

**BANNER ELK TOWN COUNCIL MEETING
MARCH 11TH, 2024
MINUTES**

The Banner Elk Town Council met on Monday, March 11th, 2024, at 6:00p.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 Jonathan Green.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of March 11, 2024, 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.

Public Hearing

Mayor Lyerly asked for a motion to open the public hearing to consider an Ordinance Amendment to add a new exterior building material to the allowable materials for exterior siding. The hearing was opened on a motion from Councilman Tufts and second by Councilman Dunn, all in favor. Manager Owen presented information about the product that is proposed to be added. The Planning Board has reviewed the product and believes that it meets the ordinance as to the architectural intent and the structural integrity of wood that is allowed currently. Council member VonCanon verified that other materials that could meet the specifications of the prospective material could also be considered as allowed products. There being no other comments, Mayor Lyerly closed the public hearing.

Approval of February 12th Minutes

The February minutes were approved with a motion by Councilman Lecka and seconded by Council member VonCanon. All were in favor.

Approval of the 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 Dunn. The motion passed unanimously.

Public Comment

Ted Silver addressed the Council to share information about his pending trip to Washington DC for the League of American Bicyclist Hill Day. He attends this event annually taking LMC students to meet with legislators to discuss issues of interest to the League of American Bicyclist.

Consider Zoning Ordinance Amendment - New Exterior Building Material

The Council has held the required public hearing to consider an allowance for the discussed material. Councilman Lecka mentioned to amend the ordinance as presented with a second from Councilman VonCanon. The motion passed unanimously.

Reporting of Unpaid Taxes for Advertisement

Mayor Lyerly presented to the Council a listing of unpaid taxes for advertising. Councilman Tufts ask if the list would be update prior to publishing. Manager Owen indicated that the list would be updated as taxes were paid up until publication. Councilman VonCanon motioned to approve the advertisement of unpaid taxes with a second from Councilman Dunn. The motion passed unanimously.

Annexation Request, Banner Lowe 1, LLC - Parcel: 1858-1552-2667

At the November and January Council meetings the petitioner for this annexation requested further consideration of the item be tabled. The Council agreed to revisit the discussion at the March meeting. The property owner originally had a contract on the parcel for a hotel development. That has changed and they are working with a different developer exploring opportunities. The petitioner/owner has asked to withdraw the petition that has been presented. He intends to reapply when he has more firm plans for the property. No action was required of the Council.

American Rescue Plan Act – Budget Ordinance

Manager Owen reviewed with the Council the receiving of \$366,183.36 in direct funding from the American Rescue Plan Act. The Town was required to follow certain rules related to receiving the funds. The Town Council approved accepting the funds in July of 2021 and the funds were placed into a segregated reserve fund. The Town is also responsible for the expenditure of the funds in a manner approved by the United States Treasury. One of the uses of the funds can be for revenue replacement. For this use the Town may claim a standard allowance for the funds received and use those funds as revenue replacement to reimburse the Town for costs related to salary and benefits during a given period during the pandemic. This is the easiest way to account for the expenditure of the funds. If the funds are used this way, they become unappropriated fund balance, and the Council may allocate them to other purposes. The Council has previously indicated the funds would be used toward the Historic Banner Elk School Site Project.

Manager Owen asked that the Council pass a Grant Project Budget Ordinance accounting for the use of the funds as revenue replacement, having them transferred into the General Fund as unappropriated fund balance. A Budget Ordinance was presented for consideration. Manager Owen said there may be the addition of a spreadsheet showing the allocation of funds toward salary and benefits during a given period during the pandemic. Councilman Tufts motioned to approve the Grant Project Budget Ordinance with a second from Councilman Lecka. The motion passed unanimously.

Historic Banner Elk School Site Project Update

Town Manager Rick Owen gave an update to the Council on the Historic School Project. He stated that fill dirt had been added to the field and Mountain Electric had removed and relocated power poles. He thanked Councilman Lecka for his help with communicating that need to Mountain Electric. He discussed the need to replace the water tap to the building. He handed out a copy of the site plan to refresh everyone on the project. The Manager further discussed ChargePoint EV car charging stations, bollards, lighting, and landscaping. Manager Owen updated the Council on their prior discussion about removing access to the Village Shops dumpster enclosure from Elementary Way. Councilman Tufts had been very interested in this possibility due to the positive impact it would have on the overall project. Manager Owen has been working with the owner of the property to facilitate this. The Council discussed other aspects of the project including parking, Woolly Worm, Art on The Greene, Ensemble Stage, parking in the field owned by the fire department, Chamber concerts, and EV charging stations.

Manager’s Update and Staff Reports

Town Manager Rick Owen provided the Council with staff reports.

Public Services Director Justin Hodges discussed a water leak that had been repaired in front of the Circle K convenience store. The leak was a small line that was unknown to staff. It was leaking a substantial amount of water for an extended amount of time. The water was not coming to the surface and was difficult to locate. Justin commended the Town crew for their hard work and dedication locating and repairing the leak, and stated how proud he was of the job they do. He expressed his appreciation of the Council and other Town staff for their support.

Manager Owen provided updates related to the David Woods project, NCDOT Litter Sweep, the Council Planning Meeting scheduled for March 25th, Planning Board update, the County Opioid Settlement meeting, and the process to utilize the hazardous building ordinance.

Mayor Lyerly inquired about the number of cut off notices in Justin's report and the amount of time involved in that process and if it was related to inability to pay. Justin stated it was not a time-consuming activity and the manager stated that he did not feel it was due to an inability to afford service. It is often the same users letting bills go beyond 60 days.

Councilman Tufts ask for an update on a gas spill that had occurred in the parking lot of the Circle K convenience store over the weekend. It was handled by Avery County Emergency Management and deemed to be a small spill that appeared to come from a vehicle parked in the parking lot and not from a gas pump. The spill reached the creek through the storm drains due to the heavy rain. Remediation measures were taken by Avery County Emergency Management to limit the impact on the creek.

Other Business

There was no other business.

Adjourn

With no further discussion, Councilman Lecka motioned to adjourn and was seconded by Councilman Dunn. The motion passed unanimously, and the meeting adjourned at 7:12 pm.

Approved: _____
Mayor Brenda Lyerly

Attested: _____