

BANNER ELK TOWN COUNCIL MEETING

October 28, 2024

Reconvened October 14, 2024

MINUTES

The Banner Elk Town Council met on Monday, October 28, 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 28, 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.

Manager's Update & Staff Reports

Town Manager Owen reported that the reconstruction of Mill Pond Road has been completed and the sewer line has been installed from the dam down to below the May Wildlife Center. This repair has brought about 90% of Town customers back online. Leaks were identified in the water system and repaired by Town staff and the contractor which included a water main break at Balsam Lane which restored pressure to approximately 80% of the system. That system has been highly chlorinated for pressurized use and flushing toilets but not yet potable. The expectation is a boil advisory could be issued in the coming days but the lines need to be flushed and the chlorine levels reduced first. The sewer line cleaning, cameraing, and prepping was conducted with three crews from Pipe Pros. Vistas, Highlands, Lodges at Elkmont, Balsam Lane to Elkmont, and a portion of Old Turnpike don't have sewer at this time. The additional customers who don't have water are down on Old Turnpike, Silver Springs, Tate Drive, and the west side of Town does not have water at this time, although they do have sewer. Pressure will need to be restored to that end of Town. Eggers and M&M Construction will install six-inch pipe at Old Turnpike East to create a loop in the system that didn't previously exist as an emergency repair in response to road washout and a sewer line will need to be installed along the road coming back from Dollar General toward Lecka Lane. The sewer line at Hardee's Lane and Shawneehaw Heights have also been washed out below the bridge and have been contracted out for repairs. The repairs for Vistas at Tumbling Brook require a new sewer line and repairs to the water line and at the Highlands culverts are on order to restore water and sewer lines there. Access to the Highlands is currently through a neighbor's yard. The Town is conducting inspections of roads, bridges, and culverts. The Town had done a bridge inspection right before the storm and Insight Planning & Design is bringing in a bridge specialist to come in and do a post storm inspection. At places like Shawneehaw Heights, the pipes that need to be repaired are exposed and are now two feet above the creek bed. The Town is working on a contract to "muck out" the Police Department and is working to determine whether that building can continue to be used in the future. The Park has a lot of issues and a lot of work to be done. Manager Owen stated that he is working towards having a list of the total damages incurred by the next meeting. The Town's insurance adjuster has been working on assessments and reports, especially for paperwork for FEMA. Additional infrastructure being looked at includes the pumphouses and stations related to the water system.

Council Member Lecka asked Manager Owen what percentage of water and sewer is back on line. Manager Owen replied that if you look at total connections to the system then the Town is at 50%. But if you look at the total number of people served by those connections then the number is closer to 80%. One of the big differences is Lees-McRae College which represents a lot of people but those people are not currently present. Another thing that could be part of the consideration is what percentage of homes are second homes where no one is present at this time. Therefore, the percentage of people who are here and are not receiving water is small. For people who are still without water, Wine to Water is providing 50 gallon drums of water and filtration and there is still water at the Banner Elk Resource Center.

Manager Owen asked for reports to be shared about the Resource Center at this time. Chuck Saunders reported that it is still being operated on a seven-day schedule with a shortened Sunday. Fine tuning is flexible and there is adjusting all the time in order to be responsive and improve as the situation continues and changes. He pointed out that at the front of the school things are closing down because Town businesses are opening. The Cluck Truck is continuing to be operated in conjunction with World Central Kitchen every day with free food, for the time being. Meredith Olan reported that the Center is serving approximately 100 households each day and is well-supported with volunteers. Lori Myers asked how long the Resource Center would remain open and shared that the Fire Department had opined that the most desperate needs had been met at this point. She asked if the operating hours could be reduced and if creating care packages might be more productive. Mayor Lyerly said that Mr. Saunders and the oversight leaders would be looking to make that determination. Phil Myers shared that the Foscoe Resource Center had switched to delivery only. Mr. Saunders responded that part of the Resource Center transitioning will be working with the permanent resource centers in Newland to shift resources to them. Jasmine Spence shared that the volunteers are dwindling. Mayor Lyerly thanked everyone for their feedback and directed ongoing concerns to Mr. Saunders as liaison and overseer of operations of the ongoing work of the Center.

Manager Owen introduced Catherine Anderson and Michelle, with FEMA Intergovernmental Affairs, as a point of contact for Avery County (and other counties). She shared her phone number (404.909.1667) and email (catherine.santana@fema.dhs.gov) and pledged that if she doesn't know the answer, she will find it. She introduced Ronnie Warren, FEMA division supervisor, who will be able to brief the Town on what is happening in Avery County. She introduced John Frederick with the Small Business Administration, who will provide an overview of the SBA and what it offers. She shared that as of that day, Avery County had 3,366 registrations and had distributed \$5,065,022 to individual applicants. She also said that the deadline for request for public assistance has been extended to January 7, 2025, while the deadline for request for individual assistance remains as November 27, 2024.

Ronnie Warren further shared that the FEMA Program Manager for Avery County will be Marcus Battle and the State Program Manager is Jeff Welker. He recommended that the Town Damage Assessment Inventory be a work in progress at this point. A request for portable buildings for temporary housing of infrastructure that has been damaged needs to be made in the WebEOC. Houses of Worship and Nonprofits must apply through the Small Business Administration for funding first. If they are rejected, then they can apply for FEMA funding. 501c3 can apply when showing that they provide community support for disaster recovery. It is important that property associations understand that FEMA will not be able to fix infrastructure inside their gated communities; that would have to be a loan from the SBA. However, homeowners who cannot access their property from the property line in, FEMA does cover those temporary repair costs so that bridges, culverts, and driveways can be repaired. The Housing Team has met with FEMA and the State to see what temporary housing would look like in this community. People have been contacting them about providing their home through FEMA as displaced person housing and Mr. Warren cautioned that the amount that they would be reimbursed for that would not be commensurate with AirBnB rates and that the standard contract is eighteen months. He shared that they

are looking for solutions and have found a location in Newland that may allow for thirty or forty mobile homes to be placed for temporary housing. He stated that Becky Moody will be the new Donations and POD manager for the county for FEMA and will be trained by the NC National Guard on management of the warehouse and distribution of all the commodities donated and brought in. He recommended that there be a way to deal with money that is donated because that will come up in accounting for public donations. FEMA can also help with finding volunteers for distribution of goods. He ended with praise for the work that Banner Elk is doing and the infrastructure that was put in place without waiting for it to happen or help to arrive.

Fred Schmitt asked for clarification of information. FEMA affirmed that the \$5,000,000 went to individuals who had registered with FEMA for assistance for property loss or for help with shelter. Mr. Warren explained that Public Assistance is that given to municipalities.

Lori Myers asked about FEMA funds and if money comes back to businesses that were affected and Mr. Warren told her that was an SBA question. Mr. Warren and Ms. Anderson shared about job opportunities for those people who have lost their business or their job – all found at usajobs.gov.

Mr. Schmitt asked what was reimbursable for individuals. Mr. Warren replied that in response to an application, an adjuster will come out and ascertain what the needs are and how that fits into the allowances. To qualify, it has to be the property owner, their primary residence, and it cannot be a property for profit. FEMA has adjusted their response to the need for allowances for damaged wells and septic tanks, as well as spring boxes.

John Frederick with the SBA explained that the SBA supplies loans to individuals as well as supporting businesses. There are three different loans: maximum of \$500,000 for homeowners and their real estate, maximum of \$100,000 for homeowners and their personal property, and a maximum of \$100,000 for renters and their personal property. He also said that businesses and nonprofits can get a loan with a maximum of \$2,000,000. It doesn't matter what the status of your insurance was before the disaster, if you were impacted, and you apply, you might be eligible. SBA considers second homes to be a small business, so people with second homes and AirBnB's are eligible. SBA determines primary residence by taxes. The process can be completed at a Disaster Recovery Center or online at SBA.gov/disaster. One of the business loans is the Economic Injury loans which deals with loss of income due to the disaster and this will provide working capital. He shared the information on how to reach him and that Manager Owen had that information as well. Ms. Anderson stated that if FEMA directs an applicant to fill out an SBA loan, the applicant needs to follow that direction even if they don't want a loan, so that the application will proceed.

Mr. Warren stated that debris removal is underway, and that debris needs to be taken to the easement of each property and for those unable to remove debris off private property, Samaritan's Purse has been working to provide assistance. If a request is made through the county, the Army Corps of Engineers can come out and remove debris. They just need to have a letter allowing access to the private property. For any denial letters, appeals and disputes can be made but keep contracts, receipts, and photographs and make that documentation all part of the process. Ms. Anderson clarified that Determination Letters can be confused as a final decision and should be read through to determine what a possible next step could be and folks at the Public Assistance area will be able to help with that, too. Michelle shared that the FEMA Public Assistance Center is in Newland at Mayland Community College from 8 am to 7 pm seven days a week. Ms. Spence asked if the FEMA representatives would stay in Banner Elk, as well, and Mr. Warren talked about the need to transition them to walking the field to bring support to people who can't get to the center.

John from SBA distributed Fact Sheets and the Town made copies for people.

Manager Owen thanked the speakers for their time and shared that a community meeting was being planned. He explained that there is a concern that it is possible that debris removal might need a supplemental provider to get things done by winter and make roads clear. Mr. Warren advised that there is competition for the equipment like dump trucks so the decision would be based on perceived community need. Council Member Tufts advised to explore possibilities. Council Member Lecka agreed that it would be good to explore options before weather changes. Council Member Dunn clarified that the current contract would remain if another contract was also entered. Penny VonCanon shared that in her recent drive through the county, she saw a lot of debris and feels that there is work to be done. Mayor Lyerly countered that there is a challenge in Town to get debris off private property because of sidewalks but Mr. Warren said the easement extends on the property side of the sidewalk. Mr. Warren said that he would ask if there would be a challenge in engaging in two debris contracts. Mr. Schmitt spoke from the perspective of the Board of Adjustments and stated that communication with the community is important about even such matters as plans because that would help the community to feel more informed and patient about the process.

Council Comments

Council Member Lecka commented that there is a long way to go. He stated that he is proud of the Town of Banner Elk and the work that they have been able to do so far. Council Member Tufts echoed those sentiments. He commended Manager Owen and expressed his desire that he would take a day of rest.

Council Member Lecka asked for clarification about election sites. Mayor Lyerly stated that the Banner Elk and Linville site will be merged, and a new site has been established. Attorney Eggers stated that it would be at the Linville Ladder Company building.

Council Member Tufts asked about the potential damage that could be caused by the water going through the lines currently flushing high levels of chlorine down to the water treatment plant. Manager Owen said that while it is not ideal, the plant was idle and declining for weeks and that this situation is the best it can be for the desired result.

Ms. Spence asked if Beech Mountain Parkway at the top of Old Turnpike was a State road, Manager Owen replied that it was. He added that the Town had tried to help clear the culverts at this location after the storm but were unable to do so.

Adjourn

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

The meeting ended at 7:10.

Approved: _____
Mayor Brenda Lyerly

Attested: _____