

# **BANNER ELK TOWN COUNCIL**

**May 8, 2017  
MINUTES**

The Banner Elk Town Council met Monday, May 8, 2017 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, Allen Bolick, and Mike Dunn. Council member Robert Tufts was absent.

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Interim 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 May 2017 to order.

## **Pledge of Allegiance**

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

## **Invocation**

Council Member Bolick opened the meeting with prayer.

## **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the April 10, 2017 Town Council Minutes. Council Member Bolick motioned to approve the April Town Council Minutes as written. 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 approve or amend the May 2017 agenda. Council Member Dunn motioned to approve the May 2017 agenda as presented. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

## **Public Comments**

Mayor Lyerly recognized Jim Swinkola. Mr. Swinkola shared with Council that the Kiwanis started in 1968 and next year they will be celebrating a 50<sup>th</sup> Golden Anniversary. Plans are in the works for a celebration and further details will be shared as they are complete.

Mayor Brenda Lyerly recognized a new Intern with the Avery Journal, Miss Savannah Reese for the summer months. Additionally, Mayor Lyerly invited everyone to a celebration for Avery Legends to be held on May 21, 2017 at the Chapman Center of the YMCA Campus in Linville. Inductees include the Honorable Judge Alex Lyerly and former Avery County Manager Robert Wiseman. Tickets are \$20.00 and she hopes everyone can attend.

## **Proclamation Declaring May National Bike Month**

Mayor Lyerly called Ted Silver to make this presentation to Town Council. Mr. Silver publically recognized the benefits of riding and the importance of May 10<sup>th</sup> as National Bike to

School Day and May 17<sup>th</sup> as the Ride of Silence to remember those cyclists killed or injured on the road. The proclamation declares May as National Bike Month. Council Member Lecka motioned to approve the support of Banner Elk's Town Council for the proclamation of May as National Bike Month. Council Member VonCanon seconded the motion. The vote was unanimous and the motion carried.

### **Zoning Ordinance Amendment – Mobile Sales and Rentals**

Mayor Lyerly asked Zoning Administrator Cheryl Buchanan to present this to Town Council. Cheryl Buchanan noted that a copy of the Planning Board minutes from the May 1st meeting were included in the packets. The Planning Board entertained a request to include mobile sales and rentals as an item to be added to the Table of Uses. Additionally, a definition was created to be added to Section 200, Definitions. The proposal would allow mobile sales in the C-2 zoning district as long as a permit was obtained from the Town. The fee for the permit is being suggested as \$25.00 per year. The permit would need to be accompanied by written permission by the property owner.

Council Member VonCanon asked if there was a time limit for the sales on a piece of property. Ms. Buchanan answered no, but she would add that to the permit. Mr. VonCanon then asked if a vendor obtains a permit but then moves to another piece of property, would they be required to get another permit. Ms. Buchanan said she did not plan to do that but would amend the current permit to a change of location and another property owners' written permission, but not an additional fee. Council Member Mike Dunn asked what type of merchandise could be restricted by this amendment. Ms. Buchanan said that the only items that comes to mind would be yard sale type merchandise, thing that were personally owned and had been used, that the State regulates the sale of these items. Ms. Buchanan reminded Town Council that at last month's meeting there was a discussion that if a use was not covered by the ordinance, then we had no regulating power over that use and it would be automatically permitted by right. Since this has come up, the Zoning Administrator felt this was a proactive action to take.

Council Member Bolick motioned to call for a Public Hearing at the June meeting to amend the Zoning Ordinance to add a definition for Mobile Sales and Rentals and to add the use as a permitted use to the C-2 Zoning District in the Table of Uses with a permit. Council Member VonCanon seconded. The vote was unanimous and the motion carried.

### **Consideration of a Planning Board Appointment**

Mayor Lyerly asked for a motion to approve Jacki Lecka to be appointed to the Planning Board as an in-town member. Council Member Dunn motioned to approve the appointment of Jacki Lecka to the Planning Board as an in-town representative. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Consider Ordinance Regulating Engine Compression Brakes**

Mayor Lyerly asked Town Manager Rick Owen to speak to this request. Manager Owen stated that this was in response to several requests that had recently come into Town Hall about the noise some of the bigger trucks make in certain areas of the Town. Manager Owen said that since this was part of the Town Code, no public hearing would be needed. Council Member VonCanon said this was needed and it was time we did something about the noise. Council Member VonCanon asked Manager Owen where the signs would be placed. Manager Owen replied that he had planned to place them at the three main entry ways into Town and one going

down Doug Hill. Council Member VonCanon asked that one be placed at the Caboose as well. Council Member VonCanon motioned to approve the code addition as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

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

Manager Owen reported that the Ensemble Stage is still renovating. Manager Owen said that the Cranberry Middle School wanted to hold a program at the school but there were 80 students in the play and the space could not accommodate that many, so they decided to hold their play at the Middle School. Manager Owen said that the theatre plans to open in June.

Manager Owen noted that the stormwater vault project has been delayed due to weather. Manager Owen said that Derek Goddard of Blue Ridge Environmental has said that it would only take 10 days of good weather to finish the project.

Manager Owen reported that the Beech Mountain Metric is scheduled for May 20<sup>th</sup>. The Metric will start at the Historic School and finish atop Beech Mountain. Council Member Dunn asked if something could be done about traffic this year, suggesting that a different traffic pattern be used to prevent impeding traffic. Interim Police Chief Kevin Hodges said he had a conversation about this with Gil Adams and that Mr. Adams did not anticipate any problems with the Metric this year. Mr. Hodges did mention that they are expecting 700 cyclists to participate this year.

Manager Owen stated that Art on the Greene is scheduled for May 27<sup>th</sup>, Memorial Day Weekend.

Manager Owen informed Council that he held a meeting with the Board of the Farmer's Market group and that they are requesting the use of the school property for 26 weeks, mid-May to mid-October, each Thursday from 4pm to 7pm. Manager Owen said they would have a non-exclusive contract but that no fee had been agreed upon. The Board is asking Town Council to make an offer and then they would make a counteroffer. A discussion was also had about the use of Port-a-Johns and Manager Owen said it may be possible for participants to use the facilities in the School as the Book Exchange would be open during those hours as well. One last discussion ensued as to the type of product that was acceptable to be sold at the Farmer's Market. It was agreed upon by Council that the intent of the Town Council is that the final product needs to "come from the ground".

Council Member Bolick reported on the progress of the annual Historic Banner Elk Golf Classic to be held on Beech Mountain this year and sponsored by Eagle's Nest. Council Member Bolick said that he was in need of hole sponsors and would be sending out letters later in the week.

### **Republic Services Rate Increase for 2017**

Manager Owen presented this request from Republic Services Waste Services for a 3% increase. Manager Owen noted that they had not asked for an increase since they had bought out the previous company servicing Banner Elk in 2013. Council Member Dunn asked Manager Owen what percentage of residents and businesses in Banner Elk use this service. Manager Owen said he was not sure but could get that number. Council Member Dunn said the rates might be cheaper if more people used the service and asked if we could put something in the water bills to let people know the service was available. Manager Owen agreed. Council Member Lecka stated that he thought this was a reasonable request. Council Member Dunn motioned to approve

the rate increase of 3%. Council Member Lecka seconded. The vote was unanimous and the motion carried.

### **Call for Public Hearing 2017- 2018 Budget**

Manager Owen reminded the Council that there are two budget workshops scheduled for the 2017-2018 Budget. These dates are May 22<sup>nd</sup> and June 26<sup>th</sup> at the Town Hall. Manager Owen also requested a date for the MAPS study to be reviewed. The date was set for June 20<sup>th</sup> and the MAPS Group will be in attendance to make a presentation. Manager Owen then asked for a Public Hearing for the 2017-2018 Budget for the Town as well as the Tourism Development Authority. Council Member VonCanon motioned to call for a public hearing for the June 2017 meeting at 6:00 pm. Council Member Lecka seconded the motion. The votes was unanimous and the motion carried.

### **Manager's Update**

Mr. Owen noted that included in Council Member's packet are the police report, planning, zoning and tax collection report, the financial summary report for the period ending June 30, 2017 (10 months). Also attached is a copy of the March 9, 2017 High Country ABC Board Meeting Minutes and the May, 01, 2017 Planning Board minutes. Mr. Owen noted that if there were any questions regarding these reports to let him or the staff know.

Manager Owen stated that the Stormwater Mapping Project with Jessica from the High Country Council of Governments is coming along. Most of the field work is just about complete and then she will go back to her office and map it out.

Manager Owen informed the Council that the waterline replacement preconstruction meeting from the Caboose to the Mill Pond will take place next week.

Manager Owen said he plans to talk more about the Sidewalk Project in the June 2017 meeting next month.

Manager Owen told the Council that the Clock Tower is ready and that the face had been delivered and is sitting outside of Town Hall. Once the off-site controls are ready, the workmen will come in and install the clock head.

There being no further business, at 7:14 p.m. Council Member VonCanon motioned to adjourn the May 2017 Town Council meeting. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Adjourn**

The Town Council meeting adjourned at 7:14 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: June 12, 2017