

**BANNER ELK TOWN COUNCIL**  
**March 9, 2020**  
**MINUTES**

The Banner Elk Town Council met Monday, March 9, 2020 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, Robert Tufts, Mike Dunn and Allen Bolick.

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 March 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.

**Approval of the Regular Meeting Minutes**

Mayor Lyerly asked for a motion to approve or amend the February 10, 2020 Regular Meeting Minutes. Council Member VonCanon motioned to approve the minutes as written. Council Member Bolick 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 Lecka motioned to approve the stated agenda. Council Member Tufts seconded the motion. All were in favor. No one opposed.

**Public Comments**

There were no public comments.

**Board Appointment, Planning Board**

Cheryl Buchanan reported that the Town received an application from Ray Knowles who is interested in serving on the Planning Board as an in-town member. She noted that Mr. Knowles lives in the Apple Orchard development and is a full-time resident. He has lived in this area for five years and has experience in construction work. Mayor Lyerly stated that Tom McMurray recommended Mr. Knowles for the Planning Board. Council Member Bolick motioned to approve Ray Knowles as the new in-town member of the Planning Board. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Annexation Request**

Mr. Owen reported that the Town has received an annexation request. As a matter of formality Mr. Owen would like Council to direct the clerk to certify petition and at next month's meeting if all the paperwork is in order, Council would then consider calling for a public hearing. Mr. Owen stated that staff has concerns about this annexation, in particular the location of the property and the access road to the property. He noted the owners of the property, the Sharma's, are considering developing the property and staff's concern is the number of units and water and sewer service to the property. Mr. Owen noted that there are several questions that need to be researched and Mr. Sharma is aware of the Town's concerns. He stated that additional staff review is required before calling for a public hearing. Mayor Lyerly asked for a motion to certify the petition for this annexation request. Council Member Tufts motioned to direct the clerk to certify the petition. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Proposal for Fuel Storage Tank Survey**

Mr. Owen stated that when the Town purchased the Historic Banner Elk School property from the County there was a fuel oil tank located on the property which was used by the school, but was not used by the County during their ownership period. Once the Town purchased the property, we had the tank emptied. He noted that now that the Town is involved with the new site plan and improvements to the Historic Banner Elk School property, he discussed with Derek Goddard with Blue Ridge Environmental Consultants options on how to deal with the tank. It was determined that we really do not know the location of the tank, only where the fill spout is on the tank. Mr. Owen stated that after talking with Derek Goddard, he suggested using STAT Inc. to do exploratory excavation to determine the tank's location. He stated that the Town has worked with STAT before on the storm water vault and they are one of the leaders in environmental services and in this type of work. Mr. Owen is recommending to Council that we contract with STAT Inc. to survey the tank location and the depth and have them submit to the Town their suggestions on how to proceed (i.e. remove the tank or leaving it in place). There was discussion about the size of the tank, location of water lines around the tank, filling the tank, cost of removing the tank, etc. Mr. Owen reported that the tank is definitely located behind the gymnasium before you get to the cafeteria. Mayor Lyerly called for a motion. Council Member Lecka motioned to approve the proposal from STAT Inc. in the amount of \$3,500 and await their recommendations on how to move forward. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Arbor Day Proclamation**

Mayor Lyerly introduced the Arbor Day Proclamation and noted that this is the 6<sup>th</sup> year that the Town of Banner Elk is recognized as a Tree City USA. One of the requirements is an annual recognition of Arbor Day which will be celebrated on April 24<sup>th</sup>. Council Member Tufts motioned to accept the proclamation. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Approve Advertisement of Tax Liens**

Cheryl Buchanan reported that North Carolina State Statute requires the Tax Collector for the Town to prepare a report of delinquent taxes on real property for advertisement in the local paper. She noted that the report was presented to Council in February for advertisement in March. Ms. Buchanan stated that delinquent taxpayers are given a 30-day notice to pay or risk having their

names appear in the local paper. The list is included in Councils' packet. Council Member VonCanon motioned to approve the publication of delinquent taxes. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen distributed the Financial Summary Report for 8 months ending 2/29/20 and noted that included in Council Member's packets are 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 draft copy of the Planning Board Meeting Minutes of March 2, 2020.

Mr. Owen updated Council on the Wi-Fi project. He noted that there is one antenna waiting to be activated at the Chamber. The Town asked the electrician, Brent Barry, to install an outlet in the attic of the Chamber. The system is being tested before the Town advertises that Wi-Fi is available, making sure all antennas are working properly. Mr. Owen stated that he is hopeful that by the end of the month the Town can promote the Wi-Fi system which will bring this project to a close. He will promote through the Chamber, TDA and signage with location sites.

Mr. Owen reminded Council of the planning meeting on March 30<sup>th</sup> at 5:30 p.m. in the Council Chambers.

Mr. Owen reported that the Town budgeted for hydrant testing and has hired Unifour Fire and Safety out of Charlotte to perform hydrant inspections and testing. The company will start the work at the end of March. Mr. Owen noted that the testing will be done three weeks in a row (Mondays, Tuesdays and Wednesdays). He anticipates that these tests will cause the water to be stirred in the lines, so the Town will issue a Code Red the Friday before the tests to advise Town residents of the activity. Mr. Owen reported that March 23<sup>rd</sup> Unifour will begin the first week of inspections. Unifour's goal is to inspect 14 hydrants a day (approximately 120 total in Town). Mr. Owen explained the reasoning behind hiring a professional company. Not only will Unifour inspect the hydrants for repairs but will also provide a report for each hydrant as to the condition, flow and pressure. He noted that there are two inspections that are performed: an annual flow test and every five years a more detailed inspection of the entire system's pressures. Mr. Owen reported that last year the Town budgeted for fire related expenses which will cover the services of Unifour.

Mr. Owen stated that the High Country Municipal Association's next meeting will be held on April 16<sup>th</sup> on Beech Mountain.

Mr. Owen reminded Council of the upcoming 2020 census. Notifications will be mailed to homes about taking the census. We need everyone in Town to be counted. Mr. Owen asked for Council's approval to put a census reminder in everyone's utility bill. He noted that other local and county governments are putting information out there for citizens so that all will be counted. Council Members agreed. Mr. Owen stated that the Town is also working with Lees-McRae regarding their students being counted.

Mr. Owen stated that DC Smith approached him asking Council’s approval for the Farmers Market to set up at the same location at the school property as in prior years. They hope to open the 3<sup>rd</sup> week of April until the first week of October on Thursdays. All agreed. Council Member Bolick asked if the rework of the school property will affect the location of the Farmers Market. Mr. Owen reported that the school site project has been slow to progress. There have been issues we have to get right before moving forward. He was hoping it would be out to bid by now. He noted that when we do move forward, there will be somewhere for the Farmers Market to set up.

Mr. Owen reported that regarding the Coronavirus, he sent Council an email last Friday outlining his meeting with County and Emergency Management. He noted that the staff will take appropriate actions as we feel necessary and as directed by the state. Mr. Owen stated that he is keeping up with state and local government guidelines regarding the coronavirus.

Mr. Owen stated that the bridge project in the park is underway and relieved the old bridge is gone. He reported that it will be a treated wooden structure. Mr. Owen stated that the building code requires a much different handrail than what was on the old bridge. He is considering using cable rail versus the wood pickets. The cable rail will be low profile and less maintenance in the future. Mr. Owen asked for Council’s opinion and Council all agreed on the cable rail.

Chief Kevin Hodges reported on Code Red. He noted that we now have the capability to text enroll in Code Red. One can text “99411” and enter the keyword “Banner Elk”

At 6:32 p.m. Council Member VonCanon motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Council returned to open session at 6:49 p.m.

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

At 6:50 p.m. Council Member Dunn motioned to adjourn the March 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 6:50 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: April 13, 2020