

# BANNER ELK TOWN COUNCIL

**September 11, 2017**  
**MINUTES**

The Banner Elk Town Council met Monday, September 11, 2017 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, Robert Tufts and Charlie VonCanon. Allen Bolick 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 September 2017 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.

*Attorney Eggers introduced Josh Coffey to Council. Mr. Eggers stated that Mr. Coffey is a new attorney with their law firm. He recently passed the North Carolina bar and graduated from Appalachian State University and Campbell Law School. Mr. Eggers stated that Mr. Coffey wanted to come this evening to get a feel for local government.*

## **Public Hearing – Proposed Amendment to Sign Ordinance**

Mayor Lyerly opened the public hearing at 6:02 regarding the proposed amendment to the sign ordinance. Cheryl Buchanan reported that the Planning Board is proposing two changes to the sign ordinance: halo lettering and open flags. Ms. Buchanan noted that halo lettering was introduced to the Town when Sorrento's requested its use for their signage. Lights are located behind the lettering which gives off a softer, presentable, halo appearance. The lettering was well received by the Planning Board and it is now requesting Council's approval. Ms. Buchanan stated that the second change involves ornamental flags. The Planning Board recommends that all businesses and residences be permitted one ornamental flag. The size (3 ft. x 5ft.) would remain the same. Council Member Dunn stated that upon reading the ordinance he noted that State and Local flags are exempt. He asked if then two flags could be present at a single location; one government and one ornamental. Ms. Buchanan confirmed his question. Attorney Eggers explained further that the only two flags exempt were the United States flag and the NC State flag. If someone wishes to fly a service flag (i.e. marine corps.) that would count as their ornamental flag. Council Member VonCanon thanked Cheryl and the Planning Board for working on this sign ordinance again. He noted that it has gone through a lot of changes and modifications. Since there were no further questions or comments, Mayor Lyerly closed the public hearing at 6:06 p.m.

### **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the August 2017 Town Council Minutes. Council Member VonCanon motioned to approve the August Town Council Minutes as written. Council Member Tufts 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 2017 agenda. Council Member Dunn motioned to approve the September 2017 agenda as presented. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **Public Comments**

There were no public comments.

### **Consider Sign Ordinance Amendment**

Mayor Lyerly asked if there were any further questions regarding this amendment following the public hearing. Council Member Dunn motioned to approve the sign ordinance amendment as presented. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

### **Art on the Greene Presentation**

Mayor Lyerly called upon Kimberly Tufts. Ms. Tufts distributed a summary sheet of the 2017 Art on the Greene sales and expenses report. She called Council's attention to the "artists attending" figures. For all three shows in 2017, there were 105 artist applicants and in 2016 there were 79. The committee was pleased with the increase in attendees and the attendees appreciate the Town's hospitality. Ms. Tufts reported that Art on the Greene has grown since its beginning in 2015 when the event made \$15,454.00 and in 2016 its net balance was \$20,072.00. With pride she noted that the total monies received for the 2017 three events totaled \$29,781.17. Ms. Tuft stated that presenting this news she asks Council to consider how we effectively move forward in 2018; encouraging more people to join the committee's efforts so that Art on the Greene will continue to grow and be profitable and beneficial to the Town. She noted that another item for Council's consideration is the need for a new director, which she currently holds. She went over the work involved in coordinating the events, working with the vendors, the Town, etc. Mayor Lyerly stated that Kimberly Tufts has done such a wonderful job, volunteering her time and the fruits of her labor is shown in Art on the Greene's growth and proceeds for the Town. Council Member VonCanon noted that the vendors of Art on the Greene also contribute to the Town's silent auction event. Council Member Tufts also stated that all the vendors have noted and complimented the work done at the Historic Banner Elk Elementary School. They feel a part of the ongoing project. Mr. Owen reported to Council that it should be noted that the first two payments which the Town made to the County have been totally funded through fund raising and the efforts of individuals like Kimberly and Robert, Allan, private individuals, matching grants, etc. without having to use any tax payer dollars. He noted that it is important to the community, local papers, etc. to get the word out on how the debt is being paid.

### **International Walk to School Day**

Mayor Lyerly called upon Ted Silver. Mr. Silver thanked Council, the Town and Town Manager for their support to biking and walking activities that go on throughout the Town. He read aloud the Proclamation Declaring October 4, 2017 International Walk to School Day. Council

Member Tufts motioned to accept the proclamation. Council Member Lecka seconded the motion. All were in favor. No one opposed. Mr. Silver thanked Council. He also noted that the Banner Elk Elementary School now has an on-campus mountain biking course due to the efforts of Cycle for Life and Doug Owen. Mr. Silver stated that Doug Owen is starting the same program at Riverside Elementary School. At these two schools, he will conduct a “bike day” hosted by the Avery County Cycling Club in which children of all ages along with the public will have a structured opportunity for racing and instructing them on how to handle a mountain bike. Mr. Silver also thanked the Town for a successful fund-raising campaign towards the public bike stand and repair pump station for the Corner on Main. Funds are still being raised and he is hoping that they will be able to purchase the equipment soon, ready to install. There was discussion on the placement and setup of the bike stand and repair station.

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

Mr. Owen reminded Council of the golf tournament which will be held on Monday, September 25, 2017 at Beech Mountain Club. This is a fund-raising project which will help benefit the Historic Banner Elk School.

Mr. Owen reported that half of the hallway project is completed and work on the other half has been scheduled. Ensemble Stage has already scheduled their fall and winter programs. They noted that they had a great summer season.

Mr. Owen stated that this past weekend the Greater Banner Elk Heritage Foundation had its quilt show. They were able to use the gymnasium, hallways and Book Exchange which turned out to be a success.

### **Consider Scheduling a Meeting to Discuss the MAPS Report**

Mr. Owen stated that he would like Council to consider scheduling a meeting to discuss the MAPS report. The report updated the Town’s job classifications and pay plans based on the labor market. He noted that when Becky Veazey with the MAPS Group came to report on their findings, two Council Members were absent. Mr. Owen asked if Council felt a need for her to return to go over the report again. Council Members all agreed that they read through the report and there wasn’t a need for her to come back. Mr. Owen stated that he and Staff would like Council’s recommendations based on the report. He also noted that Council Member Bolick gave him a list of dates in that he would be available. After discussion, Council Members all agreed to meet on Wednesday, October 4<sup>th</sup> at 5:00 p.m.

### **Manager’s Update**

Mr. Owen stated that included in Council Member’s packets are the police report, planning, zoning, tax collection report and financial summary report for two months ending 8/31/17. Also attached is a copy of the June 8 and July 13, 2017 High Country ABC Board Meeting Minutes. Mr. Owen stated that if there were any questions regarding these reports to let him or the staff know.

Mr. Owen reported that the sidewalk project, the sidewalk extension from the caboose to the Mill Pond, was awarded to Gilliam Construction. The time for completion is the week prior to the Woolly Worm Festival.

Mr. Owen noted that Well #5 is back on line. Everything has been working properly since the check valve was replaced.

Mr. Owen stated that the brick for the post outside of the Chamber of Commerce has been selected. The contractor is ready to proceed with the reconstruction.

Mr. Owen reported that repairs to the Town Hall building will begin this week. Much of the siding will need to be replaced and the entire building will be painted. Council Members all agreed that the color should remain the same. Mr. Owen also noted that Tony Hunter has been contracted to cut down several large trees in the park.

Mr. Owen stated that the culvert replacement on Chime Hill is out for bid. Bids are due September 14<sup>th</sup>.

In regard to the Corner on Main, Mr. Owen stated that money has come in for the flag pole and another bench. We will be meeting with the facilitator of that project to discuss how we can pull several of the pieces together for that area.

Attorney Eggers stated that at last month's meeting he reported that the Town was auctioning the property of Rafael Diaz Trust which is lot 4, phase A1 in the Crooked Creek subdivision on Dugger Drive. The Town was the high bidder and is now the owner of that property. Mr. Eggers advised Council to make a motion declaring the lot surplus property and allow he and Mr. Owen to place the property back on the market for sale. He noted that it can be handled in several ways. One way would be to go through another auction; a negotiated bid or upset bid process or the easiest method would be to list the property for sale on the GovDeals.com web site. Mr. Eggers reported that previously a resolution was approved by Council which allowed surplus property to be sold in this manner. The resolution states that before listing real estate it must be brought before Council for action. Council Member Lecka motioned to declare the lot in Crooked Creek a surplus property and list the property for sale on the GovDeals.com web site. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mr. Owen noted that he would be out of the office next Thursday and Friday, attending the North Carolina League of Municipalities' annual meeting.

Mayor Lyerly thanked everyone for attending.

At 6:36 p.m. Council Member VonCanon motioned for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Tufts seconded the motion. All were in favor. No one opposed. Mayor Lyerly thanked everyone for coming.

Council returned to open session at 6:51p.m.

**Other Business**

There being no further business, at 6:52 p.m. Council Member VonCanon motioned to adjourn the September 2017 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 6:52 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: October 9, 2017