

**BANNER ELK TOWN COUNCIL**  
**May 13, 2019**  
**MINUTES**

The Banner Elk Town Council met Monday, May 13, 2019 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

Council Members present: Mayor Brenda Lyerly, Charlie VonCanon, Robert Tufts, Mike Dunn and Allen Bolick. Council Member Lecka was not present.

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Police Chief Kevin Hodges, Justin Hodges and Attorney Four Eggers.

**Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of May 2019 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.

**Public Hearing – Annexation Request**

At 6:02 p.m. Mayor Lyerly opened the public hearing and noted that this item was addressed at last month's meeting. Cheryl Buchanan reported that the Town needed to re-advertise this annexation request because last month the ad appeared in the paper 9 days before the meeting and state statute requires 10 days. There were no questions or comments. Mayor Lyerly closed the public hearing at 6:03 p.m.

**Approval of the Minutes**

Mayor Lyerly asked for a motion to approve or amend the April 8, 2019 Town Council Minutes. Council Member VonCanon motioned to approve the minutes as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

**Approval of Stated Agenda**

Mayor Lyerly asked for a motion to approve the stated agenda. Council Member Tufts motioned to approve the stated agenda. Council Member Bolick seconded the motion. All were in favor. No one opposed.

**Public Comments**

There were no public comments.

### **Annexation Request – David Burns**

Mayor Lyerly asked if there were any further comments regarding this annexation. She then called for a motion. Council Member VonCanon motioned to approve the annexation request. Council Member Dunn seconded the motion. All were in favor. No one opposed.

### **Annexation Request, Water Quality Labs**

Cheryl Buchanan reported that the application for annexation by Water Quality Labs has been certified. She noted that included in Council's packets were copies of the Certificate of Sufficiency and Petition for Annexation. She noted that everything was in order and is asking Council to call for a public hearing at next month's meeting. Council Member Bolick motioned to call for a public hearing for this annexation request at June's meeting. Council Member Dunn seconded. All were in favor. No one opposed.

### **Consider Agreement for Services, High Country Council of Governments**

Mr. Owen reported that several Council Members attended the High Country Municipal Association meeting last month and some of these services were discussed at that meeting. The Town's Public Works Department would like to contract with the High Country Council of Governments to create apps and develop forms to collect data out in the field (i.e. things that need repaired, things that don't appear on our GIS as they actually are in the field, etc.). He noted that after collecting all the data, the Town could then print out the data, keep an electronic file of the data, and the Town Manager could actually see what Justin was changing and updating. Jessica Welborn, with COG, would be able to annually make corrections and adjustments to the Town's GIS system based on the data collected. COG provides several services relating to street lights, water meters, water lines, sewer lines, etc. Mr. Owen stated that at present the Town has a work order program relating to water meter numbers or addresses so there are a lot of issues that don't correlate with a water customer. These GIS applications will help remedy these issues. Mr. Owen noted that some of the forms (GeoForm applications) that will be provided are grease trap inspections, maintenance at the sewer plant, maintenance at the wells, some of the things Council Member Bolick asked for in next year's budget as far as tracking inventory, etc. Mr. Owen noted that the cost for these services would be \$3,460.00 to get the Town up and running. There would be some annual recurring expenses, but will be determined later, either hourly or a yearly contract. Per the agreement, Jessica would like to start work on the system before July 1<sup>st</sup>, but the Town will not be billed until after July 1<sup>st</sup> which will be budgeted in next year's budget. Mr. Owen stated that it will be very beneficial to the Staff. He noted that if the Town has all of this GIS software where all of the data is collected and web apps that COG will have produced for the Town, the data will be readily accessible to Staff on a private server. Council Member Bolick motioned to approve the Agreement for Services with High Country Council of Governments in the amount of \$3,460.00. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Consider Contract for Design Services, Historic Banner Elk School Site**

Mr. Owen reported that this item was a topic of discussion at the Planning Meeting and that Council was very interested in moving forward with the site work at the Historic Banner Elk School property. He recommended at the time to Council to consider a contract with Blue Ridge Environmental Consultants, Derek Goddard, who has worked with the Town on multiple projects; two of which are related to the school: the storm water vault on the school property and the design

of a road interconnection on Culver Street to the back side of the school property. Mr. Owen noted that he met with Mr. Goddard and discussed the scope of the project, went over the conceptual site plan and his company's Project Agreement. He stated that he and Attorney Eggers discussed state requirements requesting qualifications for engineering, consulting and design work. Mr. Owen noted that the Town falls under the threshold requirement financially to choose the company to do the work. There is also a statutory release that permits the Town to work with someone familiar with the project; which Derek qualifies. Mr. Owen noted that Attorney Eggers reviewed the agreement for legal requirements. Attorney Eggers stated that he is comfortable with the contract as presented with the exception of it needing a pre-audit certification. That would be the only item that would need to be added if Council wishes to proceed. Mr. Goddard answered Council's questions regarding the scope of work and items excluded from the contract. He anticipates a three-month time frame to complete the design work (late summer/early fall). The building time frame is when they would release the contractor to the construction project (spring/summer 2020). There were discussions about the time frame and the Woolly Worm Festival and other events on the property. Council Member Tufts motioned to accept the contract for design services. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Consider Equipment Purchase, Street Sweeper/Vacuum Truck**

Mr. Owen reported that with another Budget Workshop coming up next week, he will present to Council funding mechanisms that could be used to purchase this new piece of equipment. He noted that he has been talking with Attorney Eggers and with the provider of the equipment, looking for the best ways to acquire the equipment. Mr. Owen is also looking to see if the bidding requirements have been met by other state contracts. The company has also provided the Town with lease options and they also have options with federal contracting, which he will discuss with Attorney Eggers. Mr. Owen noted that he will present further information and purchasing recommendations at next Tuesday's Budget Workshop, but to date he has received positive feedback from Council Members. No action required.

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

Mr. Owen reported that the Porsche Rally Car Show would like to return to Banner Elk on Saturday, September 14th. They were in Town in 2015 and 2016. They made reservations with the Best Western. They will showcase their cars in the parking lot at Best Western in the morning and will park the cars in the grass at the school in the afternoons, returning to Best Western in the evening. Mr. Owen noted that the first year the Town charged \$200 and the second year \$250, but they provided us with insurance coverage to be on the property. He asked for feedback from Council. Council Member VonCanon and Bolick stated that it was a good event; brought people into Banner Elk. Mr. Owen noted that this group does not charge fees, they are not having vendors, not making money for this show. They just need the property for a parking lot to showcase their cars. Council Members agreed to the car show.

Mr. Owen stated that Council Member Bolick informed him that we have a tenant for the last room in the school; Room 11. He noted that it is a complimentary tenant; a Yoga Studio. As with the other tenants, initially the Town will apply renovation costs towards the cost of rent. We calculate the cost of a renovated room rental and ask them for a quote on the work they want to do to renovate. Mr. Owen stated that naturally the renovation of the room costs would extend over a year's term and the Town Manager can only enter into a one-year lease. A big renovation cost is the refinishing of the wood floor. Mr. Owen is recommending to Council that the Town make a financial investment to part of the renovation. The Town would refinish the floor and the tenant

would refinish everything else in the room and start applying that towards rent that first year. After that first year, rent would be 100% because the Town would have already made an investment in the floor. Mr. Owen is asking Council to allocate approximately \$12,000 to finish two floors in Rooms 10 (which is currently rented) and 11. He noted that the Town does have the money the Banner Elk School Fund from donations received. Council Member Bolick motioned to proceed with the refinished of the wood floors. Council Member Dunn seconded the motion. All were in favor. No one opposed. Mr. Owen stated that he will have a Budget Amendment prepared for next month's meeting.

Council Member Tufts reported that the first show of the season, Art on the Greene, will be held next weekend, Memorial Day Weekend. He asked for Council's support. He also asked Council Member Bolick if he wanted a "Town Tent" set up during the festival. Council Member Bolick said that having a Town presence is good. He noted that these events bring people into our Town who are interested in the school project, etc.

### **Call for Public Hearing, Fiscal Year 2019-2020 Budget**

Mayor Lyerly asked for a motion. Council Member Tufts motioned to call for a public hearing for the 2019-2020 fiscal year budget at next month's (June) meeting. 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, tax collection reports and the police report. He noted that the Financial Summary Report for 10 months ending 4/30/19 was distributed before the meeting. He stated that if there were any questions regarding these reports to let him or the staff know. Mr. Owen noted that included in their packets is a copy of the High Country ABC Board Meeting Minutes of March 21, 2019 and a draft copy of the Planning Board Meeting Minutes of May 6, 2019.

Mr. Owen reported that the brick work for the Corner on Main will begin this week. Once completed the landscaping will be completed. He is hoping to get it all completed within the next 2-3 weeks. Mrs. Wold will be in Town in June and he would like it completed for her.

Mayor Lyerly thanked everyone for attending and asked for a motion to go into closed session.

At 6:43 p.m. Council Member Tufts 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.

Council returned to open session at 7:31 p.m.

### **Other Business**

At Attorney Egger's direction with wording, Mayor Lyerly asked for a motion to proceed with a public notice of a pending land swap at the appropriate time. Council Member Tufts made the motion. Council Member Dunn seconded the motion. All were in favor. No one opposed.

There was discussion about the little brick building in front of the hospital and its history.

There being no further business, Mayor Lyerly asked for a motion to adjourn May's meeting.

At 7:37 p.m. Council Member VonCanon motioned to adjourn the May 2019 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 7:37 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: June 10, 2019