

BANNER ELK TOWN COUNCIL MEETING

October 14, 2024

MINUTES

The Banner Elk Town Council met on Monday, October 14, 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, Public Services Director Justin Hodges, and Attorney Four Eggers.

Call Meeting to Order

At 6:00 pm Mayor Lyerly called the regular Town Council meeting of October 14, 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

Rezoning Request – *Due to the present State of Emergency, staff recommends the Town Council table this public hearing to the November 11, 2024 Council meeting.*

Zoning Ordinance Text Amendment – *Due to the present State of Emergency, staff recommends the Town Council table this public hearing to the November 11, 2024 Council meeting.*

Council Member Dunn made a motion to table the Public Hearings and Council Member Tufts seconded the motion. The motion passed unanimously.

Approval of Stated Agenda

Mayor Lyerly asked for a motion to approve or amend the stated agenda. Council Member VonCanon motioned to approve the agenda as stated and was seconded by Council Member Lecka. The motion passed unanimously.

Ratification of the Declaration of State of Emergency – Attorney Four Eggers

Mayor Lyerly stated that the Declaration of a State of Emergency that she had signed was sent to the Council Members on September 25. Attorney Eggers explained that not only does the Declaration provide for emergency proceedings of the Town but also allows for certain funding from the Federal and State levels for disaster recovery. The Emergency Act goes into effect with this Declaration and puts several areas of authority with the Town Manager to act in emergency response. Attorney Eggers noted that he and Manager Owen also work to keep the Council informed and involved as they are the elected officials. The importance of choosing to ratify this Declaration is to allow these important functions to continue, including the fundings that will support recovery. Council Member Tufts made a motion to ratify the Declaration of State of Emergency and Council Member Dunn seconded the motion. The motion passed unanimously.

Adoption of Interlocal Agreement for Debris Removal – Attorney Four Eggers

Attorney Eggers explained that disaster mitigation steps are new for the area and are being developed. Removal of debris, both natural and household, needs to be coordinated within municipalities in the county to develop a state contract. There are two contracts – one for debris removal and one for debris monitoring. The debris monitoring requires photography of debris being removed. This is a requirement

for reimbursement. The items for removal must be placed on the public right-of-way. The debris must be separated into a brush pile, an appliance pile, and a storm tear-out pile. They will not pick up household trash. If the debris is in a trash bag, it will not be picked up. The first step that requires Council agreement is this Interlocal Agreement for both these contracts of debris removal. Council Member Dunn made a motion to accept the Interlocal Agreement and Council Member VonCanon seconded the motion. The motion passed unanimously.

Ratification of Contract with Insight Planning & Design – Attorney Four Eggers

Attorney Eggers briefed the Council that under the Declared State of Emergency and under the FEMA guidelines the Town Manager is authorized to engage in emergency contracts for making repairs that affect life and safety. After that, the Town will have to go through the formal bidding processes for repairs and other disaster response work. Under the Public Assistance requirements as a public assistance zone, 75% of costs are going to be paid by FEMA and 25% will be picked up by the state of North Carolina. To get there, the Town will need a specialist and team to provide support to navigate the process. Through Attorney Eggers, Manager Owen met Mr. Cox with Insight & Design. Attorney Eggers stated that he and Manager Owen have been working with Insight Planning & Design, a company owned by Mr. Ryan Cox, who was present at this meeting. This company will help identify the repairs and assist with the contracts so that they are in a reimbursable format, help with emergency repairs and then assist moving forward to permanent repair.

Attorney Eggers asked the Council to table the Ratification of this contract because the Town is still working through the Disaster Recovery process. Council Member Lecka moved to table the Ratification of Contract and Council Member Dunn seconded the motion. The motion passed unanimously.

Manager's Update & Staff Reports

Town Manager Owen provided a summary of events to provide context for current updates. Public Services Director Hodges and Manager Owen had worked on plans before the storm to respond to potential loss of water, which was a reasonable potential due to road shoulder washout resulting from the storm. He explained that road shoulders contain Town utilities so damage to those shoulders affects utilities. While the pre-storm plan involved isolating areas where washout had occurred, thereby preserving greater areas of functionality, the storm created catastrophic damage. The system was overwhelmed and lost pressure. Compounding this damage was the loss of the sewer collection system due to loss of sewer lines to the sewer plant. Restoring this will involve cleaning the sewer lines that are still intact and laying new lines. There are approximately 2,000 feet of sewer lines that will have to be replaced but there isn't any road in which to lay the pipe and therefore also no road by which to access the sewer plant. The Town contacted Eggers Construction to make emergency repairs to the road and utilities. Work is being conducted to clean the lines that can be reached and the road to the plant is being rebuilt. Tests are being conducted to identify and isolate breaks so that there won't be delays while waiting to repair breaks. Roads and bridges and culverts are being inspected with all the other things that must be done to get things running again. All the while, the Town is working for the costs to be 100% reimbursable. Manager Owen stated that anything less is not an option for the community. Mr. Cox explained that FEMA operates with a 75/25 percent reimbursement plan. North Carolina is a state that provides the 25% match so that would make it 100% reimbursement. Attorney Eggers explained that this is a bureaucratic process and will involve a lot of oversight.

Manager Owen stated that at this point Mr. Hodges and his crew are working on valve placement and continual cleaning of sewer trunk lines. Construction of repair of the sewer main will start on Wednesday. John Garner and Eggers construction will start installation on Monday. He clarified the time frame was never stated by the Town to be two months. A two-month time frame had been stated by other outside organizations who were looking at our damages. He explained that some areas will take longer than others and that diligent efforts are being made on all fronts to make the time without service as short as possible for all involved. Even within the next week, things should start looking vastly

different, but as each area gets water services restored, that area also then must proceed through the boil water process until the water is deemed safe for any kind of use.

Chuck Saunders reviewed the chain of events that moved the distribution of resources from the first 6 days in the Town Hall to the past 11 at the Historic Banner Elk School. He reported that approximately 100 pallets of resources have been moved both in and out. He highlighted the many volunteers that are making this relief response work.

Meredith Olan shared that she, Katie Elder, and Kimberly Tufts were providing information and support for individuals as they come for help beyond the physical resources at the center. She explained that both Katie and another licensed therapist, trained in disaster response, are on site every day. Meredith also shared that FEMA was on site helping people complete applications and answering questions. This is an exception to their normal practice of walking “the field”. Additionally, Legal Aid has been present providing free legal services and support. There is potential for tax specialists to come and join this support team. The information area has a waiting area and private areas for support of individuals who come.

Mr. Saunders highlighted the other resources available which include the support of World Central Kitchen with food and potable water, the mobile laundry, the mobile showers, and a dumpster that is being emptied regularly. He mentioned that Council Member Dunn is coordinating daily food service for the public each day.

Manager Owen said that the Town’s intergovernmental FEMA representative has been in conversation with the Town and will make sure that the community is where it needs to be and receiving what it needs. He feels that she will be reactive for us down to the individual. The Small Business Administration representative intends to be in town later in the week to provide information to as many businesses and individuals as possible. Mr. Cox added that individuals can get SBA loans, as well, so everyone potentially could have interest in being part of her meeting.

Ms. Olan added that analytics are being captured to aid in community support. These analytics will help respond to questions about what is needed and provide information on what areas are being served.

Chief Hodges reported that all individuals have been accounted for from town. He requested that everyone sign up for the Code Red app service. Manager Owen shared that the police department was flooded out and so they are now operating out of the Town Hall.

Council Member Tufts expressed his pride in the community members that are ensuring that resources are being distributed from the center out into the greater community.

Manager Owen shared that the Town website was hacked and although it has been restored, the Code Red app is still the better option. He expressed gratitude to all the volunteers who have been doing and continue to do the things that are needed. He wanted to specifically thank Representative Ray Pickett who connected him to Chris Carney, Mayor of Mooresville, who in turn connected him to Lowe’s Hardware’s Corporate office, which facilitated opening the Banner Elk Stores doors to provide initial essential needs to the Town and community. He was also thankful for John Garner opening basic passageway to get to Lowe’s and in and out of Town.

Public Comment

Mayor Lysterly opened the floor to public comment.

Lex Finch from Sugar Mountain asked Attorney Eggers to clarify the debris piles. It was stated that there will be a different truck for each type of debris. He asked what the time frame would be for funding reimbursement and Mr. Cox explained the general process.

Victoria Breckenridge asked if the SBA meetings could be recorded for people who could not attend.

Hayden Breckenridge asked what the best path would be for marketing as businesses try to start reopening. He understands the need to be respectful and the need to be safe as roadways are being rebuilt. Nancy Owen responded that the TDA and Mark File are working on crafting an appropriate message and the timing to post it. Mark File is sitting in on meetings at all levels to inform that process.

Lara Bagby asked for clarification about the time frame for return of services. Manager Owen wanted to be clear that substantial progress is being made daily but that a definitive time frame can't be made. He stated that the center of town will get services back first and that will be defined as the area that can get pressure back.

Susan Brown asked for clarification about toilet use and Manager Owen said that the connection to the sewer plant is not rebuilt yet so nothing should be going down the toilets.

Nola Bloementhal shared that schools are announcing potential reopening on November 6 on a 2-hour delay.

Scott Garland asked if services would be taken offline once it has been restored while other repairs are made and Manager Owen said that wasn't the intention and he doesn't foresee that. It was stated that leaks are possible due to the re-pressurization of the system due to the age of lines. Mr. Cox said that individual homes may discover leaks in their homes once systems come back on.

Ms. Olan thanked Manager Owen for his work. Manager Owen thanked his wife and his son for their work and support of him. Council Member Lecka thanked Chief Hodges and Public Services Director Hodges for their work. Public Services Director Hodges shared that he appreciated the opportunity to go check on his family the morning of the storm. Council Member Lecka added that the Fire Chief should also be thanked.

Council Comments

Mayor Lyerly expressed pride for the staff of the Town. She also thanked Rick for all of the work he has done in response to this event. She thanked everyone for the work being done.

Closed Session – Attorney/Client matters 143-318.11(A)(3)

Other Business

There was no other business.

Adjourn

The meeting was recessed until October 28 at 6:00 PM.

The meeting ended at 8:25.

Approved: _____
Mayor Brenda Lyerly

Attested: _____