

BANNER ELK TOWN COUNCIL
May 11, 2020
MINUTES

The Banner Elk Town Council met Monday, May 11, 2020 at 6:00 p.m. by remote meeting via an electronic conference due to the COVID-19 pandemic.

Council Members present: Mayor Brenda Lyerly, Charlie VonCanon, Robert Tufts, Mike Dunn and Allen Bolick. David Lecka joined the meeting at 6:22 p.m.

Staff present: Town Manager Rick Owen, Nancy Owen and Attorney Four Eggers

Others present: Tom and Jo-Ann McMurray, Fred Schmidt, Ted Silver and Luke Barber.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of May 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 April 13, 2020 Regular Meeting Minutes. Council Member Tufts 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 or amend the stated agenda. Council Member Bolick motioned to approve the stated agenda. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Consider Proclamation Recognizing Ride of Silence

Mr. Ted Silver reported that May 20th is the International Ride of Silence. On this day, we honor and commemorate all those bicyclists who have been injured or killed while enjoying the sport. He noted that this year will be a bit different in that a “ghost bike”, an international symbol painted white, will be placed at the Corner on Main as a memorial for those injured or killed. Mr. Silver asked Council to consider adopting a proclamation recognizing the Ride of Silence. Mayor Lyerly read the proclamation. Council Member Tufts motioned to accept the proclamation. Council Member Dunn seconded the motion. Council Member Tufts suggested to Ted Silver that a sign

with an explanation to the symbolism of the “ghost bike” also be placed at the Corner on Main. Mr. Silver noted that Doug Owen is planning on a sign with the names of those from our Community. Mayor asked if there were any other comments. All were in favor. No one opposed.

Call for Public Hearing – Rezoning Request

Mr. Owen reported that this zoning request has been reviewed by the Planning Board and being recommended to Town Council. This is a business parcel located across from the old Beech Haven Restaurant, most recently Harmony Hostel. He noted that the potential purchaser of the property would like to have the property rezoned to residential which involves Council calling for a public hearing at next month’s meeting, calling for public input and discussion. Mayor Lyerly stated that the adjoining properties are zoned residential so it would blend in with the neighborhood. She asked for a motion. Council Member VonCanon motioned to call for a public hearing at next month’s meeting for rezoning. Council Member Bolick seconded the motion. Council Member Dunn questioned the wording “multifamily residential” and asked if that was the plan for the potential purchaser. Mr. Owen stated the zoning would be for residential but could be for multifamily. Once it is rezoned, they could do whatever is called for in that zoning district. Mr. Owen stated that the purchaser’s intention is to convert it to a duplex. Council Member Tufts asked if all the surrounding property owners would be notified of the public hearing. Mr. Owen noted that it will go through the normal rezoning process of notification to adjacent property owners. Mayor Lyerly called for a vote. All were in favor. No one opposed.

Consider Tax Release

Mayor Lyerly reported that the County double billed the property owner of Flat Top Brewing, now called Kettell Beerworks. The tax amount that needs to be released is \$194.06. Council Member Bolick motioned to approve the tax release. Council Member Tufts seconded the motion. Mayor Lyerly called for a vote. All were in favor. No one opposed.

Open Discussion – Updates Related to COVID-19

Mr. Owen reported that the State remains in Phase 1 per the Governor’s order. He noted that last week, Avery County changed their state of emergency to do away with the quarantine order and allow for 50% occupancy in short term rentals. The County also had a drive-through testing at the Health Department. Mr. Owen stated that the County was pleased with the number who showed up for this service. He believes over 280 people were tested. Mr. Owen stated that the County is currently waiting for 270 tests to come back. The County has completed 409 tests with 139 negative and the remaining results should be completed in the next several days. He reported that the goal of the Governor is to test a higher percentage of population within the entire State; so, the goal of Avery County is to test 5% of the population. He stated that the County still has another 400+ tests to perform.

Mr. Owen reported that the Town Public Works Department is still working on a split shift, keeping them somewhat isolated from each other. The Police Department is becoming more active around Town and the staff at Town Hall remains socially distanced from each other and we remain closed to the public. Mr. Owen noted that the park and greenway remain open. However, the restrooms and playground are still closed. Mr. Owen reported that he remains attentive to the

reports coming from the Governor's office as well as Avery County and only wants what is best for Banner Elk.

Council Member Dunn asked if proof of residency in the County was required at the testing site. Mr. Owen stated that he believes they were testing anyone who drove up. There was discussion about asking for a driver's license, but the only information he received was that no one was being turned away due to residency.

There was discussion about the schedule of concerts in the park, vendors, social distancing, etc. Jo-Ann McMurray stated that the first 3 concerts have been cancelled and so far, we have not cancelled any more. The first concert is scheduled for June 25th. Mrs. McMurray noted that everything is still up in the air.

Manager's Update

Mr. Owen noted that included in Council's packets is the Financial Summary Report for 10 months ending 4/30/20, 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 copy of the Planning Board Meeting Minutes of May 4, 2020.

Mr. Owen reported that the Town's hydrant testing which was supposed to take place in March has been delayed due to the COVID-19 stay at home orders. The Town didn't want to create an unnecessary disturbance in Town with the water. Mr. Owen stated that it needs to be done. The fire department is having an inspection in June and the Town would like this testing completed before then. Unless Council has any issues with this testing, it is now scheduled for the week of May 18-22 and May 25-29. He stated that public notice will be given in the form a CodeRED.

Mr. Owen asked Council to call for a public hearing at next month's meeting in regard to the budget. Council Member Tufts motioned to call for a public hearing. Council Member Dunn seconded the motion. Mayor Lyerly called for a vote. All were in favor. No one opposed. Mr.

Mr. Owen reported that he would like one budget workshop before the next Council meeting. After discussion, Council Members agreed on Monday, May 25th at 2:00 p.m. and that the meeting will be hosted using the Zoom platform. Mr. Owen stated that he would like to schedule another budget meeting in June and noted that we missed our planning retreat this year.

Other Business

Council Member Tufts reported that the Art on the Greene Memorial Day weekend show has been cancelled. He stated that no decision has been made as far as the 4th of July show and future shows. Again, it all depends upon the State, County and the Town's rulings.

Council Member Bolick reported that no decision has been made regarding the golf tournament. He noted that a lot of people are involved such as sponsorships.

Council Member Bolick stated that those renting space in the Historic Banner Elk School are still able to enter the school. However, the school remains closed to the public. Mr. Bolick reported

that landscaping is being done at the school. The first phase has been completed and we're waiting on better weather conditions before doing more.

Council Member Tufts questioned the progress of the site plan at the Historic Banner Elk School. Mr. Owen reported that Derek is still working on the plans, but he is not pushing Derek or the project mainly due to financing and fund raising. The Town's concern now is the debt payment. Mr. Owen stated that if the Town wants to start, he is looking at this fall. He reassured Council that as of today, the Town is in good financial shape. If during the budget workshops Council wants to put money toward this project, that could be an option. Mr. Owen stated that the money for the site plan has been voted on, but the money for the actual project has not. He noted that we will be discussing this during our budget meetings.

Mr. Owen reported that this coming weekend there is a fund raising opportunity called Avery Moves. Nancy Owen stated that it is a virtual move, a way of getting people in the County moving which will benefit five Avery County charities: the YMCA, Senior Center, Charles A. Canon, Jr. Memorial Hospital, Avery County Schools and Feeding Avery Families. She said it will be held on May 16th. Mrs. Owen stated it is a way of moving and donating to those charities helping during this pandemic.

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

At 6:45 p.m. Council Member Tufts motioned to adjourn the May 2020 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 6:45 p.m.

Mayor Brenda Lyerly

Attested

Approved: June 8, 2020