

BANNER ELK TOWN COUNCIL MEETING

May 13, 2024

MINUTES

The Banner Elk Town Council met on Monday, May 13, 2024, at 6:00 p.m.

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

Staff present: Town Manager Rick Owen, Chief Kevin Hodges, and Attorney Four Eggers.

Call Meeting to Order

At 6:00 pm Mayor Lyerly called the regular Town Council meeting of May 13, 2025, 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.

Special Presentation

Resolution was made to recognize Joe B. Perry for his years of service to the Town of Banner Elk and to retire his badge number in honor of his service. Mayor Lyerly read the resolution, and Sherry Perry thanked the council for their recognition of Mr. Perry. Councilman VonCanon made a motion to adopt the resolution and Councilman Dunn seconded the motion. The motion passed unanimously.

Public Hearing – Re-Zoning Request

Councilman Tufts made a motion to open the Public Hearing for the re-zoning request for *Parcel: 1859-1701-3114* and was seconded by Councilman Dunn. This parcel is located at 385 S. Beech Mountain Parkway and is currently zoned C-2 and the property owners are requesting that it be rezoned as R-2. Manager Owen said the parcel number stated in the agenda and the notice for public hearing is correct, but the notice sent to the adjacent property owners showed the correct address and had the correct map but did not identify the correct pin number. Attorney Eggers asked to return to this item while he reviewed that error during the public hearing to ensure that it was still appropriately represented to the property owners. A neighbor was present and said that she and the other neighbors she had spoken to are in agreement with the re-zoning request. With no other comments offered, Mayor Lyerly closed the public hearing.

Approve Minutes

Councilman Lecka motioned to approve the regular meeting minutes of April 8, 2024, and Councilman Dunn seconded the motion. The motion passed unanimously.

Approval of Stated Agenda

Mayor Lyerly asked for a motion to amend the stated agenda to add a closed session at the end. Councilman VonCanon made a motion to approve the amended agenda and Councilman Dunn approved the motion. The motion passed unanimously.

Public Comment

There was no public comment.

Re-Zoning Request: Currently C-2, Requesting R-2

Attorney Eggers asked to return to this item while he finished reviewing the situation to ensure proper notice and procedure.

Banner Elk Volunteer Fire Department, Informational – George Wright

Mr. Wright brought a letter on behalf of the Banner Elk Volunteer Fire Department detailing the information that he is sharing this evening. He expressed thanks to the Town on behalf of the fire department. He shared that the Banner Elk Volunteer Fire Department has received a grant of \$135,000, payable over 4 years, for stipends for volunteers responding to calls, and to be used as a recruiting tool. He also shared that the BEVFD is still in the process of purchasing the land on Culver Street, but all planning and financial expenditures are stopped as they work with the county. Meanwhile, the BEVFD is willing to rent the property to the town for \$600 per month for unlimited use of the Culver Street property. They have requested that other use beyond the town during that time should come to the BEVFD through Manager Owen. There is a possibility that in the future the town could be offered a portion of the property for purchase.

As a point of information, he shared that the fire tax is split equally between all fire districts no matter what each district brings in. Any change to that would have to be made at the state level. Avery County is only one of two in the state that chooses to distribute their tax in that manner.

Mr. Wright asked the council to consider funding the BEVFD the same amount that was provided before for the part time employee at the BEVFD. This money would be included in the stipend fund mentioned previously. He also expressed concern about the water and drainage due to the project at the old school – specifically the area between the new parking and the side lot, but also more water at the back of the BEVFD building.

Councilman Lecka opened discussion with Mr. Wright about the time frame for resuming activity on Culver Street project and there is no known timeline, but projection is likely at least a year.

Councilman Tufts asked for more information about drainage concerns. Mr. Wright stated that there appeared to be drainage issues between the new parking created by the town and the side of the BEVFD. Manager Owen provided additional context that the ordinance had been changed for impervious surfaces related to emergency services when the BEVFD changed that area from grass and paved it as a parking lot. The agreement was made at the time that the BEVFD and the Town would landscape a four-foot buffer between that lot and the new parking that the Town planned to create once the Town work was done. That landscaping is part of the work that is being completed for the Historic Banner Elk School project now as is the curb and guttering, which is also intended to keep the water on the School property. Manager Owen said that he would look at that area and see if there was anything else that needed to be done.

Councilman Dunn asked for clarification about ownership of the Culver Street property. Mr. Wright stated that the bank holds the deed until it is paid in full, but they have ownership and use of the property. Kiwanis will use the lower third of the lot for Woolly Worm in the fall. Councilman Tufts asked for clarification for what months the Town would be renting the property and Mr. Wright stated that it was June, July, August, and September.

**** (revisited) Public Hearing – Re-Zoning Request**

Mayor Lyerly returned to the Public Hearing item – Re-zoning Request. Attorney Eggers detailed how he determined that adequate information had been provided so that the recipients would be able to review the correct information about the property. He stated that therefore the council could proceed.

Councilman Lecka made a motion to approve the zoning request as presented and Councilman VonCanon seconded the motion. The motion passed unanimously.

National Bike Month Proclamation – Ted Silver

Mr. Silver shared that the National Youth Bike Summit will take place in June and Lees McRae College will be in attendance and presenting at the event. Mr. Silver then read a National Bike Month Proclamation declaring that Banner Elk recognizes May to be National Bike Month for the safety and enjoyment of all. Councilman VonCanon made a motion to accept the proclamation, and Councilman Tufts seconded the motion. The motion passed unanimously.

Resolution Declining Annexation – Attorney Eggers

This resolution will be discussed in closed session. The motion, second, and discussion will take place in “Other Business”.

Call For Public Hearing, Zoning Ordinance Amendment – Attorney Eggers

Attorney Eggers explained that technical changes needed to be made to update the language in the zoning ordinance to match the language of G.S. 160D. This would change the Town ordinance language uses of “special use” to “conditional use”. It would also allow for exemption of setback requirements for public services. Councilman Tufts made a motion calling for a public hearing of these changes at the June meeting and Councilman Dunn seconded the motion. The motion passed unanimously.

Annexation Request, 1484 Tynecastle Hwy

The new owner (Olen Wooten) of *Parcel: 1858-1156-1033*, 1484 Tynecastle Highway, has requested annexation into the Town of Banner Elk. Ms. Young, the previous owner, had a well and discontinued use of Town sewer services. For sewer services to be restored, a request for annexation to the Town of Banner Elk must be requested and accepted. The Town Clerk will certify the petition and present those findings for public hearing. Councilman Dunn made a motion requesting the Clerk to certify the petition and Councilman Tufts seconded the motion. The motion passed unanimously.

Historic Banner Elk School Site Project Update

Manager Owen stated that the Historic Banner Elk School Site Project is moving closer to completion. The sod and brick work is almost completely done. The finishing layer of asphalt and painting will be done in the next week so that it is ready for Art On The Greene next weekend. The space should be opened up for public use by Friday of Memorial Day weekend, weather depending.

Manager’s Update & Staff Reports

Town Manager Owen announced that there would be a budget meeting on Thursday, June 6 and that the Art on the Greene season would begin May 25 and May 26. He asked for volunteers to help with the Town tent at the Art On The Greene event. He stated that there would need to be a public hearing for the budget at the next meeting. Councilman VonCanon made a motion that there would be a public hearing for the budget for the next meeting and Councilman Dunn seconded the motion. The motion passed unanimously.

Closed Session

A motion to move to closed session for attorney/client matters was made by Councilman VonCanon and seconded by Councilman Lecka.

Other Business

The resolution to decline annexation of the Andrews Property across from the New River Building Supply was discussed in closed session. Councilman Lecka made the motion approve the resolution to

decline the annexation of the property detailed in the resolution, and Councilman Tufts seconded the motion. The motion passed unanimously.

Councilman Lecka expressed concern about a bump in the road on Highway 184 (Rowser's Curve) near Dobbins Road that seems to be getting worse and asked whether DOT had been notified. Manager Owen said that they have been notified, and that DOT intends to notify the Gas Company to come back out and repair it.

Councilman Tufts stated that the renters at the Historic Banner Elk School are planning on opening this week. It was noted that since the front of the building will not be open yet, the renters should be advised that they will have to use the back door area for parking.

Manager Owen led a discussion about the water at the fire department and the landscape buffer between the parking lots. He noted that some culvert work was done during construction that should also help with drainage in this area.

The Banner Elk Chamber of Commerce will be able to use the grass lot on Culver since it is rented by the town with coordination with Manager Owen. The Town will be able to proceed with the rental of the Culver property and the arrangement of secondary uses during those rental months this year. The Town and the BEVFD will have to evaluate arrangements next year as that time approaches.

Adjourn

With no further business, Councilman VonCanon motioned to adjourn and was seconded by Councilman Dunn. The motion passed and the meeting was adjourned.

The meeting ended at 7:52.

Approved: _____
Mayor Brenda Lyerly

Attested: _____