

# **BANNER ELK TOWN COUNCIL**

**May 14, 2018**

## **MINUTES**

The Banner Elk Town Council met Monday, May 14, 2018 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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 May 2018 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.

### **Public Hearing: Zoning Ordinance Amendment – Home Occupation**

Cheryl Buchanan reported that the Town's zoning ordinance lists Home Occupations in the Table of Uses with some zoning districts listed as conditional. There were no standards with which to apply conditions should someone come to Town with an application for a Home Occupation. This amendment will include some standards for Section 809, Home Occupations, with a purpose and intent and two definitions for Section 200 along with a permit application. Mayor Lyerly asked the public and Council if there were any questions or comments. Mayor Lyerly closed the public hearing at 6:03 p.m.

### **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the March 2018 Town Council Minutes. Council Member VonCanon motioned to approve the March Town Council Minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Public Comments**

Mayor Lyerly recognized Jim Swinkola. Mr. Swinkola thanked Council and the Town of Banner Elk for their support of Kiwanis One Day, which was held on Saturday, April 14<sup>th</sup>. There were over 50 volunteers to help erect the new playground equipment and spread mulch. Mr. Swinkola shared photos of children enjoying the new playground equipment. He also presented Council with a check in the amount of \$2,000 for "finishing touches" to the playground area. Mayor Lyerly thanked Mr. Swinkola and the Kiwanis.

### **Zoning Ordinance Amendment – Home Occupation**

Cheryl Buchanan noted that with this amendment, the Planning Board is being proactive in having something in place in the Town's zoning ordinance. Mayor Lyerly asked if there was a motion. Council Member Bolick motioned to approve the Zoning Ordinance Amendment. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Donation Presentation – Historic Banner Elk School**

Mr. Owen introduced Ted Silver. Mr. Silver, chairman of the Friends of the Historic Banner Elk School, Inc., a 501(c)(3) non-profit charitable entity, presented to the Town of Banner Elk a check in the amount of \$100,000. He noted that the donation was made by Frank and Kathy Bragg in honor of Sylvia and Herbert (Bud) Hahn, long-time supporters and contributors to the Town. Mr. Silver stated that it was the Braggs intention that the school's gymnasium, now home to Ensemble Stage, be renamed to the "Hahn Auditorium". Mayor Lyerly thanked the Friends of the Historic Banner Elk School and Frank and Kathy Bragg for their generous donation. Mr. Owen stated that he prepared a Budget Amendment that will recognize this as an increase in revenue from the Friends of the Historic Banner Elk School and an expense for maintenance and repairs. Mr. Owen asked Council for a motion to adopt the amendment. Council Member Dunn motioned to accept the \$100,000 capital donation for repairs and maintenance to the Historic Banner Elk School. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Consider Contribution to Ensemble Stage**

Mr. Owen stated that previously presented to the Town was a check for naming rights to the gymnasium in the Historic Banner Elk School to the Hahn Auditorium. He noted that while Mr. & Mrs. Bragg did not restrict these funds for being used for the gymnasium or Ensemble Stage; just towards the project as Council deems fit. Mr. Owen stated that Ensemble Stage is installing air conditioning in the auditorium. The total cost of the project is approximately \$16,000. They received half of the funds (\$8,000) from the TDA and a loan for the other half so that they could begin the work. Mr. Owen is asking Council to consider making a donation to Ensemble Stage, potentially to cover the other half of the cost towards the air conditioning. He noted that the units installed in the building would become a part of the property. Council Member VonCanon agreed that the air conditioning would be good for the building, good for the property and motioned to agree to the \$8,000 donation to Ensemble Stage. Council Member Bolick seconded the motion. All were in favor. No one opposed.

### **Consider Sale of Surplus Property**

Mr. Owen reported that several months ago Council approved a budget amendment for the purchase of new firearms for the police department. It was also discussed that the Town would sell the surplus weapons that they currently have to the officers which they were originally issued to. Mr. Owen stated that Attorney Eggers prepared a resolution to sell the surplus firearms to the Town's police officers and also prepared a public notice advertisement for the newspapers notifying the public of this sale. Mr. Owen asked Council for a motion to approve the resolution to move forward with the sale of the firearms to the police officers. Attorney Eggers reported that this resolution is different than the advertisement for upset bids. Under the statute, this would be a private negotiated sale and because of the lower dollar amount, it requires advertisement and posting at Town Hall. He noted that it will be posted once in the newspaper and will not have to come back to Council for any further action. Council Member Lecka motioned to accept the

resolution and place the public notice in the newspaper and Town Hall. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Call for Public Hearing: 2018-2019 Budget**

Mr. Owen noted that he would like the public hearing to be held at next month's meeting following the first budget workshop. Council Member Lecka motioned to call for a public hearing at June's Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

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

Mr. Dick Larson distributed a handout detailing the expansion work that has been accomplished in the last six months at the Artists Gallery (removing walls and carpet, repairing and painting, etc.). He noted that last year when he came to Council with the intentions of their expansion project, he projected the cost of the project to be between \$4,450 and \$4,950. He reported that their actual cost was \$10,996. Mr. Larson stated it was well worth the time and effort. With the extra room they will be able to support between 35-40 artists. He thanked Council for their support.

Council Member Bolick gave an update on the water line upgrade project at the school.

Council Member Bolick noted that on the 2<sup>nd</sup> Saturday of each month a Country Music Jam is held from 12:00 until 2:00 at the Book Exchange. He noted that approximately 20-25 musicians come from all over the area. He distributed the new brochure for the Book Exchange highlighting all the upcoming events

Council Member Bolick reported that this year's golf tournament will be held on September 24<sup>th</sup> at Beech Mountain. He noted that our main sponsor will be the Lodges at Eagles Nest and that we also have our four co-sponsors.

Council Member Bolick presented to Rick Owen a watercolor painting of the Historic Banner Elk School. He stated that before it is framed he wants to get several prints done and when someone makes a donation to the school, they would be presented with a numbered print of this watercolor. Sarah Delli Colli, granddaughter of Gerald Davis, Mr. Bolick's former employer, toured the school and wanted to do something for the Town, so she painted this watercolor.

### **Resolution in Support of the Banner Elk Kiwanis Club's Golden Jubilee**

Mayor Lyerly stated that Banner Elk Kiwanis Club will be celebrating their Golden Jubilee in July of this year. She noted that the Town supports their efforts and dedication to the wellbeing of children in our area and wants to recognize the Kiwanis with a resolution. Mayor Lyerly read the *Resolution in Support of the Banner Elk Kiwanis Club's Golden Jubilee Saluting Kiwanians Past, Present and Future*. Mayor Lyerly thanked Jim Swinkola and the Kiwanis. Council Member Bolick motioned to accept the resolution. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Consider Donation of Property – Sidewalk Encroachment**

Attorney Eggers reported that Joanne Thompson owns Lot 26 in the Apple Orchard Subdivision. Following a survey of the lot, it came to her attention that the lot as it exists includes a swale where the Town's sidewalk has been built. The road and sidewalk continue straight in that area rather

than go around her property line. This issue was created by the original developer prior to being dedicated to the town. Mr. Eggers stated that he has communicated with her attorney and they have offered to donate that section of the lot where the sidewalk lays back to the Town of Banner Elk. They have prepared and recorded a deed for the .01-acre area in anticipation of this. In order for the deed to become effective, the Town would need a motion from Council to accept this property. Ms. Thompson and her attorney are also asking Council for a letter finding that the Town values this property being donated at \$1,250.00. Mr. Eggers noted that this amount, being a donation, will be tax deductible. This will be their only condition. Council Member Lecka motioned to accept the donation of the property as proposed and to acknowledge the value of this property for tax purposes. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen reported that included in Council Member's packets are the planning, zoning and tax collection reports. The financial summary report for ten months ending 4/30/18 is being distributed along with the police report. Also attached is a draft copy of the May 7, 2018 Planning Board Meeting minutes and a copy of the March 8, 2018 High Country ABC Board Meeting Minutes. He stated that if there were any questions regarding these reports to let him or the staff know.

Mr. Owen reminded Council of the two Budget Workshops that have been scheduled for May 30<sup>th</sup> and June 27<sup>th</sup>, both at 6:00 p.m.

Mr. Owen stated that as Jim Swinkola reported earlier, the playground is completed and it is being enjoyed by the toddlers and their parents. Mr. Owen asked Council to approve a Budget Amendment recognizing the \$2,000 donation by the Kiwanis, which all went toward park maintenance. Council Member Lecka motioned to approve the Budget Amendment. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mr. Owen note that the Beech Mountain Metric will be held on Saturday, May 19<sup>th</sup>. This bike ride will start at the Historic Banner Elk School. They are asking this year for assistance from the Town's Police Department, helping them get through the traffic light at the start of the ride.

Mr. Owen reported that the Town will have a Bid Opening on Thursday, May 17<sup>th</sup> at 2:00 for the water line project from Silver Springs to the Town's lift station where the Town is trying to get to Mr. Ward's property.

Mr. Owen stated that the first Art on the Greene festival for 2018 will be held Memorial Day weekend (May 26-27). Mr. Owen brought before Council having a Town tent at the festival to sell bricks.

Mr. Owen updated Council on the water line break in front of the old hospital. He noted that this break was not related to the one the Town experienced in February but was in a section of pipe adjoining the break this past winter. Mr. Owen stated that at the next Council meeting there will be a discussion about replacing this line from Hickory Nut Gap out toward the Art Cellar. This line is over 30 years old and close to the creek. He noted that he will discuss this project with David Poore, the engineer.

Mr. Owen reported that the Town experienced an overflow at the lift station and a man hole at the Mill Pond due to the heavy amounts of rain and high flows of the rivers and streams. The Town received a notice of violation from the State and they have asked the Town for documentation (how, when, why it happened). He noted that it was minimal overflow considering the circumstances. Mr. Owen stated that the Town incurred pumping charges for roughly 48 hours intermittently. He noted that he will be preparing a budget amendment for next month's meeting to recognize the costs incurred; a little over \$5,000.

Police Chief Kevin Hodges reported to Council on "National Night Out". It will be held on Tuesday, August 7<sup>th</sup> (6:00 – 8:00 p.m.) on the grounds of the Historic Banner Elk School. He noted that this is a nationwide event and 2018 marks its 35<sup>th</sup> year. Police Chief Hodges explained that this event's goal is to build community/police awareness and relations. He stated that the Banner Elk Police Department is hosting this event this year and that other local law enforcement agencies will be involved.

Mayor Lyerly asked Attorney Eggers if there was any business for closed session. There being no further business, Mayor Lyerly asked for a motion to adjourn this evening's meeting.

At 6:42 p.m. Council Member VonCanon motioned to adjourn the May 2018 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Banner Elk Town Council meeting adjourned at 6:42 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: June 11, 2018