

BANNER ELK TOWN COUNCIL
November 12, 2018
MINUTES

The Banner Elk Town Council met Monday, November 12, 2018 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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

Call Meeting to Order

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

Mayor Lyerly recognized and thanked our local veterans for their service to our country.

Public Hearing

Mayor Lyerly stated that Council received a request to rezone parcel #1858-0053-0640 from R-2 to C-2. Cheryl Buchanan reported that this parcel is located on Banner Creek Road and is owned by Richard and Shawn Simeone. She noted that this parcel is surrounded by several commercial properties, so it is not out of the ordinary for such a request. Ms. Buchanan stated that the appropriate notifications to the adjoining property owners were sent as well as a legal ad in the local papers, per NC General Statutes. Mayor Lyerly asked if Council or the public had any comments. Council Member VonCanon reported that he walked this piece of property and he believe it lends itself to this change. There being no further 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 October 2018 Town Council Minutes. Council Member Tufts motioned to approve the minutes as written. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Approval of Stated Agenda

Mayor Lyerly asked if there was a motion to approve the stated agenda. Council Member Dunn motioned to approve the stated agenda. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Friends of the Historic Banner Elk School

Mr. Ted Silver reported that the Friends of the Historic Banner Elk School, a 501(c)3 non-profit, is undergoing some changes. He noted that the Board Members (DC Smith, Les Broussard and Ted Silver) in conjunction with discussions and direction with Town Council and with the public, have decided to change the name to the Banner Elk Educational Arts and Cultural Complex, Inc. in order to expand its purpose and scope. Mr. Silver noted that this will enable us to expand our fundraising efforts and support for the Historic Banner Elk School, the cultural arts center and all Town projects. He hopes to expand by adding new members to the board. Mayor Lyerly thanked Ted, DC and Les for all their efforts and work involved with the “Friends” and this transition process. Mayor Lyerly reported that three new members are needed to be brought forward to be approved by the Board of this new named venture. These three individuals have been approached and are willing to serve. The names which have been brought forward to Council are: Dick Larson, Allen Bolick and Babette Mcauliffe. Council Member VonCanon motioned to approve these three individuals. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Rezoning Request: Simeone - Banner Creek Road

Mayor Lyerly noted that this item was discussed and described in the Public Hearing. She asked if there were any questions or further discussion needed. Council Member Lecka motioned to approve rezoning request as submitted. Council member Tufts seconded the motion. All were in favor. No one opposed.

Consider Public Hearing: Rezoning Request – Banner Village, LLC

Cheryl Buchanan reported that Mr. Henriquez owns property on Banner Creek Road listed under Banner Village, LLC. He is an adjoining property owner to Mr. Simeone and is requesting his property be considered for rezoning also from R-2 to C-2. She noted that additionally he owns another parcel which adjoins it and is already zoned C-2. Ms. Buchanan stated that he would like both of his parcels to be zoned C-2. She requested that Council call for a public hearing for rezoning purposes. Council Member VonCanon motioned to call for a public hearing at December’s meeting to rezone the request from Banner Village, LLC. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Proposed Town Code Amendment – Chapter 71

Mr. Owen requested that Council adopt an amendment to make the end of Azalea Circle a no through street, prohibiting traffic to cut through the Historic Banner Elk School parking lot to avoid the traffic light. This becomes a hazard to pedestrians and vehicles parked in the area. Mr. Owen noted that Attorney Eggers designed an amendment which would be inserted in the Town of Banner Elk Code of Ordinances *§71.10 No Through Traffic on Azalea Circle*. Mr. Owen requested that Council adopt that portion of the Town Code and *§71.99 Penalty*. He noted that currently there is no 71.99 in the Town’s Ordinance, although sections of the ordinance reference a penalty. Mr. Owen stated that after speaking with Attorney Eggers, one change has been made

to include the wording *Except as otherwise provided for in this Chapter* under SECTION I. §71.99 Penalty. (Mr. Owen distributed the revised Resolution.) He noted signs will be installed stating that no through traffic is permitted. Mr. Owen stated that if Council adopts these two Section Amendments, he would request Council to consider a penalty for that to go with the Town's Fee Schedule. He suggests a \$50 fine, but legally the Town can go to \$100. After discussion regarding signage, placement of the signs and the streets involved in this no through traffic amendment, Mayor Lyerly asked for two motions. Council Member Bolick motioned to adopt Chapter 71.10 No Through Traffic on Azalea Circle. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Council Member VonCanon motioned to adopt Chapter 71.99 and set the penalty at \$50. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Audit Contract Amendment

Mr. Owen reported that the Town's audit contract with Misty Watson, CPA, PA called for the audit to be completed and provided to the State by October 31st. (Mr. Owen distributed the Amendment to Contract to Audit Accounts.) He noted that during the audit process it came to Ms. Watson's attention that the Town had not completed a required report in regard to post-employment benefits. The report used to be done every 3-5 years, but now it is required annually. Mr. Owen stated that the report is expensive, and it only represents one employee. He was hopeful that the State would give the Town some leeway, but the State would only accept the audit report provided the post-employment benefit report was included. Mr. Owen contracted with a company to complete the report, but can't complete it until December. Therefore, an amendment to the original audit contract is needed extending the time to a new completion date. There was discussion regarding the cost of the post-employment benefit report. Council Member Tufts motioned to approve the Amendment to Contract to Audit Accounts. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Tourism Development Authority – Board Member Appointment

Mayor Lyerly stated that the TDA is in need of a board member representing Lee-McRae College. Their current member is Blaine Hansen and President Dr. Lee King has requested that the current member be changed to Lauren Foster. Council Member Dunn (Chairman of the TDA) stated that Lauren Foster is very active as Director of Marketing and Design for the college and would be a good fit the to the TDA. Council Member Dunn motioned to approve Lauren Foster as the replacement for Blaine Hansen to the TDA Board. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Historic Banner Elk School Project Updates

Council Member Bolick reported that lights have been ordered for the walkways between the Cultural Arts Center and the Community Learning Center. The lights will be on a timer; on at 5:00 p.m. and off at 8:00 a.m. He noted night classes are held in the school and with the lights, these areas and the parking area will be more secure. Council Member Bolick stated that new doors will be added along the same areas; Cultural Arts Center and Community Learning Center and repairs are being done to doors going into the auditorium and a few other locations. He noted that new lights will also be installed at the women's bathrooms. Mayor Lyerly thanked Council Member Bolick for his continued work.

Manager's Update

Mr. Owen reported that included in Council Member's packets are the planning, zoning and tax collection reports and police report. He noted that the Financial Summary Report is not included because Betsy, who does a lot of off-site financial work for the Town, is on vacation. He stated that if there were any questions regarding these reports to let him or the staff know. He noted that also attached is a draft copy of the Planning Board Meeting minutes of November 5, 2018 and the High Country ABC Board Meeting Minutes of September 20, 2018.

Mr. Owen reported that for the past three years the Town has had cleaning performed to the sewer lines. A few weeks ago another 18,000 + feet of line was cleaned and videoed. While in Town they also cleaned the storm water vault behind the Banner Elk Volunteer Fire Department.

Mr. Owen noted that Trunk & Treat was a success, thanked everyone who participated and thanked Gary and Lisa with Ensemble Stage.

Mr. Owen reminded Council that on December 7th, 8th and 9th is A Small Town Christmas will be held in Town, which most of it is organized by the Banner Elk Chamber of Commerce. The TDA and the Town are involved with the tree lighting at the Corner on Main.

Mr. Owen reported that he and the Mayor will be attending the NC League of Municipalities Bi-Annual Goals' Conference on November 29th in Raleigh.

Mr. Owen reported that the main generator at the treatment plant, while being serviced for the winter, failed about 3 weeks ago. We do need backup power at the sewer plant. The Town received 3 quotes to replace the generator and chose the lowest which is on order. He noted that in the meantime, the Town rented a generator as a backup until the new one arrives this week, ahead of schedule.

Mr. Owen stated that the Town is still working with Republic Services regarding a new trash service agreement. He has been working with Attorney Eggers and hopefully he will have an updated agreement to go over with Council at next month's meeting. Mr. Owen noted that the only foreseeable change will be a price increase. There was discussion about other options, County services, recycling, etc.

Council Member Tufts asked where the Town stands with the Board of Adjustment's meeting and the Conditional Use Permit for Auto Sales Lot. Ms. Buchanan stated it was approved.

There was no need for closed session.

Other Business

Mayor Lyerly stated that we need to determine a date and time for the Town Hall Christmas Party. She noted that this event is sponsored by the Town Council for all those who serve the Town; the staff, those serving on the Planning Board, Board of Adjustment, etc. Council Members reviewed their calendars and it was determined to have the event on Friday, December 14th at 4:30 p.m. until 6:30 p.m. at Town Hall.

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

At 6:40 p.m. Council Member VonCanon motioned to adjourn the November 2018 Town Council meeting. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 6:40 p.m.

Mayor Brenda Lyerly

Attested

Approved: January 14, 2019