

**BANNER ELK TOWN COUNCIL MEETING
FEBRUARY 12TH, 2024
MINUTES**

The Banner Elk Town Council met on Monday, February 12th, at 6:00 p.m.

Council Members present: Mayor Brenda Lyerly, Charles VonCanon, Mike Dunn, Robert Tufts and, David Lecka

Staff present: Town Manager Rick Owen, Police Chief Kevin Hodges, Public Services Director Justin Hodges and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of February 12th meeting, to order.

Pledge of Allegiance

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

Invocation

Council Member Charles VonCanon opened the meeting with prayer.

Approval of December 11th and January 8th Minutes

Mayor Lyerly asked the Council to review and approve the minutes from the December 11th and January 8th regular meetings. With no changes made, Councilman VonCanon motioned to approve the minutes as presented with a second by Councilman Dunn. All were in favor of the motion.

Approval of Stated Agenda

Mayor Lyerly asked if there was a motion to approve the stated agenda. Councilman Tufts motioned to approve the agenda as stated and was seconded by Councilman Lecka. The motion passed unanimously.

Public Comment

There was no one from the public signed up for public comment

Consider Audit Contract

Town Manager Rick Owen informed the Council that he has requested a contract proposal from Misty Watson for audit services for the 2023-2024 fiscal year. He explained that the contract price is \$500.00 more than the prior year and includes the cost of the Yellow Book audit services which will likely be required again for the next audit. The contract is for \$13,000. Councilman Tufts and Councilman Lecka thanked Misty for her services.

With no comments or questions, Councilman Lecka motioned to approve the contract as proposed and was seconded by Councilman VonCanon. The motion passed unanimously.

Simmons Sewer Line Extension

Town Manager Owen reminded the Council that this regarded the annexation request at 1697 Balm Highway. The property owner is requesting to be connected to the Town's sewer system due to a failing septic tank. Manager Owen explained that the current line does not extend that far, and the owner will be responsible for the cost of the extension. He further explained that the existing line would need to be extended 235 feet past Elkmont. The preliminary cost is \$84,405 which would be paid by the Owner. In December, the Council requested the owners to deposit a bond of 125% of the cost of the project. The property owners are asking the Council to reconsider the agreement and amend it so that they are putting the engineering costs up front rather than a bond of 125%. Once the engineering is completed and the project is bid, the property owner would then put up the actual cost of the project in a bond. Council discussed the issue and believes the request to amend the agreement is reasonable.

With no comments or questions, Councilman VonCanon motioned to approve the agreement as presented was seconded by Councilman Dunn. The motion passed unanimously.

Zoning Ordinance Amendment

Town Manager Owen informed the Council that this request was to consider a new product to be added to the approved materials list for exterior material in the Zoning Ordinance. The request came from Town Tavern who wanted to use the new material as the lap siding on the building. The Planning Board met and discussed the material and recommended for the Town Council to approve adding the material to be allowed. The next step would be for the Town Council to call for a public hearing for the amendment.

With no comments or questions, Councilman VonCanon motioned to call for a public hearing at the March Council meeting and was seconded by Councilman Lecka. The motion passed unanimously.

Release Interest for Tax Bill

Tax Administrator Riley Pudney is requesting Council to release interest on tax account 45533 in the amount of \$4.30. The interest accrued due to a clerical error.

With no comments or questions, Councilman Lecka motioned to release the interest and was seconded by Councilman Dunn. The motion passed unanimously.

Reporting for Unpaid Taxes

The Council had a printed report from Tax Administrator Riley Pudney explaining to the Council that North Carolina State Statute requires the Tax Collector to prepare a report of delinquent taxes on real property which is to be presented to the governing body and advertised in the local paper. Tax payers are given a 30-day notice to pay their taxes before it goes to the paper. The tax notices were mailed out on February 5th. The advertisement of unpaid taxes will be in the paper the week of March 18th. No action is required by the Council.

Water Shortage Response Plan

Public Services Director Justin Hodges informed the Council that North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water service to develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan. The plan must be revised at least once every five years. He explained that the Town has a plan in place, and this would

represent our 5-year update. The Council received the new document last month. Councilman Tufts had presented a few questions after last month's meeting and Manager Owen reviewed the questions and indicated Justin had addressed the questions within the updated document.

With no comments or questions, Councilman Tufts motioned to approve the plan and was seconded by Councilman Lecka. The motion passed unanimously.

Historic Banner Elk School Updates

Town Manager Rick Owen provided the following updates on the school:

Staff is now working on the lighting and landscaping plans for the site, which will include car and e-bike charging stations. The Town is still working with Mountain Electric to move the power poles, placement of light poles on the sidewalks and overall location throughout the site. Landscaping is still being planned and possible yard hydrates are being considered. The project has slowed due to the weather, but once weather permits, it will pick up again.

Councilman Tufts asked if the Town should reclaim the area around the dumpster entrance at the Village Shoppes on Elementary Way so that they could maximize the parking in the area. The dumpster enclosure is unsightly and given all the work that is being done it would be nice not to have open out to the parking lot and street. The rest of the Council agreed that it could be something they investigated depending on the impact on the owner if it had to be relocated.

There were no more comments or questions from the Council.

Manager Updates

Town manager Rick Owen provided the Council with staff reports and the following updates:

- National Opioid Settlement input session with Avery County on February 20th and the public is asked to attend and provide input on how funds should be spent.
- Farmer's Market wanted to confirm that they would still be able to use the Historic School site as their location. Manager Owen discussed the location and fee for rent and will get back with them once Council has agreed on the terms. The Council agreed to keep the seasonal cost at \$150.00 and for the operators of the Market to stay mindful that there should not be many craft type vendors participating.
- Urgent care is closing due to staffing issues. There is no closing date as of yet.
- Town Tavern is on schedule to open in April.
- The old Canon Hospital is under contract, no one has talked to the Town yet about any project plans.
- Mark Minor's project is postponed due to feasibility issues. He is re-working the project in hopes of having something to resubmit.
- Trees being cut behind a home leaving Town toward Dobbins Road did have a permit. The trees are dead or dying pine trees. The property owner is making extensive repairs to the historic structure and the trees were a danger to the building.
- The retail building across from Dobbins Road has 2 tenants ready to move in. A hot tub store and a physical therapist.
- David Woods is still waiting for the final plat to be signed. He does not have utility service with the Town and will need to construct a street front sidewalk prior to final Zoning approval.

- The playground has 2 pieces of the main structure that need replacement. The Council needs to consider replacing the parts and the costs involved. Council approved replacing the pieces realizing there would be a budget amendment proposed in the future. The Manager would also plan to see if Kiwanis may help with the cost.

Council member VonCanon asked the manager to discuss the food truck ordinance. He wanted to acknowledge to the number of restaurants in Town and how food trucks relate to them.

- Budget meetings were scheduled for March 25th at 6pm, May 2nd at 6pm, June 6th at 6pm and June 27th at 6pm.
- Manager Owen thanked Justin and the Public Services staff for their dedication to work they have done over the last several works related to leak detection and water loss.

Other Business

Town Manager Rick Owen had the following under other business:

Last month he received a request regarding the Andrews property. The request included having dual meetings with Banner Elk and Sugar Mountain to discuss the annexation of the property. Since the property is closer to Banner Elk, Banner Elk would need to deny annexation of the property in order for the property to be annexed by Sugar Mountain. The request was a very complicated request for Banner Elk not to annex the property. The Manager did not feel it was a well-planned request. After discussion with Town Attorney Four Eggers, Mr. Eggers requested the applicant to submit an application for annexation for the Council to review as opposed to the agreement they had sent.

The annexation discussion relates to the proposed development of a hotel. The hotel developers believe they can build under the Sugar Mountain zoning ordinance and want to be annexed into Sugar Mountain’s corporate limits.

With no further business, Councilman Lecka motioned to adjourn at 7:28 pm and was seconded by Councilman Tufts. The motion passed and the meeting was adjourned.

Approved: _____
Mayor Brenda Lyerly

Attested: _____