

# **BANNER ELK TOWN COUNCIL**

**September 6, 2016  
MINUTES**

The Banner Elk Town Council met Tuesday, September 6, 2016 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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 September 2016 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 Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the August 8, 2016 Town Council Minutes. Council Member Dunn motioned to approve the August Town Council Minutes as written. Council Member VonCanon 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 September 2016 agenda. Council Member Tufts motioned to approve the September 2016 agenda as stated. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

## **Public Comments**

Mayor Lyerly recognized Ted Silver. Mr. Silver reported that the Town had a booth at this past weekend's Art on the Greene. He noted that the volunteers tending the booth sold six bricks (\$300) and the Wishing Well collected a lot of money as well. Mr. Silver stated that they received a lot of positive feedback from visitors at the festival, liking what the Town of Banner Elk is doing with the school property, the design at the elk and the open space where the Corner Palate once stood. People enjoy coming to Banner Elk. Mayor Lyerly thanked Ted Silver for all he does for the Town.

## **Discussion of Art & Craft Shows Utilizing Town Property**

Mr. Fred Schmitt reported that Art on the Greene has completed its second year in utilizing the school property and raising money for the Historic Banner Elk School. He introduced those on the committee who organize these events. He noted that the committee has compiled a list of observations and recommendations which he presented to Council. Mr. Schmitt stated that five

shows are held at the school property through the summer. Three are held by the Town in which all the proceeds go towards the Historic School project. Two are held by the Avery County Chamber of Commerce in which their proceeds go towards their annual operating expenses. Mr. Schmitt stated that their committee's goals are to attract people to Banner Elk, benefit its residents, visitors, vendors, artists, local merchants and meet the expectations of the sponsors (the Town and Avery County Chamber of Commerce). Mr. Schmitt went over the list of observations and recommendations prepared by the Art on the Greene Committee. He would like Council to form a "working group" which would address all the questions and put in place recommendations that would benefit all involved in making these events effective and efficient and to continue to support the Town's overall vision for the school property. Mr. Schmitt also stated that he would like to use the summer of 2017 as a transition period and target the summer of 2018 as the "roll out", a new approach and a new effort. Mayor Lyerly thanked Mr. Schmitt and the committee for all their efforts.

Mayor Lyerly called upon Melynda Pepple with the Avery County Chamber of Commerce. Ms. Pepple presented and recapped the surveys that were conducted at the two art festivals held this summer. She noted that the festival held on the 3<sup>rd</sup> weekend in August is the most popular for their vendors and it draws in more crowds, partly due to parents bringing their children to Lees-McRae to move in. Ms. Pepple also noted that people attending the Blowing Rock Festival also come to theirs. She is requesting Council to continue to support and approve the dates for 2017 for the Avery County Chamber of Commerce Fine Art & Master Crafts Festivals; July 14-16, 2017 and August 11-13, 2017.

Discussions commenced among Council Members, Art on the Greene Committee and the Avery Chamber of Commerce regarding the formation of a "working group" committee, who would serve on this committee and ways to achieve the support of the school property, the community, vendors, and these summer events. Council Member Lecka motioned to move forward with forming a committee and that the schedule for 2017 remain as requested by the two groups. Council Member Dunn seconded the motion. Mayor Lyerly asked if there was any further discussion. All were in favor of the motion. No one opposed.

### **Mill Pond Sidewalk Extension**

Mr. Owen introduced Teresa Buckwalter with Destination by Design, the firm heading up the Mill Pond sidewalk extension project. She reported that her firm has been privileged to work with several communities in Ashe, Avery and Watauga Counties along with the National Park Service. She noted that her firm does a lot of greenway planning as well as downtown work and is happy to be working with Banner Elk. Ms. Buckwalter stated that the sidewalk project is only 875 linear feet, but it is critical in connecting downtown to the Mill Pond, the boardwalk and larger greenway. She presented to Council a slide presentation showing the beginning of the project and end. Ms. Buckwalter noted that a good portion of the project is located in the flood way for Shawneehaw Creek for which they will have to submit a no adverse impact certification. Ms. Buckwalter reported that they met with DOT on site and went over the crosswalk situation, moving the pedestrian sign, fencing, retaining wall, etc. She went over several of the design issues, design alternatives and construction document details that they are working with. There were discussions regarding curb and gutter, guardrail, pedestrian crosswalk, using pavers to mark the walkway in front of Lees-McRae's parking area, the rock outcrop, etc. Ms. Buckwalter reported that they worked on the estimated construction cost in relation to comparable projects that they worked on and used the contractor's bid price as the Town's cost of \$159,308 +/- with a

contingency in place. She noted that the construction document package is at the submittal phase which has been submitted to DOT and the Town of Banner Elk for review along with the Encroachment Agreement for the adjacent properties. Questions were asked and there were discussions regarding the Encroachment Agreement, the adjacent property owners and defining their property, and approximate cost of the retaining wall and seven posts (\$700 each) to separate the houses from the sidewalk. Mr. Owen reported on the time frame for this project. He noted that as soon as the submittal phase of construction documents is complete, permits are obtained and we receive approval from DOT, the Town will put it out for bid. Once the Town gets prices in, it will come back before Council with the costs and hopefully construction can begin in the spring of 2017. Mr. Owen also noted that there are time restraints in regards to the easements with the property owners. Mayor Lyerly thanked Ms. Buckwalter for all the work, the presentation and noted that the Town is excited. Ms. Buckwalter stated that it will be a great link to downtown. No action was required from Council.

### **Cycle NC “Mountains to Coast” Bike Ride**

Mr. Owen reported that this event has publicly been announced and that the ride will begin in Banner Elk on October 1<sup>st</sup>. He stated that the “leisure” ride is promoted by the NC Division of Tourism and their goal is to have small communities spotlighted across North Carolina. There will be approximately 1,200 cyclists participating in this event. This event was held previously in Banner Elk, but it utilized Lees-McRae campus. This event falls on the same weekend as their homecoming. Mr. Owen pointed out and outlined to Council the Event Site Plan which lays out how the group of cyclists will be using Town property. Many people will be arriving Friday, September 30<sup>th</sup>, spending two nights and will utilize a substantial part of the Town, the main parts being the band shelter (concert being held on Saturday evening which is open to the public), the vacant lot on Culver Street, camping in the park, the school property for parking of RV’s on Saturday night, the school gymnasium for overnight accommodations, etc. He noted that there will be “welcoming tents” set up by the TDA and Banner Elk Chamber of Commerce, a shower truck, support vehicles; all mapped out on the Event Site Plan. Mr. Owen stated that this will be a large event for Banner Elk which will spotlight the area, businesses, local vendors, etc. Attorney Eggers stated that all attending will be subject to the Town’s noise ordinance and he suggested setting hours for the camping event, so that the Town will have a precise time when those attending can start setting up and taking down on Sunday. Council Member Tufts motioned to approve the location on the Event Site Plan for camping in the Town park on Friday, September 30<sup>th</sup> at noon through Sunday, October 2<sup>nd</sup> at 6:00 pm. and to put out a notice on the Town’s Code Red system for its residents. Council Member Lecka seconded the motion. All were in favor. No one opposed.

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

Mr. Owen reported that the elk area is moving along and the masons hope to have the rock wall completed by the end of the week. He noted that the flagpoles and lights should be going up the following week.

Council Member Bolick reported on the golf tournament which will be held on Monday, September 12<sup>th</sup>. He stated that they have a great team of volunteers lined up, there are 25 teams (100 players), currently 26 hole sponsors, Lowes Foods will set up their tents in the morning, all prizes and the silent auction are covered, etc. He noted that everything is coming together.

Council Member Bolick reported that the matching grant sign is up in front of the school. It is marked off at \$5,000 and we are currently up to \$6,662. It is growing.

Council Member Bolick stated that the Book Exchange is growing and doing a lot of nice things for the community. He encouraged everyone to come by on Saturday, September 10 at 2:30. Becky Alghrary-McRee will be at the Book Exchange to talk about her new book. He noted that they have good crowds attending the author series.

Council Member Tufts reported that Art on the Greene had its final show of the year over Labor Day weekend. He stated that it was a success and the weather was great. He noted that several of the vendors donated some of their artwork for the golf tournament's silent auction.

### **Call for Public Hearing, Sign Ordinance Amendment**

Cheryl Buchanan reported that the Planning Board has worked for months on re-writing the sign ordinance. She noted that the Supreme Court has ruled that city ordinances should not be content based which made it hard to modify sections of the ordinance. Ms. Buchanan stated that they have eliminated excess from the previous ordinance and Attorney Eggers has also reviewed it. The Planning Board is requesting Council to call for a public hearing. Council Member Tufts motioned to call for a public hearing at October's meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Call for Public Hearing, Preserve America Committee Amendment**

Cheryl Buchanan reported that the Preserve America Committee was established to review projects in the Heritage Overlay District (formerly the Historical Overlay District). She noted that the Planning Board serves the same purpose and having both boards or committees is redundant. This amendment requires a small change to the ordinance and the Town Code. The Planning Board requests Council to call for a public hearing to make the appropriate changes to the two documents. Council Member VonCanon motioned to call for a public hearing at October's meeting. Council Member Tufts seconded the motion. All were in favor. No one opposed.

### **Consider Tax Releases**

Cheryl Buchanan reported that there are four tax releases:

1. Baron Banner Elk, LLC                      \$2,279.98 (should be exempt; now belongs to the Town)
2. Reid's Café & Catering Co.              \$ 54.02 (not in Banner Elk's taxing jurisdiction)
3. BlueberryRoost.com                      \$ 95.70 (business never opened)
4. Trimarc Financial, Inc.                    \$ 896.76 (incorrect value; will be rebilled)

Council Member Dunn motioned to authorize the tax releases. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Manager's Update**

Mr. Owen reported that included in Council Member's packet are the police report, planning, zoning, tax collection report and the financial report for 2 months ending 8/31/16. Also attached is a draft copy of the September 2016 Planning Board Meeting Minutes and July 2016 High Country ABC Board Meeting Minutes. Mr. Owen noted that if there were any questions regarding these reports to let him or staff know.

Mr. Owen stated that the High Country Council of Governments' dinner will be held Friday, September 9, 2016 at Linville Ridge.

Mr. Owen stated that the High Country Municipal Association meeting will be held on October 13, 2016 at Seven Devils.

Mr. Owen stated that the annual North Carolina League of Municipalities' meeting will be held on October 23 through 25, 2016 in Raleigh. He noted that September 23<sup>rd</sup> is the end date for registration.

Mr. Owen reported that the sewer line clean out project began last week. Jammco is doing an excellent job and progress is being made. There were places in the system where they cleaned the line several times with multiple different jetting heads using different camera angles. He noted that Jammco has come down from Sugar Mountain to Dobbins Road corner, worked on the Mill Pond line towards the sewer plant and due to the weather, will finish up the lines in front of several property owners on Highway 184 and saving in Town for the end of the project. Mr. Owen stated that he is looking forward to viewing the video.

Mr. Owen reported that the road washout on Old Turnpike Road has been repaired. Gilliam Construction did an incredible job in just a few days' work.

Mr. Owen shared with Council remarks and a few photos from George Wright, whose daughter's wedding reception was held in the Town park. Mr. Wright thanked Council for being able to use the park to hold this special event. It was a success. His only comment was regarding handicapped accessibility. Mr. Owen noted that it was a great first experience for the Town and a learning experience (i.e. number of people; access for emergency vehicles, time of day, etc.).

At 7:43 p.m. Council Member Bolick made a motion for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for coming.

Council returned to open session at 8:27 p.m.

### **Other Business**

Council Members discussed the upcoming golf tournament to be held at Elk River Club. Council Member Bolick handed out packets for each member and went over the time schedule for the event; setting up begins at 9:30 a.m. and a projected time of 4:00-4:30 when players will be coming off the course. He noted that there will be a cash bar this year (wine and beer only). Council Member Bolick stated that the silent auction will be opened up to the Elk River members. There are a lot of high ticket items for the auction which will help a lot in regards to raising money for the school. After going over the times and events, Council Member Bolick concluded that following dinner, awards and silent auction, the event should come to a close around 6:00.

There being no further business, at 8:37 p.m. Council Member VonCanon motioned to adjourn the September 2016 Town Council meeting. Council Member Tufts seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 8:37 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: October 10, 2016