

BANNER ELK TOWN COUNCIL
September 14, 2020
MINUTES

The Banner Elk Town Council met Monday, September 14, 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, Allen Bolick and David Lecka.

Staff present: Town Manager Rick Owen, Cheryl Buchanan, Chief Kevin Hodges, Justin Hodges and Attorney Jonathan Green.

Others present: Dale Schepers, Ted Silver, Fred Schmitt, Avery Journal.

Call Meeting to Order

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

Public Hearing – Public Input: System Development Fee Report

Mayor Lyerly called for a motion. Council Member Bolick motioned to open the public hearing. Council Member Lecka seconded the motion. All were in favor. No one opposed. Mr. Owen reported that this item was discussed at last month's Council meeting. The Town hired Dale Schepers with McGill and Associates to conduct the System Development Fee Analysis. He noted that Mr. Schepers presented the report to Council last month. We've now had a 45-day public comment period and are currently holding a public hearing regarding this report. Mr. Owen stated that there have been no public comments or questions and that notice had been posted on the Town's web site regarding the report. Mayor Lyerly asked if there were any questions regarding the report. There being no questions or comments, Mayor Lyerly closed the public hearing at 6:03 p.m.

Mayor Lyerly introduced Attorney Jonathan Green and thanked him for being with us during this meeting.

Approval of the Regular Meeting Minutes

Mayor Lyerly asked for a motion to approve or amend the August 10, 2020 Regular Meeting Minutes. Council Member Lecka 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 Tufts seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

System Development Fee Analysis Report

Mr. Owen reported that there are two key items which are important that came out of the report. One of which after adoption and acceptance of the report, Council will need to entertain changing the Town's fee schedule to represent what the report reflects. He noted that he does not have a recommendation at this time. Mr. Owen stated that he has discussed this matter with Dale Schepers and Dale has given him a good calculator to try and calculate the Town's fees. He noted that the Town's current rates are easily justifiable by the report, but he also believes the report indicates that the Town needs to adjust its rates accordingly. Mr. Owen reported that he will discuss this in more detail with Dale and will get back to Council at next month's meeting with a proposal to change the rates. He noted that during the ten years he has served as Town Manager, there have been no increases in the Town's system connection rates. Mr. Owen reported that on page 6 in Council's packet there are references to two capacity related capital improvements. One is an additional secondary clarifier at the wastewater treatment plant and the second is a property purchase for adding a new well. He noted that Dale included in his report not only the purchase of the new well site but also the infrastructure in building the well site. Mr. Schepers reported that the system development fees are based on the cost of capacity so that cost includes the future items that are capacity related; the two items Mr. Owen reported on (capital improvements). They are included in the calculation. Mr. Schepers noted that in moving forward the value of the infrastructure has more bearing on the debt the Town currently has and the items that are needed in terms of capacity related capital projects. Mayor Lyerly asked if there were any questions. She then asked for a motion. Council Member Tufts motioned to accept System Development Fee Analysis Report. Council Member Lecka seconded the motion. All were in favor. No one opposed.

ABC Store Audit Report

Sara Brewer reported that total gross sales for fiscal year ending June 30, 2020 were \$4,061,584 (11.7% net income) compared to \$3,649,579 (11.3% net income) on June 30, 2019. She noted that each of the three towns received \$120,000 plus a bonus check of \$20,000 and local law enforcement received \$27,558, which goes to the three police departments and our part-time ABC Police Officers. Ms. Brewer stated that ABC Board distributed \$25,592 to Avery County's alcohol education program and reviewed the several programs that this money is being extended to. She also reported that as of December 1, 2020 she will be retiring after 39 years of service with the High Country ABC System. Mayor Lyerly thanked Sara for the report and her years of service.

Annexation Request – 1194 Balm Highway

Mr. Owen reported that Joe and Lori Pope Rosso presented to the Town a petition for a non-contiguous annexation for a parcel of land located at 1194 Balm Highway. He noted that it would be appropriate for Council to direct the clerk to certify the petition at which time it would come back to Town Council for consideration. Mr. Owen stated that the property is just over 11 acres. If annexation moves forward, Council may want to consider whether the Town wants to annex all of the property or just the portion of the property needing Town water and sewer services. Mayor Lyerly called for a motion. Council Member Tufts motioned to direct the Town Clerk to certify the petition. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Speed Radar Signs

Police Chief Kevin Hodges reported that in Council's packet is information and specifications on the Evolis Radar Speed Sign which the police department is interested in purchasing. He noted that the department has received several citizen complaints speeding in neighborhoods and Town streets. A patrol vehicle can be placed in an area which has received these complaints but typically upon seeing a patrol vehicle, people slow down. Chief Hodges stated that these radar signs would be operational 24 hours a day, seven days a week and would allow us to use the data collected from the machine (i.e. average speed, high speeds and low speeds). He noted that these are solar-powered. He went over several of the features. Mr. Owen provided some background information leading up to the need for these speed signs. He also reported that these signs display the speed to the driver and a message to them about their speed. This gives drivers instant feedback and also gives the police department a count of the number of vehicles going in both directions and the speed of the vehicles. Chief Hodges noted that this radar speed sign comes with a software package which can store up to 1 million vehicle data in memory. The software can also be downloaded into a graph/spreadsheet. There was discussion about placement of the units, size of the sign, etc. Mr. Owen noted that there is no budget amendment in the packet, but there is money available under "supplies and materials". If Council would like to move forward with the purchase of two speed radar units, a motion will be required and a budget amendment will be put forth at next month's meeting. Council Member VonCanon motioned to approve the purchase of the radar speed signs. Council Member Dunn seconded the motion but questioned the Town's sign ordinance and how these speed signs would apply. Mr. Owen noted that there would be immunity to the Town for a sign related to safety. Attorney Green also noted that it is a public safety issue. All were in favor of the motion. No one opposed.

Budget Amendment – CARES Act Funding

Mr. Owen reported that this budget amendment is to account for the monies coming from the CARES Act by way of the County. Some of the money was required to be reimbursed to individual towns. He noted that the total amount of money made available to the Town of Banner Elk for COVID related expenditures is \$63,194.33. Mr. Owen asked Council to approve the budget amendment recognizing these funds as revenue to the General Fund and two expenditure line items for departmental supplies and capital equipment. Mr. Owen noted that the Town has spent just under \$5,000 to date. Mayor Lyerly asked for a motion. Council Member VonCanon motioned

to approve Budget Amendment #20200914. Council Member Bolick seconded the motion. All were in favor. No one opposed.

Request to Subdivide Property

Cheryl Buchanan reported that Robert Collett approached the Town regarding subdividing property at the Farm formerly referred to as “The Farm Acreage North” to create Lot 48 consisting of almost 2 acres. Mayor Lyerly asked if there were any questions. Council Member Tufts noted that per the Planning Board Meeting Minutes, there was a question regarding the steepness of the slope on the property. Ms. Buchanan stated Lot 48 is less steep and is actually better than Lot 47. Mr. Owen added that the Planning Board questioned why the property hadn’t been subdivided before and that was one of the hesitations the Board had. Mr. Collett provided Cheryl with a copy of a plat which showed they had intended to subdivide and develop the property with the exception of, at the time, left it open with the possibility of adjoining additional property that might come for sale at a later date. Council Member Lecka motioned to approve subdividing the property. Council member Dunn seconded the motion. All were in favor. No one opposed.

Manager’s Update

Mr. Owen noted that included in Council’s packets are two Financial Summary Reports for July and August, 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 attached is a draft copy of the Planning Board Meeting Minutes for September 8, 2020 and a copy of the Banner Elk Tourism Development Authority Update for September 2020.

Mr. Owen reported that in regard to the TDA, there was a large decrease in occupancy tax revenue during March, April and May. Funds were made available through the CARES Act to help reimburse the TDA for funds they had lost during those months. Mr. Owen noted that the maximum you could get was \$35,000. Banner Elk was eligible for \$29,000. This money will be spent on advertising opportunities. It was dictated how the money could be spent. Mr. Owen noted that also attached to the report is the Town of Banner Elk Occupancy Tax Collections report by month to date over the past 3 years (2019, 2020, 2021). He noted a significant increase in collections in July of this year due to the large number of people here in Town.

Mr. Owen stated that the Town has reopened the restrooms in the park and the playground due to the Governor’s new order relating to COVID and the change to occupancy of outside gatherings. Picnic shelters are also being reserved again.

Mr. Owen reported that money received from the CARES Act has been used for cleaning supplies, personal protective equipment and additional emergency sick leave that the Town was required to offer to our employees (an additional 80 hours between mid-March until December 30th). He noted that we have had a few employees take advantage of the time off and it is his intention to reimburse the Town for any sick leave that was related to COVID related leave. COVID related leave does not indicate we have staff that had COVID. Mr. Owen stated there are multiple reasons you can use the leave related to COVID. In turn he would like to use these reimbursement funds to pay overtime to employees who are trying to catch up with projects.

Mr. Owen reported that another expenditure he would like Council to entertain is a large expenditure that a lot of towns are buying into are electric information signs. Avery County has several regarding the 3 W's and safety issues. The purchase of these signs would be covered under the CARES Act funding which is a way to communicate caution and warnings to the public. Mr. Owen stated that Chief Hodges is looking into a smaller sign; a 4 x 8 LED trailer mounted sign. He noted that it is a little more manageable for our small Town and lower speed limits. It would be used not only during this COVID period, but when this is over, it could be used for special events, special announcements, emergency notifications, etc. Mr. Owen reported that the sign is approximately \$13,000 and is looking to Council to see if this type of expenditure is appropriate. There was discussion regarding the appearance of the sign and the use of the sign (i.e. in emergency situations and only when needed as in advertising for an event). Mr. Owen stated that he will get photos and get more feedback. Attorney Green noted that under Section 607 of the Zoning Ordinance, #6 exempts government signs, which specifically mentions traffic signs and #9 legal and warning signs, specifically warning people about danger. He noted that he will discuss with Four Eggers, but doesn't see any problems with either the speed sign or the sign currently under discussion.

Mr. Owen reminded everyone again and the Avery Journal about the census. We're quickly running out of time to get people counted. He reemphasized the importance of filling out the census.

Mayor Lyerly asked Chief Hodges about the animal complaints listed on his report. She asked if these were recurring. Chief Hodges noted that they are generally bear complaints.

Attorney Green stated that it was an honor to attend Banner Elk Town Council's meeting and that it was a very well-run meeting.

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

At 6:57 p.m. Council Member Tufts motioned to adjourn the September 2020 Town Council meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 6:57 p.m.

Mayor Brenda Lyerly

Attested

Approved: October 12, 2020