

# **BANNER ELK TOWN COUNCIL MEETING**

**August 11, 2025**

## **MINUTES**

The Banner Elk Town Council met on Monday, August 11, 2025, at 6:00 p.m.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, David Lecka, Robert Tufts, and Charles VonCanon (6:40).

Staff present: Town Manager Rick Owen, Chief Kevin Hodges, Public Services Director Justin Hodges, and Attorney Eggers.

### **Call Meeting to Order**

At 6:00 pm Mayor Lyerly called the regular Town Council meeting of August 11, 2025 to order.

### **Pledge of Allegiance**

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

### **Invocation**

Council Member Tufts opened the meeting with prayer.

### **Approval of Minutes**

Council Member Tufts made a motion to approve the minutes for the July 14, 2025 Council Meeting and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Public Comments**

Charles VonCanon Jr. has asked to speak under public comment but had not arrived to the meeting at this time.

### **Approval of Stated Agenda**

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

### **Avery County Chamber of Commerce Update - Victoria Bowman**

Due to her absence at this meeting, this item was tabled for another month.

### **Ordinance Amendment for Mixed Use Zoning District**

Manager Owen reminded Council of the events leading up to this amendment coming back to the Council today. Town Council had asked Attorney Eggers to provide additional clarifications to the amendment.

The first clarification was be that the thirty percent residential and thirty percent commercial use required to allow a flat roof would only apply to the particular building in use and not to the whole development. The second clarification would be that for the purposes of the application of this use, apartments would not be considered commercial in nature.

Council Member Tufts made the motion to pass this amendment as written and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Annexation Request for Parcel: 1859-1961-4973**

Manager Owen explained that the parcel for this request is a non-contiguous parcel of .91 acres owned by Lindsey Wiseman between Dollar General and Mount Calvary Baptist Church. The owner would like to build a house in the future. The annexation petition has been certified, and the Council may now call for a public hearing.

Council Member Dunn made a motion calling for a Public Hearing on this request next month and Council Member Tufts seconded the motion. The motion passed unanimously.

### **Ordinance Amendment for Panhandle Lots**

Manager Owen explained that panhandle lots have been used in the past to provide area to lots to meet the minimum lot size requirements. The Zoning Ordinance currently does not address this issue. Manager Owen asked Attorney Eggers to recommend an amendment which would disallow the use of a panhandle lots solely for the purpose of meeting minimum lot sizes. The Planning Board has reviewed the recommendation and sent it to the Council for consideration.

Manager Owen stated that the amendment would allow for the use of a panhandle to create driveway access, however that area of the lot could not count toward the minimum lot size calculation.

There was a discussion about driveway ordinances and the setting of driveway grades.

Council Member Lecka made a motion to call for a Public Hearing on this Amendment and Council Member Tufts seconded the motion. The motion passed unanimously.

### **Consideration of Planning Board Application**

Mayor Lyerly reviewed the application made by Susy Rein to become a member of the Planning Board.

Council Member Dunn made a motion to accept the application made by Susy Rein to become a Planning Board Member and Council Member Tufts seconded the motion. The motion passed unanimously.

### **Storm Recovery Update – Mike Healy**

Mike Healy reviewed the storm recovery updates for the town. He stated that the number of damages has been determined at this point to be sixty-nine and those would become forty-one projects. Currently, the best available cost estimated is 10.6 million dollars, but this is a fluctuating number as real costs are determined.

Mike explained that Manager Owen has had to field questions from FEMA about the relocation of debris as it has been removed because it wasn't staged as would have been the protocol. It wasn't possible in light of the emergency presented to restore vital utilities, and that has been part of the conversation.

Mike shared that both engineering companies are working hard. The Harvin Engineering Company is working on the roads, specifically for Silver Springs, Lecka Lane, Crooked Creek, Chime Hill, and Orchard Lane at this time. The surveying and Geotech has been completed for these sites and the projection is that Crooked Creek and Silver Springs could be done before winter. The McGill Engineering Company, focusing on water and sewer repairs, is working on Penny Lane as the primary concern.

Mike gave a quick update on Tate Evans Park. He stated that the pedestrian bridge needs to be surveyed and will involve an engineer. The picnic shelter may be moved to this side of the bridge pending FEMA permissions and funding.

Finally, Mike stated that the Town is getting closer to having a dollar figure to have the Police Department repaired or replaced. The two options at this point seem to be to reconfigure and remodel or to rebuild. They are working with the pre-disaster repair costs which includes mitigation for flooding which supports the decision-making process with FEMA.

### **Charge to Collect Taxes**

Manager Owen highlighted the resolution authorizing the collection of taxes.

Council Member Lecka made a motion to approve the resolution and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Cannon Hospital Property Discussion**

Manager Owen shared his discussion with the owner of this property. The owner stated that he did not have a development plan and would be open to preservation of the property. In the course of this meeting, they discussed the impact of preservation of the property. The owner pointed out that lack of development would equal loss of tax revenue for the Town. On the other hand, developing the property creates other issues like traffic and so the consideration needs to be how to maximize tax revenue while balancing the impact on the town. At this time, the Town has an opportunity to have a conversation about preservation and planned development. He opened this as a topic of discussion with the Council.

Council Member Dunn asked if the Town could handle the impact of a potential 100 homes on ½ acre lots. Council Member Tufts expressed interest in seeing a portion of the property preserved, specifically the upper portion where the well is located, and a connection to the Greenway Trail, but he was concerned with the suggestion of a parking lot or garage on the site. He didn't foresee that as an attractive gateway visual. Council Member Lecka saw this as an important opportunity that needs careful time and attention. He proposed that a committee be formed to bring 3-5 different options for the Town to consider. He stated that he was open to the idea of the Town considering purchasing the property. Mayor Lyerly agreed that the upper area should be preserved and expressed concern about the potential for a tax burden on the residents depending on the use of the property.

Manager Owen clarified that the owner would certainly look to recover his costs of purchase and demolition if the Town were to purchase the property.

Council allowed Public Comment at this time due to relevance in this discussion and the arrival of Council Member VonCanon and Charles VonCanon, who wished to make Public Comment.

Charles VonCanon Jr. spoke about the impact of developing the Hospital property. He provided figures of the basic impervious surface that would be created, the run-off that would be caused by that new surface, and the subsequent run-off into the Elk River that in turn impacts our sewer system.

Ted Silver spoke about the lack of DOT right-of-way for Highway 184. He expressed concern about the increase of traffic and the potential for DOT to perceive a need to widen Highway 184 and Highway 194 to handle the increased traffic. He projected the impact on Town would be to erase our current downtown. He emphasized the importance of this discussion and the direction the Town chooses to take with this property and opportunity.

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

Manager Owen highlighted the reports in the Council packets. He stated that tax bills will go out next week and won't be due until September 1.

Manager Owen shared that the High Country Council of Governmentl Dinner will be on October 10.

He stated that he would apply for the third round of state funding for municipalities. This would provide cash flow at no interest.

He thanked everyone for support for Art On The Greene and reminded everyone that the final art show would be Labor Day weekend.

Manager Owen shared that the American Rescue Plan will get underway with bids opening on September 11 and money has to be spent by December 26, 2025.

Chief Hodges shared that the Toe River Hazard Mitigation Project has begun. This is for all hazards - flooding, fires, storms, etc. He stated that there will be a survey available to the public so that the public can share their thoughts and feelings about hazards and how it impacts them and their community. Flyers with QR codes will make the survey available.

### **Other Business**

Council Member Dunn mentioned that the TDA had an idea that there should be some kind of community gathering commemorating the anniversary of Hurricane Helene. It would celebrate recovery and remember the loss. He proposed a simple event here in Town that doesn't conflict with what is already happening. He spoke to the goal of remembering the losses but celebrating the recovery. Council Member Dunn proposed Saturday, September 27 from 4-6 pm.

### **Adjourn**

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

The meeting ended at 7:05.

Approved: \_\_\_\_\_  
Mayor Brenda Lyerly

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