annexation of additional adjoining property (5.138 acres) into the Town limits. There were issues involving the survey of the property and deeds required, but now Staff is ready to certify their petition and requests Council to call for a Public Hearing at next month's meeting in order to proceed with the annexation.

Council Member Lecka motioned to call for a Public Hearing at the April 10th Council Meeting. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Vacant Board Seats

Cheryl Buchanan reported that there are vacant seats on both the Board of Adjustment and Planning Board. She noted that there are five members on the Board of Adjustment, which is a full board, but there are no alternate members. One in-town and one ETJ alternate is needed. Ms. Buchanan noted that the Board of Adjustment is a fact driven voice directed strictly by ordinance which requires a serious-minded person to serve on the board. She reported that the Planning Board needs three members (one in-town and two from the ETJ). This Board has been operating without two members for some time. Mayor Lyerly asked that Council Members provide Ms. Buchanan with their recommendations as soon as possible.

Historic Banner Elk School Project Updates

Mr. Owen reported he has spoken with Stewart Gray, who is working on the Historic Registry process, regarding the gymnasium space and the theater lease. Mr. Gray sent renovation plans to the State for review. No final decision has been made. Mr. Owen noted that it won't be an issue long term, but there was a concern regarding these renovations creating changes to the application. The Town was hoping the State would have its hearing regarding the application in June for approval. If there any issues related to the theater renovations, it could be in the fall.

Mr. Owen stated that Ensemble Stage has begun renovations. Jo-Ann McMurray and the Chamber have been helpful in seeking out volunteers to help them with painting, etc. before they start work on the stage. Mr. Owen noted that there was an open house last week for Carolina Mountain Life which attracted a lot of inquiring people on the activity going on in the gymnasium.

Mr. Owen reported that the Town currently has two renters in the school: Common Grounds and Carolina Mountain Life.

Mr. Owen noted that regarding the free-standing sign currently in front of the school, Bill Dicks is working on a design for the sign which will also list the tenants in the school. He is designing it so that it can be reused if needed to be moved or replaced.

Mr. Owen stated that he has spoken to a potential renter about two rooms fronting the street near the gymnasium. Both rooms are the next logical rooms to rent and have not been renovated. They are both unheated as well as the two across the hall now being used by Ensemble Stage. He noted that he has discussed with this potential tenant possible renovation costs, heat for the space, offsetting renovations with rent, etc. Mr. Owen noted that Council Member Bolick received quotes for heating all four rooms off of one unit. The heat unit costs approximately \$10,000 and an additional \$4,000 for air conditioning. Mr. Owen noted that to date, the Town has not invested any money, other than donations, into the building. Now that the Town has tenants and potential tenants interested in the building, he feels safer in recommending to Council that the Town invest some money into the building. Mr. Owen asked that Council give him their thoughts on the Town fronting the money to make those four spaces more useable. He also recommended installing the heating system now and later installing the air conditioning portion. After some discussion, Council Members agreed to move forward with investing in the heating system. Mr. Owen stated that there is money in the budget for the Historic Banner Elk

School and will come back at next month's meeting with a budget amendment. There were discussions among Council Members about recouping costs that the Town invests in the building along with rent and renovation costs.

Mayor Lyerly approached Council regarding the need for an art gallery in the Historic Banner Elk School for a cooperative of local artists displaying their work which would be for sale. She noted that the plan is still being created and would like to confirm the space to be used before going too much further. The room she is looking at would be the carpeted, corner room (#5). The Town could possibly collect a portion of the sales instead of collecting rent. There were discussions among Council Members regarding the management of the gallery, art gallery vs. an art cooperative, a similar concept which exists already in the Book Exchange, moving the gallery to another room if an opportunity arises that a potential tenant is interested in that room, murals on the hallway walls, etc.

Council Member Bolick stated that the Council still needs to name the school building and reiterated that the name should be the "Cultural Arts Center at the Historic Banner Elk School." He noted that the building is now home to Ensemble Stage, the Book Exchange, Carolina Mountain Life, etc. and the name encompasses who we are. He noted that it would indeed help naming the facility in applying for grants. Council Members agreed. Council Member Bolick motioned to name the school the Cultural Arts Center at the Historic Banner Elk School. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Council Member Bolick reported that the committee is continually working on grant applications to further help the school. He noted that currently the committee is working on a grant application to refurbish the entire hallway area (floors to match the Book Exchange, painting, and possibly featuring murals on the walls). Different options for the hallway were discussed among Council Members.

Manager's Update

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning, tax collection report and the advertisement of tax liens on real property. Also attached is a copy of the January 12, 2017 High Country ABC Board Meeting Minutes. He stated that the financial report should be ready by the end of the week. Mr. Owen noted that if there were any questions regarding these reports to let him or staff know.

Mr. Owen reported that on Thursday, April 20th the Town of Banner Elk will host the High Country Municipal Association meeting. He noted that if Council has any topics of discussion to be presented at the meeting to let him know.

Mr. Owen stated that in regards to the sidewalk project, the plans are ready to be presented to DOT for approval of the right-of-way. The Town is moving forward with this project.

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

Council returned to open session at 7:34 p.m.

Other Business

There being no further business, at 7:34 p.m. Council Member VonCanon motioned to adjourn the March 2017 Town Council meeting. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Adjourn

The Town Council meeting adjourned at 7:34 p.m.

Mayor Brenda Lyerly

Attested

Approved: April 10, 2017