

BANNER ELK TOWN COUNCIL MEETING
JANUARY 13, 2025
MINUTES

The Banner Elk Town Council met on Monday, January 13, 2025, 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, 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 January 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.

Public Comment

There was no public comment.

Approval of Stated Agenda

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

Annexation Request for Banner Lowe 1, LLC – Manager

Town Manager Owen identified the property as the one adjacent to Lowe's Hardware that has street frontage. In response to the previous request by Council, staff has certified the petition which ensures that the petition represents a submission by the owner of the property and legally represents a request for annexation. The council can now call for a public hearing if they would like to consider annexation of that parcel.

Mayor Lyerly asked if there was a motion for a public hearing in February. Councilman Tufts made the motion and it was seconded by Councilman Dunn. The motion passed unanimously.

Consider Contract for Disaster Recovery Assistance – Manager

Town Manager Owen explained that the Town entered into an emergency contract with Insight Planning out of Wilmington, NC, for Disaster Recovery Assistance. The Town has been working with an initial 90-day emergency agreement. FEMA requires competitive requests for services to be sought for long-term assistance. The Town sought requests for qualifications and received submittals from three different companies. Staff has reviewed those and would like to continue working with Insight for services related to disaster recovery. The contract for these services calls for a one-year term with two one-year renewals of automatic extensions of time which is responsive to the long term nature of this recovery process. The contract document is written to FEMA's specifications. The contract can be voided by either party if/when necessary, only incurs cost while it is being used, and is paid for as services are rendered.

Attorney Eggers explained that this is a continuation of original work that allows for professional assistance for public assistance work - FEMA reimbursement for building back. It provides further assistance with community block grants and other community grant writing that are outside of the FEMA repair process such as state work on private roads and bridge work and could also provide disaster mitigation to prepare for future resilience in the face of disaster. Attorney Eggers then reviewed the contract by section and reiterated that this would be a one-year term and could then become two additional one year terms. He further confirmed that the contract can be terminated at any time as deemed appropriate by council. He directed questions or concerns to Mr. Emory with Insight, present at the meeting this evening.

Discussion provided clarification that all of the Disaster Recovery Organizations partner with other organizations to bring a combination of resources and expertise, and that having assistance is a recoverable expense. Mr. Emory confirmed that other local municipalities are considering contracts with Insight, including Sugar Mountain and Seven Devils.

Councilman VonCanon made a motion for approval of the Disaster Recovery Assistance contract with Insight and Councilman Lecka seconded the motion. The motion passed unanimously.

Solid Waste Franchise Agreement – Manager

Town Manager Owen reviewed that the Town has a three-year franchise agreement with Republic Services and after a period of shorter contracting, they wish that to return to a multi-year contract. Last year another company had expressed interest in providing waste services and the Council could ask to review their services before entering this multi-year contract with Republic. Sharon Parks, a rep for Republic Services for 37 years, shared that her company strives to provide dependable service. Although their Boone office was wiped out during the hurricane – gutting their building and destroying all fifteen trucks – they made repositioning equipment to the high country a priority so that they were able to resume services to accessible areas and provide debris removal support. She maintained that a single vendor providing all waste removal services has proven to be the simplest and most dependable model. She directed attention to the information provided for budget considerations including water, sewer, trash and CPI index.

Town Manager Owen asked for the Council's direction as to their desired next steps. To provide further clarification, he said that he didn't have any information on what the other potential company would cost, that they hadn't seemed interested in being a single vendor of all services, and that they hadn't communicated further with him.

Councilman Lecka stated that he was in favor of continuing with Republic for the next 3 years. Councilman Tufts, VonCanon, and Dunn concurred, and Town Manager Owen said that he would get a contract for approval at a future meeting.

Audit Contract Amendment – Manager

Town Manager Owen asked the Council to consider an amendment to the contract with the auditor that changes the due date to the end of February. This is a change from the end of November which was disrupted largely related to the hurricane. This amendment would assure the LGC that the council is aware of the audit being reported late. They are willing to work with the Town on the deadline in light of the emergency caused by the hurricane. The auditing work was in progress prior to the hurricane and the piece that is left requires that she is physically on site. Councilman VonCanon made a motion to make the proposed amendment to the audit contract and Councilman Dunn seconded the motion. The motion passed unanimously.

Storm Recovery Update – Manager

Town Manager Owen highlighted progress on projects related to storm recovery. The Town has completed big projects related to water and sewer and is updating its list of projects and plans as they continue to work with Insight. Projects are getting entered into the portal provided by FEMA in an effort to make progress towards reimbursement of project costs. The goal is to enter things correctly and according to FEMA requirements so that money can be successfully reimbursed with no need for appeal. The Town has been working with Insight and their FEMA representative to determine the best way to submit paperwork – as a whole or in part, by type of project, by work completed or in progress.

The projects that have been completed and paid for are good to go and can be submitted at this point and the next step is to look at the projects that are next to be completed and require requests for qualifications for engineers and the subsequent bidding processes by firms that can replace bridges and culverts for specific town communities and for work in the park and the greenway. Each of these processes will be drawn out.

FEMA inspects projects and that has had the Town in a waiting process previously, but new understanding is that projects can be completed before inspections. That would mean that if the Town has the money to start the project, it can do that without waiting for an inspection approval.

The Town is going to continue to find things that need to be addressed. The wastewater treatment plant has got some continuing maintenance concerns related to “I and I”. PS Director Hodges is working with Mr. Emory and Insight to maintain and identify issues that are current, ongoing, and potentially upcoming. For instance, the curb and guttering throughout town was inundated with extreme water and storm debris, and the recent two inches of rainfall highlighted that there are more issues there that will need to be addressed. The Town is also seeing some electrical issues in its systems as time goes on.

Mr. Emory explained that the Town has 60 days initially, as a matter of routine, to identify issues and formulate a list of projects that will need to be completed for recovery. Insight will help make a request for an extension of 60-90 days because once the list is submitted it is final -no further projects will be able to be added to that list, although projects can be taken off.

This is a process. It is a lot of learning on the job for all the people involved, including the FEMA representatives. Every person is providing their best understanding of what is required and that isn't always the same understanding.

Manager & Staff Reports

Town Manager Owen reported that the FEMA deadline for public assistance for individuals is now February 6, 2025. FEMA Disaster Recovery Center is open Monday through Friday 8-6 and Saturday 9-2. FEMA has posted an announcement that encourages applicants to appeal and not accept a denial. The post states that it is often a case of a need for clarification or adjustment to the submission and an applicant should call, get online, or go to the Disaster Recovery Center for assistance with their appeal.

The Resource Center in Newland is now closed and directing people to the nonprofit support agencies in Avery County: Feeding Avery Families, Habitat for Humanity, Avery Impact, Ram's Rack, and Volunteer Avery. People in need can be connected with the Town, as well, in their search for resources because they are still available and accessible and the Town can help make those connections. There are also supplies at the state warehouse and the county support agencies can call and request things as needs arise.

High Country Municipal Banquet will be held in March and Nancy Owen will be in contact with Council Members with details.

Finance reports are provided in Council packets this evening. PS Director Hodges is present and available for questions. Chief Hodges is working on an annual update which will be provided next month when he will be present to answer any questions about that update.

Other Business

Councilman Dunn asked if debris pickup was still happening. Town Manager Owen affirmed that SDR is still working and responsible and requested that any areas of need be forwarded to him to be sure that it is being addressed. Attorney Eggers noted that Christmas trees are not considered part of the debris removal contract because of their noted use out of the time of the disaster.

Councilman Dunn also highlighted that there is a stump pushing into the road on Klonteska Drive. Town Manager Owen and Mr. Emory explained that stumps have to be examined before they are addressed as part of environmental and historic preservation to ensure that no artifacts or remains are present. This is a requirement whenever federal money is being expended for this type of debris removal.

Adjourn

With no further business, Councilman Tufts motioned to adjourn at 6:46 pm and was seconded by Councilman Dunn. The motion passed and the meeting was adjourned.

Mayor Brenda Lyerly

Attested

Approved: