

## **BANNER ELK TOWN COUNCIL**

**May 9, 2016  
MINUTES**

The Banner Elk Town Council met Monday, May 9, 2016 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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

### **Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting May 2016 to order.

### **Pledge of Allegiance**

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

### **Invocation**

Council Member Charlie VonCanon opened the meeting with prayer.

### **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve the April 11, 2016 Town Council Minutes. Council Member Dunn motioned to approve the April 2016 minutes as submitted. Council Member Lecka seconded the motion. All were in favor. No one opposed.

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

Mayor Lyerly asked for a motion to amend the May 2016 agenda to add item #8, Ordinance #2016. Council Member Bolick motioned to approve the amended May 2016 agenda. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Public Comments**

Ted Silver informed Council that the Beech Mountain Metric Ride will be held on May 21<sup>st</sup> at 7:30 a.m. It will begin at the Historic Banner Elk School.

Mr. Silver also noted that May 18<sup>th</sup> is an international day honoring those who have been injured or killed while cycling called the Ride of Silence. He noted that he and Doug Owen hosted the event last year which began in the park, raising awareness of those who share the road with cyclists.

### **CodeRED - Emergency Communications Network**

Mr. Owen reported that the staff has been researching means to communicate information to our community quickly and effectively in the event of an emergency, whether it be police related, a water and sewer issue, or a traffic issue. He noted that Emergency Communications Network (ECN) has developed such a notification service called CodeRED and it is used throughout the

country, including neighboring municipalities. Mr. Owen stated that ECN prepared a proposal for the Town, which will begin in June (a 13-month contract) along with an overview of CodeRED Solution and a pricing structure which was calculated based on Banner Elk's population. This will be the best and quickest means for Town staff to communicate with the public. Mr. Owen reported that the annual cost will be \$1,500.00. The Town will not be responsible for maintaining any hardware or software. They will set us up with a database, which we will be able to maintain. ECN will provide the Town with a web site to guide the citizens in setting up their contact information. The Town will notify citizens of CodeRED on the utility bills, the Town's web site, local papers and the Banner Elk Chamber of Commerce. Council Member Lecka motioned to approve the use of CodeRED. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Call for a Public Hearing – Civic Zoning District Use Changes**

Cheryl Buchanan reported that at April's Town Council meeting there were several questions regarding the list of uses and how the uses fit in the Civic Zoning District (CZD) which went back to the Planning Board for further discussion. The Planning Board now recommends that Town Council call for a Public Hearing based on their suggestions for moving half of the list of permitted uses to the conditional use side and to add memorial gardens and playgrounds to the list. Council Member VonCanon asked Ms. Buchanan to read the permitted use list. After reading the list, Mayor Lyerly asked if there were any further questions. Council Member VonCanon motioned to approve calling for a public hearing on June 13, 2016, to amend the Civic Zoning District Use Changes. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Discovery Tax Bill Adjustment**

Cheryl Buchanan reported that the Town was questioned on the validity of tax owed on the property owned by Linda Eggers (Account #29611) adjacent to the Cook property. It was discovered that the property was undervalued over a course of five years. A tax adjustment was applied and by law Ms. Eggers had five years to pay the tax owed. The Town agreed to a 5 year pay back plan, but would adjust the amount of interest accrued if paid within a year. Ms. Buchanan stated that a final payment was made and is requesting Council to approve a tax adjustment in the amount of \$2,282.58. Council Member VonCanon motioned to approve the tax adjustment. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Capital Project Ordinance for Corner Palate**

Mr. Owen reported that the Town is working with private donors in regards to the purchase and demolition of the Corner Palate property. He is requesting Council approve the setting up a Capital Project Ordinance to disclose the revenue and expenses related to this project. Mr. Owen noted that since this will be an ongoing project and a substantial amount of money involved which will span two fiscal years it is required we set up this account. Mr. Owen noted that the document Council has before them is the Capital Project Ordinance in the amount of \$368,006.60 in expenses and \$368,006.60 in donations. Council Member Lecka motioned to approve the Capital Project Ordinance as presented. Council member Dunn seconded the motion. The vote was unanimous and the motion carried.

### **Contract for Demolition of the Corner Palate**

Mr. Owen reported that the Town had five contractors look at the project for demolition and had three responsive bidders which are listed on the agenda item. He noted that Alex Johnson Construction (Doug Jennings) was the low bidder at \$48,777.00. The demolition bid was based on the contract prepared by Attorney Four Eggers. Mr. Owen requested that Council award the contract to Alex Johnson Construction. Attorney Eggers noted that the motion be contingent upon the sale and closing of the property. Council Member VonCanon questioned the item on page 13 of the contract regarding "contractor my sell salvage". Mr. Owen stated that the Town gave the contractor the authority to sell any salvageable items within the property. The bid was based on the contractor's ability to salvage anything of value. Mr. Owen reported that based on the closing date of June 9<sup>th</sup> the contractor must complete the demolition, removal of all debris, grade the property and finish the lot with sod by July 1, 2016. Mayor Lyerly asked if there were any further questions. Council Member VonCanon motioned to award the contract to Alex Johnson Construction for \$48,777.00 contingent upon the closing of the property. Council Member Lecka seconded. All were in favor. No one opposed.

### **Historic Banner Elk School Updates**

Mr. Owen stated that the Woolly Worm Committee reported that they would not be moving forward with the stage at this time. Their plan is to use the trailer for another year until the committee and all those involved can come up with a consensus on the design and cost of the stage.

Mr. Owen reported that the Rotary Club of Avery County has scheduled their yard sale for July 30<sup>th</sup> from 8:00 a.m. to 1:00 p.m. which will be held on the school property to raise money which will go towards the debt on the school.

Mr. Owen stated that in regards to the Historic Registry, Stewart Gray is back in contact with the State and will be moving forward with the paperwork.

Mr. Owen noted that on June 11<sup>th</sup> Mayland Community College will have a ribbon cutting and open house for their spaces in the back of the school along with a cookout. A children's art program also be held that same Saturday.

Mr. Owen reported that the Town set up a Leasing Commission to oversee the leasing of spaces in the building for more than a year at a time. He stated that Council needs to appoint two members for this commission; one from the TDA and one from the Chamber of Commerce. He asked that Council request that the TDA and the Chamber of Commerce choose a member.

Mr. Owen stated that DC has provided him with information on how the Farmer's Market is organized. The market is held every Thursday at the school grounds during the summer months. DC also gave him a Certificate of Insurance which the Town requested. The Town is also working with them on a written/formal agreement establishing the responsibilities of each party.

Council Member Bolick reported on the Matching Grants. He noted Mountain Sotheby's International Realty sent out letters to all real estate companies in Banner Elk and Avery County along with the High Country Association of Realtors asking for matching contributions. He noted that they have collected to date \$1,500, Lodges at Elkmont donated \$500 and \$1,000 is forthcoming. There has been a lot of participation from the community and individuals.

Council Member Bolick also reported in regards to the grant money for the fix and repair of the school, that they have been working with Mayland Community College with repair work to the building. It has been suggested to name the portion of the school that Mayland is occupying Community *Learning Center*. A name is required for the grant writing. Mayor Lyerly asked if Council Members agreed on the name. All were in favor of the name.

Council Member Bolick noted that the next golf tournament meeting will be held on June 17<sup>th</sup> at 6:00 p.m. We are still in need of volunteers.

### **Call for Public Hearing: 2016-2017 Budget**

Mayor Lyerly asked for a motion to call for a public hearing on the 2016-2017 budget. Attorney Eggers noted that the Town will need to advertise this public hearing. Council Member Dunn motioned to call for a public hearing for the 2016-2017 budget at next month's Council meeting to be held on June 13, 2016. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Amendment to Zoning Ordinance #2016 (To Allow Temporary Sandwich Board Signs)**

Mayor Lyerly reported that Amendment to Ordinance #2016 was prepared by Attorney Eggers which is a temporary allowance for sandwich boards for business use during the summer of 2016. Attorney Eggers noted that this amendment was discussed before the Planning Board, but there is no formal recommendation of it from them at this time. Council can address it, change it or call for a public hearing if Council wishes it to be adopted. However, prior to the public hearing and adoption, there would need to be a meeting of the Planning Board. Mr. Eggers noted that the fee amount needs to be determined and that this is set up as a temporary trial basis with an expiration date of September 30, 2016; this is an addendum for a specific time period. Mayor Lyerly asked if there were any suggestions for a fee amount. Council Member Bolick suggested a one-time fee of \$25.00. There were discussions regarding restrictions placed on the sandwich boards, placement of these signs, limiting them to certain zoning districts, using these boards on a trial basis, etc. Attorney Eggers suggested that prior to sending this back to the Planning Board, it should be decided which zoning districts this amendment would apply to. Ms. Buchanan recommended zoning districts C-1, C-2, C1-P, M/E and CZD. Council Member Lecka suggested extending the end date to October 31. Mr. Owen stated that other concerns should be discussed and noted to set forth before the Planning Board (i.e. the material the boards are made of and time frame for leaving the boards out). Attorney Eggers noted that the time issue is currently written and set forth in the last paragraph (at the closing of business hours). Council Member Bolick motioned to call for a Public Hearing at next month's Council meeting on June 13, 2016. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning and tax collection report. Mr. Owen distributed the financial report for 10 months ending 4/29/16. Also attached is a draft copy of the May 2016 Planning Board Meeting Minutes and March 2016 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 the sidewalk project between the caboose and the Mill Pond is ongoing in the design phase. He noted that they finished the no rise certification for the creek; special permitting was required. Mr. Owen stated that they are working on the grading plan. Destination by Design will have a preliminary design for the Town which will also be used to obtain a potential cost basis.

Mr. Owen noted that in regards to the stormwater grant project to try and catch all water coming off Town streets, Derek Goddard is still working on a proposal to submit to Council. He noted that it is still their intent to design a system that will catch water coming off of the Town streets and the debris generated from the State roads, tying in with the wetland area.

Mr. Owen reported that Town Hall Day is June 8, 2016 in Raleigh. He noted that if any Council Member is interested in attending to let him know. Mr. Owen stated that he also has a schedule of events.

Mr. Owen stated that the ethics training live webinar is scheduled for May 18, 2016 at 10:00 a.m. in the Council Chambers.

Mr. Owen reported that there will be a budget workshop on Thursday, May 12, 2016 at 6:00 p.m.

Council Member VonCanon noted that Lees-McRae has their new sign up and it looks great.

At 7:17 p.m. Council Member VonCanon 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 7:41 p.m.

There being no further business, at 7:41 p.m. Council Member Lecka motioned to adjourn the May 2016 Town Council meeting. Council Member Bolick seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 7:41 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: June 13, 2016