

# **BANNER ELK TOWN COUNCIL**

**October 9, 2017  
MINUTES**

The Banner Elk Town Council met Monday, October 9, 2017 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

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

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 October 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.

## **Approval of the Minutes**

Mayor Lyerly asked if there was a motion to approve or amend the September 2017 Town Council Minutes. Council Member Tufts motioned to approve the September 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 stated that she would like to add an item to the agenda; to consider a proclamation. Council Member Dunn motioned to amend the October 2017 agenda by adding Item #6. Council Member Lecka seconded the motion. All were in favor. No one opposed.

## **Public Comments**

Mayor Lyerly recognized Jim Swinkola. Mr. Swinkola stated that he was here to represent the Kiwanis Club of Banner Elk. He stated that in 2018 the Kiwanis will be celebrating their 50<sup>th</sup> anniversary and that the Banner Elk Chamber of Commerce has named the Kiwanis to be the Grand Marshall in the 4<sup>th</sup> of July parade in 2018. Mr. Swinkola noted that the Kiwanis' signature project is approaching; the Woolly Worm Festival. This year will mark year number forty. Mr. Swinkola also noted that on October 20<sup>th</sup>, the grand opening of the Eagles Nest Market Place will take place. Mr. Swinkola introduced Gary Butler who is the representative of the High Country Charitable Foundation which has raised over \$270,000 that has impacted Avery County. Mr. Butler thanked the Town of Banner Elk for their support and presented Allen Bolick with a \$5,000 check towards the Historic Banner Elk School and hopes it will be of good use. Council Member Bolick thanked Mr. Butler for the Foundation's generosity and noted that the Historic Banner Elk School could not exist without people like you.

### **ABC Store Audit Report**

Sara Brewer reported that the ABC store has done very well. For the fiscal year ending June 30, 2017, the total gross sales were \$3,219,747 an increase of \$280,874 from last year. She noted that \$757,168 was paid out in taxes. Ms. Brewer stated that the store has a part time law enforcement officer who is paid \$20,512 a year. He is available when needed at the store, does inspections at our area's permitted restaurants to make sure they are working in compliance with state rules and has conducted RASP (Responsible Alcohol Seller Program) training in the area. Ms. Brewer reported that \$16,482 is paid to Avery County for alcohol education within the school system. The funds went to Western Youth Network for curriculum taught in the two middle schools and to Mary Haugh, who is involved in Rise Above the Norm, an alcohol abuse program. Ms. Brewer stated that the ABC Board also distributed \$85,000 each to the three towns (Banner Elk, Seven Devils and Sugar Mountain). She stated that since 1998, when the High Country ABC Board was founded, it has distributed to date \$3,972,502 to the three towns. Ms. Brewer reported that the board's profit in net income to total sales came to 10.08%. She gave Mr. Owen a hard copy of the audit and a one time-bonus check in the amount of \$10,000 which is above the \$85,000 distribution. Mayor Lyerly thanked Ms. Brewer for the informed report and for the \$10,000

### **National Register Listing of the Historic Banner Elk School**

Mayor Lyerly reported that the former Banner Elk School was listed on the National Register on September 18<sup>th</sup>. The Greater Banner Elk Heritage Foundation facilitated the listing with a grant from Frank Bragg to hire a consultant to help with the process. Mayor Lyerly recognized Judy Hilsmeir with the Greater Banner Elk Heritage Foundation who also helped with this process. Mayor Lyerly noted that it would be appropriate to have a plaque on the school indicating this listing even though the Department of the Interior has no formal requirements. She read aloud two suggested examples: *This property has been listed in the National Register of Historic Places by the United States of the Interior.* OR *The Banner Elk School has been listed in the National Register of Historic Places by the United States Department of the Interior.* Mayor Lyerly stated that Council will need to determine what the plaque needs to say and where to place it. She congratulated the Town of Banner Elk and the Greater Banner Elk Heritage Foundation. Judy Hilsmeir thanked everyone involved with this project. She noted that it wasn't an easy task because of the time periods involved in the construction of the school, but all are very happy with the outcome. Council Members agreed on using the word *property* in the statement, that it be placed at the front door and the Town Manager to determine its size and the details.

### **Stormwater Mapping Project Presentation**

Mayor Lyerly called upon Jessica Welborn to deliver her report. Ms. Welborn stated that she is a GIS Planner with the High Country Council of Government and has worked with them for ten years. She noted that several years ago she mapped water and sewer for the Town of Banner Elk. The High Country of Governments was awarded a 205(j) grant from the NC Department of Environmental Quality to map the entire stormwater system within the Town limits. Ms. Welborn noted that the project took place from April 2016 through August 2017. She presented to Council and those present a visual presentation of the mapping project. She stated that the mapping followed a similar methodology as the water and sewer. The project involved stormwater infrastructure (i.e. mapping grade collections of all inlets and outlets, measurement, depth and diameter of all culverts, visual conditions were accessed, sedimentation occurrences, etc.) among private and public properties. Ms. Welborn noted that the Town has full use of the water system data, street light data and all sewer system data in the license that the Town has. She reported that

the goal is to have a special data base to better manage the systems and plan for any capital improvements that need to be done. It also designates all state roads, town roads, private roads, etc. and the conditions that exist in the system on each. Council Member Tufts asked if this project included the new stormwater vault system. Ms. Melborn noted that it was captured as well. She reported that Mr. Owen will have access to all this information through a software package that her office compiled.

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

Council Member Bolick reported that the hallway project is almost complete. The floors, walls and ceiling have been refurbished, new lighting installed, etc. He noted that they are anticipate opening the doors either this Wednesday afternoon or Thursday morning.

Council Member Bolick reported that the 2017 golf classic was held at the Beech Mountain Club on September 25<sup>th</sup> and it was a great success. He noted that it goes without saying that it couldn't have taken place without the hard work from everyone involved and all the volunteers. The main sponsor for the tournament was Eagles Nest and co-sponsors were: Kidder Construction, Eggers Construction, Steve Cuff Construction, Wheels Construction and Friendship Genesis in Johnson City. Council Member Bolick reported that the silent auction raised \$5,585, the raffle drawing raised \$4,455 and the golf tournament raised approximately \$34,742 for a grand total of \$44,782. He noted that next year (we always need to plan ahead) the tournament will be held at Beech Mountain Club on September 24, 2018.

### **Budget Amendment Request**

Mr. Owen stated that the Town had a piece of safety equipment that was budgeted for in the last fiscal year. It was ordered last fiscal year, but the Town received it this past month. Mr. Owen requested that Council re-appropriate the funds for this equipment in the amount of \$4,000 and asked them to approve the budget amendment to account for the expenditure in this fiscal year's budget. Council Member Tufts motioned to approve the budget amendment. Council Member Dunn seconded the motion. All were in favor. No one opposed. Council Member VonCanon asked Mr. Owen about the piece of equipment. Mr. Owen noted that the it is a portable trench box. It is 3 x 5 in size, extends to a width of 30" to 54" and will be used when repairing water and sewer lines. This piece of equipment can be moved by two men and placed in a pick-up truck.

### **Consider Proclamation, National Red Ribbon Week**

Mayor Lyerly stated that she received a letter from the Young Marines, a national youth organization. She noted that October 23 through the 31<sup>st</sup> is National Red Ribbon Week which supports the battle against illegal drugs and educating the public on drug abuse. Mayor Lyerly stated that the Young Marines would be honored if the Town would recognize National Red Ribbon Week by declaring a proclamation. She read the letter and proclamation to Council and those in attendance. Council Member Bolick motioned to approve the proclamation. Council Member Lecka seconded the motion. All were in favor. No one opposed.

### **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 three months ending 9/30/17. Also attached is a copy of the August 17, 2017 High Country ABC Board Meeting Minutes and the October 2017 Planning 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, is going well. Contract completion is through this Friday. It will be completed for the Woolly Worm Festival.

Mr. Owen stated that the Chime Hill culvert replacement was put out for bid. The Town awarded the bid to Eggers Construction and they hope to get started on the project soon.

Mr. Owen noted that the Town budgeted for the replacement of the roof at the older picnic shelter in the park and is hoping to get it completed before winter. It would be replaced with a metal roof. Mr. Owen stated the color of the metal roof on the new shelter is a red/rust color. He asked for Council's opinion. Council Member's agreed on using the red/rust color.

Mr. Owen stated that the siding repair and replacement on Town Hall has been completed and that painting is now underway.

Mr. Owen reported that the Town budgeted for the cleaning of 20,000 additional feet of sewer line. The project will begin following Woolly Worm and will come down from Elkmont, through Town, through the park and then connect to the area near the caboose where they stopped last year. They will proceed to the Vistas, down Old Turnpike to the pump station at Elk River.

Mr. Owen noted that the High Country Municipal Association meeting will be held on Thursday, October 19, 2017 at 6:00 p.m. for dinner and 6:30 p.m. for the meeting. It will be held at Sugar Mountain.

Mr. Owen reported that the Town has identified a sewer line issue. He has been working with David Poore with West Consultants to remedy this problem. Eagles Nest purchased the Sunrise Shopping Center (Bradshaw building). There is a large retaining wall behind the building and a sewer line is underneath the wall. Mr. Owen noted that after research he found no records on who approved the wall or any recorded easements. Basically, the Town owns the problem. The Town has 150 feet of sewer line between manhole to manhole which is over 20 feet deep under the concrete wall. Mr. Owen noted that Eagles Nest is adding and doing more to the existing building and in return are dealing with sewer flow issues. After much discussion with David Poore, he recommended that the Town hire a company to come in and pipe burst the pipe internally without any excavation. The cost to work on the 150 feet is \$25,000. The Town has \$10,000 already in the budget for I and I work which could be spent on this project, but he would prefer asking Council for a budget amendment to make this repair. There were questions regarding the size of the line, liability issues, the grand opening of the building, etc. Council Members agreed that Mr. Owen should proceed with the work to remedy the sewer line issue.

Mayor Lyerly apologized for forgetting to address an issue that should have been taken place under *Public Comments*. She stated that Kimberly Tufts has been director of Art on the Greene for the past several years which has been a profitable event for the Historic Banner Elk School. Mayor Lyerly noted that she is finding it difficult to be an artist in the show and also the director. Ms. Tufts is asking Council to consider being compensated \$6,000 for the work as director for the three art shows held each year. The compensation would come from the money raised at the art shows. Attorney Eggers noted that she would be contracted with the Town to be director of the shows and would receive a 1099 for monies received. He also stated that he spoke with Council Member Tufts before the meeting that due to the relationship with Kimberly he abstains from any voting on this issue. Council Member VonCanon motioned to allow Council Member Tufts to excuse himself from voting. Council Member Dunn seconded the motion. All were in favor. No one opposed. Council Member VonCanon motioned to approve the appointment of Kimberly Tufts as Director of Art on the Greene. Council Member Dunn seconded the motion. All were in favor. No one opposed.

At 6:45 p.m. Council Member Lecka 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.

As the Council Chambers was clearing, an item needed to be addressed under staff reports. Attorney Eggers noted there needed to be a motion to come out of closed session. At 6:50 p.m. Council Member Dunn motioned to come out of closed session. Council Member Bolick seconded the motion. All were in favor.

Police Chief Kevin Hodges addressed Council. He stated that he is wanting to change the appearance of the shoulder patch on the police officers' uniforms. Chief Hodges showed Council the existing or present patch worn and the proposed patch that would have a gold border versus the yellow shown on the picture. He noted that the cost to order 200 patches would be \$350 which would come out of the uniform budget line item. There was discussion regarding the appearance of the elk. Council Members approved of the change to the patch.

At 6:55 p.m. Council Member VonCanon motioned for Council to proceed to closed session pursuant to NCGS 143-318.11. Council Member Dunn seconded the motion. All were in favor. No one opposed. Mayor Lyerly thanked everyone for coming.

Council returned to open session at 7:04 p.m.

### **Other Business**

Council Member Lecka asked if the Town could provide spotlighting at the signs coming into Banner Elk; one at the Mill Pond and the other at Dobbins Road. Mr. Owen noted that there are streetlights near the signs, but he will look into it further.

There being no further business, at 7:06 p.m. Council Member Lecka motioned to adjourn the October 2017 Town Council meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

**Adjourn**

The Town Council meeting adjourned at 7:06 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: November 13, 2017