

BANNER ELK TOWN COUNCIL MEETING

June 9, 2025

MINUTES

The Banner Elk Town Council met on Monday, June 9, 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, Chief Kevin Hodges, and Attorney Eggers.

Call Meeting to Order

At 6:00 pm Mayor Lyerly called the regular Town Council meeting of June 9, 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 Hearing - 2025-2026 Fiscal Year Budget

Council Member Tufts made a motion to open the public hearing on the 2025-2026 Fiscal Year Budget and Council Member Dunn seconded the motion. Manager Owen read the prepared budget overview.

There were no comments from the public on the proposed 2025-2026 Fiscal Year Budget. Mayor Lyerly closed the public hearing on the budget.

Approval of Stated Agenda

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

Public Comment

There were no public comments.

Resolution Declining Annexation

Manager Owen stated that this resolution is for *Parcels 1858-2072-8215, 1858-1971-4914, and 1858-1972-1213*. Attorney Tyler Moffet spoke on behalf of the owner of the parcels. He overviewed the historical process that led to this request and explained that his client would like to extend the resolution declining annexation to Banner Elk in order to access annexation with the Village of Sugar Mountain. Attorney Eggers stated that he rewrote the resolution in order to allow for a further 12 months to provide time for the property owner to acquire annexation. Council Member Lecka made a motion to accept the resolution as presented and Council Member Tufts seconded the motion. The resolution passed unanimously.

Consider Call for Public Hearing, Ordinance Amendment

Manager Owen introduced the Mixed-Use Zoning District ordinance amendment proposed by the Planning Board and written by Attorney Eggers. He explained that the ordinance needed to be clarified to assure that use of this zone would require mixed-use development and that no residential buildings could have flat roofs. He stated that the recommendation is that there be at least thirty percent of one or the other of the mixed uses of the property.

Council Member VonCanon made a motion to call for a public hearing on the Ordinance Amendment for Mixed-Use Zoning District and Council Member Dunn seconded the motion. The motion passed unanimously.

Review Request for Proposal Recommendations

Manager Owen explained that the Supervisory Control and Data Acquisition software system operates the tanks, wells, and sewer systems throughout town. As a result of Hurricane Helene, the system experienced extensive damage with some areas of the system needing repair and other areas needing to be completely rebuilt. Manager Owen overviewed the request for proposal recommendations for SCADA repair work and further Hurricane Helene damages and noted that Wayne Floyd, the consultant who has been assisting with this work, is present for questions. There were a total of six different firms that reviewed the Towns request for proposals for this project and of those six, two provided proposals. Of those two, staff is recommending Piedmont Automation.

The total cost potential for the project is just under \$500,000. The work will be instigated by task orders, with not to exceed basis on scope of work. There will be an inspection by FEMA for this specific work which will provide feedback on their support for this project.

The Council is being asked to approve the Staff moving forward with Piedmont Automation. In response to questioning, Manager Owen explained that the proposal covers the scope of work that needs to be done in order to bring the system back up to code and functioning at full operation again, regardless of what FEMA is able to cover.

Attorney Eggers explained the process that will be required to do this work, with this work by an engineering firm being the first step in the process. The engineering work needs to be done in order for FEMA to be satisfied that this damage was due to the storm.

Council Member Tufts made a motion for staff to award the request for proposal to Piedmont Automation and Council Member Lecka seconded the motion. The motion passed unanimously.

Consider Budget Amendment

Manager Owen explained the amendments to be considered and distributed the hard copy of the amendment for the council members to overview. This amendment addresses revenue and expenditures related to storm recovery.

The amendment recognizes the \$769,418 State cash flow loan received and a general fund balance appropriation of \$1,000,386. The amendment also includes a \$361,466 fund balance appropriation from water and sewer. The amendment reflects related expenditures in administrations, streets, and water and sewer collection and distribution.

Council Member VonCanon made a motion to accept this budget amendment and Council Member Dunn seconded the motion. The motion passed unanimously.

2025-2026 Fiscal Year Budget

Manager Owen asked the Council if they had any further guidance for staff related to the budget. Hearing none, Manager Owen asked the Council to set another meeting date to adopt the final budget document. The Council set a meeting for Tuesday, June 24, 2025.

Storm Recovery Update

Manager Owen shared that the Town is still doing FEMA inspections, filing of projects on work already done, and continuing to work in the park. He highlighted that the recreation parts of the park have become more usable, although there is still a lot of work to do.

He talked about the cooling ponds and stated that the work would not likely take place until fall or next spring. Manager Owen stated that the bridges that still need to be built or repaired are Lecka Lane, and the culvert replacement at Silver Springs and Crooked Creek. The Town is now working through a permitting process that includes engineering, design, bid, and permitting.

There is work being done on conceptual designs for the boardwalk at the Mill Pond. FEMA would like to see what it would cost the Town to rebuild what had been there before versus what the Town proposes to do now so determination can be made on reimbursement.

The police department is still under consideration for placement and completion. Manager Owen stated that he believes that the decisions about the police department will have to be made with the state oversight in mind.

There are projects contracted and underway for water and sewer and for roads.

Mayor Lyerly and Manager Owen discussed the upper pedestrian bridge and its availability for the July 4th celebrations and the duck races, specifically. Manager Owen shared the plans for the steps needed to repair and upgrade that bridge and the potential timeline.

Manager's Update & Staff Reports

Manager Owen highlighted to the Council the challenges facing the Town with the logistics for the July Art On The Greene. He stated that the parking in front of the school will be blocked off the night before the parade so that it is clear for the artists to set up. Visitors parking for the parade will be directed to the field and the Town will work with the Chamber to support their activities and the parking needed throughout the July 4th events.

Manager Owen asked the Council to consider passing a resolution amending the state cashflow loan received. The cashflow loan was to allow a bridge for the Town before funds started to come in from FEMA. Attorney Eggers explained that the State Treasurer's office is working to support the Town as they work to pay for the reparation of damages by providing this loan at zero percent interest. The concern of the Treasurer's office is that payments from FEMA might trigger the need to begin repayment so this resolution amendment would keep the Town from an expectation to repay the loan at this time. Council Member Dunn made a motion to adopt the resolution and Council Member Lecka seconded the motion. The motion passed unanimously.

Other Business

There was no other business.

Adjourn

With no further business, Council Member Lecka motioned to recess until June 24 at 6:00 pm and was seconded by Council Member VonCanon. The motion passed and the meeting was recessed.

The meeting ended at 6:50.

Approved: _____
Mayor Brenda Lyerly

Attested: _____