

BANNER ELK TOWN COUNCIL

February 11, 2019

MINUTES

The Banner Elk Town Council met Monday, February 11, 2019 at 6:00 p.m. at the Banner Elk Town Hall for their regular scheduled meeting.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, Charlie VonCanon, Allen Bolick, David Lecka 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 February 2019 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.

Public Hearing -Zoning Ordinance Amendment, Reasonable Accommodations

Mayor Lyerly opened the public hearing. Cheryl Buchanan reported that this subject is a carryover from last month's meeting. The Planning Board was asked to consider an amendment to the zoning ordinance inserting a section which provides for reasonable accommodations. This will give the Town a tool and help the Board of Adjustment in determining zoning issues related to the NC State Statutes associated with the Americans with Disabilities Act. Attorney Eggers stated that this comes as a recommendation from the School of Government as to something to include in the Town's Zoning Ordinance. It lets the Town develop a better record in accordance with the ADA. Mayor Lyerly asked if there were any questions or comments from the audience or from Council Members. There being no comments, Mayor Lyerly closed the public hearing at 6:02 p.m.

Approval of the Minutes

Mayor Lyerly asked if there was a motion to approve or amend the January 2019 Town Council Minutes. *(The Agenda reflected November 2018 Town Council Minutes. However, the January 2019 Minutes were actually approved.)* Council Member Lecka motioned to approve the minutes as written. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Approval of Stated Agenda

Mayor Lyerly reported that there is one item that needs to be added to the agenda which was just received. Council Member Dunn motioned to approve the amended agenda adding Item #10. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Public Comments

There were no public comments.

Avery County Strategic Plan

Mayor Lyerly noted that Phillip Barrier, Avery County Manager, could not attend this evening's meeting, so Attorney Eggers will present this plan. Attorney Eggers stated that he attended two of the meetings in which this plan was discussed. He noted that the Town of Banner Elk has a strategic plan for what Council wishes the Town to look like in the future, but at this point in time, Avery County does not have a strategic plan. Phillip Barrier is in the process of trying to develop a plan for Avery County with a focus on the next 5-years. Attorney Eggers stated that Phillip Barrier is excited about the prospect of putting together a strategic plan for the entire Avery County. He has produced an input sheet where he has asked the citizens of Avery County and elected officials to state what three goals they would have for the Avery County government and also what vision they would like to see Avery County engage in. Attorney Eggers noted that Mr. Barrier's motto for taking on the role of County Manager has been *Together we are Avery County. So, I am asking Together what is our strategic plan?* Mayor Lyerly asked if the County Manager wants our input just from Banner Elk's portion of the County. Attorney Eggers noted that Mr. Barrier is looking for input County-wide, but specifically it could relate to Banner Elk, but it also should be a County-wide initiative because that is what their focus will be on. Council Member Tufts asked if there was a time frame for our response/input. Attorney Eggers noted that Phillip Barrier stated that this was a rolling project. He believes that Mr. Barrier wants to put together recommendations within the next 60-90 days in order to go to the County Commissioners. Attorney Eggers stated that he wants everyone in the County to fill out one of the surveys. Mr. Owen reported that there is a link on Avery County's web site in which you can view the survey. Mayor Lyerly thanked Attorney Eggers for the report.

Ordinance Amendment, Reasonable Accommodations

Mayor Lyerly stated that earlier we heard the reports from Ms. Buchanan and Attorney Eggers regarding this amendment. She noted that unless there were further questions, she would like a motion to approve this amendment. Council Member Lecka motioned to approve the Zoning Ordinance Amendment. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Consider Ordinance Amendment, Pedestrian Plan

Cheryl Buchanan reported that the Planning Board had a workshop in which was discussed the current Master Streetscape Plan. She noted that 95% of the plan is completed. This plan was adopted in 1999 (20 years old). Ms. Buchanan reported that in 2009 the Town adopted the Pedestrian Plan which is more comprehensive, specifically focusing on sidewalks, greenway trails, traffic flow, etc. One of the recommendations that came from the Planning Board workshop was to change the references in the Zoning Ordinance from the Master Streetscape Plan to a newer model of the Pedestrian Plan. Ms. Buchanan is asking Council to call for a Public Hearing requesting a zoning ordinance amendment. Council Member Tufts motioned to call for a Public Hearing at next month's meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Consider Non-Contiguous Annexation Request

Mr. Owen reported that Mr. William Burns (David) owns property just outside of Town limits across from Dollar General. He approached the Town several years ago about annexation. We went through the annexation process and Council approved of the annexation, but never had the annexation agreement signed by Mr. Burns. Mr. Owen noted that we should redo the process appropriately and have Mr. Burns execute the agreement. He is asking Council to direct the Town Clerk to certify the annexation petition. It will be brought to Council next month for a request for a public hearing for this annexation request. Mayor Lyerly asked Council if everyone agreed to having the Clerk move forward with the process. No motion was needed.

Tax Release

Cheryl Buchanan reported that both accounts, Forrest Old and High Country Hearth, ceased doing business before the January 1, 2018 assessing date. The Town has not authority to tax these business properties since they weren't in business on January 1st. Ms. Buchanan asked Council to approve the tax release on Forest Old in the amount of \$27.00 and High Country Hearth in the amount of \$21.21. Council Member Lecka motioned to approve the two tax releases. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Audit Contract Proposal

Mr. Owen asked Council to consider entering into a new audit contract with Misty D. Watson for next year's audit. He noted that the audit contract and engagement letter are enclosed in Council's packets. The proposal that she is putting forth is the same price as the Town paid for the last two years. Mr. Owen stated that Ms. Watson has taken on a full-time job with Watauga County as Finance Director, but she still wants to maintain some of her clients for audit services if interested. Mr. Owen is interested in keeping her and is asking Council for their approval. Council Member VonCanon motioned to accept the audit contract with Misty Watson. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Equipment Financing

Mr. Owen reported that the Town will be purchasing two pieces of equipment (a new pick-up truck and compact excavator) that Council approved of in this year's fiscal budget and approved to finance the equipment. He noted that he received two financing proposals, one from BB&T and the other from Highlands Union. Mr. Owen distributed a copy of the proposal from Highlands Union and recommend to Council that we accept their loan offer. It is for a \$100,000 loan at 3.70% over a term of four (4) years. He noted that the Town will begin borrowing against it in the next 30-60 days. Mr. Owen asked Council to approve the loan and approve of Mayor Lyerly signing the closing documents when the time is appropriate. Attorney Eggers noted that since Council Member Lecka has a financial interest associated with this loan, it would be proper for him to recuse himself from the motion. Council Member Lecka agreed. Council Member VonCanon motioned to approve the equipment financing. Council Member Bolick seconded the motion. Mayor Lyerly asked if there were any questions. Council Member Tufts questioned why the Town wouldn't purchase the equipment, using the money held in savings versus financing. Mr. Owen stated that the Town could use the money in savings to purchase the equipment, but it is a question of liquidity and how much the Town would want to retain in savings. He also noted that he has recommendations for Council for additional equipment purchases for next year's fiscal budget. Mr. Owen stated that there is no early payment penalty associated with this loan. Mayor Lyerly asked if all were in favor of the motion. Four were in favor. One recused. The motion carried.

Advertisement of Tax Liens

Cheryl Buchanan reported that per the NC State Statutes, the Tax Collector is required to prepare in February a report of delinquent taxes on real property. She noted that the list has been compiled for the 2018 tax year and is being presented tonight to the Town Council. Notices went out to all delinquent taxpayers and they are given 30 days to pay the taxes or their names will be advertised in the March newspaper. Ms. Buchanan noted that no action is required by Town Council. This report is for their information only.

Historic Banner Elk School Project Updates

Council Member Bolick reported that he and his committee are working on the fifth annual Historic Banner Elk School Golf Classic for 2019. It will be held on Monday, September 23, 2019 at the Beech Mountain Golf Club. He noted that their main sponsor will again be the Lodges at Eagles Nest and there will be four co-sponsors.

Consider Board of Adjustment Member Appointment

Cheryl Buchanan reported that she received an application from Morgan Herdklotz to be a member on the Board of Adjustment, which is included in Council's agenda packets. Ms. Herdklotz attended Lees-McRae College, has lived in Banner Elk for 19 years and is a realtor in the area. Ms. Buchanan noted that Ms. Herdklotz currently lives in the ETJ and would be a good addition to the Board of Adjustment. Council Member Bolick questioned if the Town had a policy where the members of the Board of Adjustment are required to take the Board of Adjustment Training Class before sitting on the board. Ms. Buchanan noted that the class is offered but not required per the NC State Statutes. Attorney Eggers stated that Town Council can instruct those serving on Town boards to take the School of Government training offered and he would recommend it because their training is very good for board members. He noted that Council could make it a requirement for those serving on the Board of Adjustment. There were discussions regarding making it a requirement to attend the class especially for the Board of Adjustment within a certain time frame. Council Member VonCanon motioned to approve Morgan Herdklotz as a full time appointee to the Board of Adjustment for the ETJ for approval by the County Commissioners. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Manager's Update

Mr. Owen reported that included in Council Member's packets are the planning, zoning and tax collection reports, police report and Financial Summary Report for 7 months ending 1/31/19. 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 copy of the High Country ABC Board Meeting Minutes of December 13, 2018 and a draft copy of the Planning Board Meeting Minutes of February 4, 2019.

Mayor Lyerly thanked everyone for attending and asked for a motion to go into closed session.

At 6:33 p.m. Council Member Tufts motion 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.

Council returned to open session at 7:49 p.m.

Other Business

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

At 7:49 p.m. Council Member Tufts motioned to adjourn the February 2019 Town Council meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 7:49 p.m.

Mayor Brenda Lyerly

Attested

Approved: March 11, 2019