

# **BANNER ELK TOWN COUNCIL MEETING**

**August 12, 2024**

## **MINUTES**

The Banner Elk Town Council met on Monday, August 12, 2024, at 6:00p.m.

Council Members present: Mayor Brenda Lyerly, Robert Tufts, Charles VonCanon, Mike Dunn, 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 August 12, 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.

### **Approval of July 8th, 2024**

The July minutes will be presented at the September meeting for approval.

### **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**

Rick Proctor of Hall Court in Banner Elk addressed the Council about Hall Court being a town road or belonging to the College. Mr. Proctor stated he has a Deed of Trust dated 2016 that states it is a town road. He also says he has an easement with LMC that also states it is a town road. LMC stated they are not doing anything with the road until they figure out what they are going to do with their Hemlock House. The traffic on the road has been construction traffic due to LMC renovations on their dorms. However, the road is not on the Powell Bill Map and the town does not receive funding for it. It has not been on the map for over 16 years. Mayor Lyerly stated she was aware of the issue with Hall Court and the Town Attorney is researching it and will let the Council know what he finds out. Mr. Proctor also mentioned the Mill Pond and spoke to the condition of it and gave recommendations of how to improve it. The Mayor told Mr. Proctor the pond was owned and maintained by LMC. He was not aware the town did not own it.

### **Consideration of Planning Board and Board of Adjustments Applications**

Town Manager Rick Owen reported there are 3 applications for the boards. All are ETJ board members. The applications will go to the County Commissioners, and they will approve them. 2 of the applicants are husband and wife. One is looking at the Planning Board and one would join the Board of Adjustments. Manager Owen wanted to make sure there was no concern from attorney Eggers and the Council given that projects sometimes move from the Planning Board to the Board of Adjustment. Attorney Eggers said it should not be an issue if they don't discuss cases. Councilman VonCanon made a motion to accept Mark File and Sara Kilby as Planning

Board applicants with a second from Councilman Tufts. Councilman Lecka made a motion to accept Michael Kilby as a Board of Adjustment applicant with a second from Councilman Dunn. The motions passed unanimously.

### **Annual Tax Reports**

#### **A. Annual Settlement and Statement of Tax Collector**

#### **B. Consider Tax Resolutions**

#### **C. Charge to Tax Collector**

Manager Owen provided the Council with a list of under and overpayments of tax collections. Councilman VonCanon made a motion to accept the Tax Resolution with a second from Councilman Tufts. The motion passed unanimously. Councilman Tufts made a motion to charge the Tax Collector resolution with a second from Councilman Dunn. The motion passed unanimously.

### **Manager's Update and Staff Reports**

Town Manager Rick Owen provided the Council with staff reports.

Manager Owen thanked the Council for the outpouring of support they gave following the death of his mother Deka Tate, who was also a former Councilmember and Mayor of Banner Elk.

Manager Owen presented to the Council the bids for the renovations to take place at the Police Department. Councilmember Dunn made a motion to approve the lowest bid for \$164,500 and direct staff into a contract with a second from Councilmember VonCanon. The motion passed unanimously.

Manager Owen reminded everyone the County's Hazard Waste collection day would be August 17<sup>th</sup> from 9:00AM to 3:00PM at the Extension Office in Newland.

Mayor Lyerly asked about the finance report showing the town was over budget. Manager Owen explained this was due to tax revenue being the town's primary source of revenue and bills are not due until September. Many large accounts payable bills are paid at the beginning of the fiscal year and the town works from reserves prior to tax revenue being generated.

### **Other Business**

Councilman Tufts asked about the number of sandwich board signs a location can have where there is more than one business. Manager Owen stated that the ordinance changed a couple of years ago and that it allowed for 2 at a time. Councilman Tufts asked about the Village Shoppes and the Historic BE School. He stated both have been in violation of having more than 2 sandwich board signs many times recently. Manager Owen stated that he was aware of one of the places in violation but not the other. He will address it.

### **Adjourn**

With no further discussion, Councilman Tufts motioned to adjourn and was seconded by Councilman Lecka. The motion passed unanimously, and the meeting adjourned at 6:25.

Approved: \_\_\_\_\_

Mayor Brenda Lyerly

Attested: \_\_\_\_\_