

BANNER ELK TOWN COUNCIL MEETING
February 9, 2026
MINUTES

The Banner Elk Town Council met on Monday, February 9, 2026, at 6:04 p.m.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, Chuck Saunders, David Lecka, and Charles VonCanon.

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

Call Meeting to Order

At 6:00 pm Mayor Lyerly called the regular Town Council meeting of February 9, 2026 to order.

Pledge of Allegiance

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

Invocation

Council Member VonCanon opened the meeting with prayer.

Public Hearing on Amendments to the Zoning Ordinances

Manager Owen explained that changes in operational procedures for the Board Of Adjustments were made to make them reflect Statutory requirements and relieve a more restrictive requirement related to the number of members needed to hold a vote on certain items. Manager Owen stated that the Planning Board has reviewed the draft resolution prepared by Attorney Eggers and has recommended that the changes be made.

Mayor Lyerly opened the Amendments for Public Comment. As there were none, she closed the Public Hearing.

Approval of Minutes

Council Member Lecka made a motion to approve the minutes for the regular Town Council meeting on January 12, 2026 and Council Member VonCanon seconded the motion. The motion passed unanimously.

Public Comments

There were no public comments this evening.

Council Member Saunders reminded the attendees that there is a public invitation to attend the Board of Education Meeting this coming Tuesday night to hear feedback about the proposed closure of Avery Middle School and the rearrangement of grade level distribution.

Council Member Dunn thanked Public Services Director Hodges for the work that he and his team do, at all hours and in all weather.

Approval of Stated Agenda

Council Member VonCanon made a motion to approve this month's agenda and Council Member Dunn seconded the motion. The motion passed unanimously.

Zoning Ordinance Amendment

There was no discussion about the amended Board of Adjustment procedures.

Council Member Dunn made a motion to approve these zoning ordinance amendments and Council Member Lecka seconded the motion. The motion passed unanimously.

Resolution Approving Toe River Hazard Mitigation Plan

Chief Hodges explained that the deadline to update to the adoption of the Mitigation Plan is coming up. He highlighted the sections seven and nine that were included in the packet. He explained that the plan needed to be lengthened due to the need to dramatically increase the number of mitigations following Hurricane Helene.

Council Member Saunders made a motion to accept the resolution approving the Toe River Hazard Mitigation Plan and Council Member Lecka seconded the motion. The motion passed unanimously.

Extension of Contract for Disaster Recovery Services

Manager Owen reviewed with the Council that they had entered into a contract with Insight Planning and Development for emergency consulting services for comprehensive disaster recovery services in January of 2025. The contract allowed for two one-year extensions. He asked the Council to exercise the first of the two extensions and stated that Attorney Eggers had prepared a contract extension document for the Council's consideration.

Council Member Dunn made a motion to approve the extension of the contract for disaster recovery services and Council Member VonCanon seconded the motion. The motion passed unanimously.

Storm Recovery Update

Manager Owen explained that the current focus was time extensions with FEMA and those extensions must be requested in six month blocks. He stated that there are still plans that need to be inspected and at this point the steps holding up projects right now are design, construction, and bidding.

He stated that about 26 projects have been submitted to FEMA for time extensions. He stated that of all of the items submitted, about half of them have been approved by FEMA, but the state has a different submission format and some different requirements. He explained that the state can extend for up to four years and FEMA will not question those extensions, the state requires highly detailed explanations for extensions every six months.

Manager Owen stated that the Penny Lane project has moved along since the last Council meeting. He explained that it involves curb and gutter and storm drain at the entrance to Vistas, as well as repairing the undermining of the roadway. He stated that the final design is being completed so the next step will be putting them out to bid.

Manager Owen stated that the design work is almost complete on Lecka Lane and expected to be presented by March 1st.

Manager Owen stated that the designs for Crooked Creek are anticipated by the end of March.

Manager Owen stated that Silver Springs and Chime Hill designs will come in after those projects with about thirty days expected between each set of designs.

Manager Owen stated that the SCADA system is currently being worked on and some progress has been made. He stated that it is expected to cost around \$500,000 and could take up to a year for the project to be completed.

Manager Owen stated that Pat VonCanon is still waiting to hear back from FEMA and the state for the buy out of her storm damaged home. It has been a very slow process for everyone in the buyout program. He stated that the town will move forward with replacing the sidewalk with surveying and design, but before it is reinstalled consideration will be given for the best procedure that preserves it when the buy out and demolition of Ms. Pat VonCanon's home occurs. Council Member VonCanon asked if the property was included in the buy out and Manager Owen stated that both the red house and the bark house are on the list for the buy out. He stated that once that purchase was made, FEMA would have both houses demolished, the property would be given to a government entity, and that area would no longer be able to be used for anything other than green space.

Council Member Lecka asked about the progress on the bridge in the park. Manager Owen stated that the progression of plans has been in response to the need to deal with the footings originally in the creek having been washed out. He explained that the Town's first plan to repair and make improvements that would mitigate future storm damage was not in line with the expected procedure to fix the bridge back to the condition it was in originally. He stated that the town is now negotiating with FEMA by gathering price comparisons for both bridge installments - one that reinstalls footings in the creek and one that does not. He stated that the town has also applied for grants that would support the construction of a bridge with bulkheads on the banks, thus avoiding debris build-up and possible destruction in a future storm event.

Council Member Saunders asked if the disclosures about the FEMA funds received by the neighboring municipalities has increased pressure on the Town. Manager Owen explained that it does highlight that money is being released but the public doesn't understand the process that the town is needing to work through and that it will be ongoing for an extended period of time. He confirmed that some projects will take 36 and even 48 months from the storm date. He provided an example about the funding and process needed to rebuild the bridge for Lecka Lane. Expedited funding does not ensure that the funding will cover the cost of a given project. It is more important to know actual cost before accepting payment from FEMA.

Manager's Update & Staff Reports

Manager Owen highlighted the reports included in the packet, as well as the minutes from the last Planning Board meeting. He asked the Council to set dates for planning and finance meetings.

Mayor Lyerly asked the Council if they would consider the last Monday of each month. Manager Owen asked for the March meeting to be earlier in the month.

The Council set their meetings:

- Thursday, March 19, 2026 at 6:00 pm.
- Monday, April 27, 2026 at 6:00 pm.
- Tuesday, May 12, 2026 at 6:00 pm.

Additional meetings will be scheduled as needed.

Manager Owen stated that the sewer plant rehab project contract was initially awarded pending state approval and they have had a preliminary meeting. He stated that the hope is that it will happen this

spring. Chief Hodges has been working with the Council of Governments on a grant to help make up the \$2 million dollar project short fall. Manager Owen stated that they are waiting for word back on that.

Manager Owen stated that the two cash flow loans that the town took out that required a one dollar payment has been paid by the state. The next payment due will be a 10% payment that the town will need to pay next year.

Manager Owen reminded all in attendance about the stipend fund for the Fire Department to make up for the funds that they will be losing.

Council Member Dunn asked about the Mill Pond projects. Manager Owen explained that the town is looking at a project that would create a sidewalk or greenway along the edge of the pond. He stated that DOT will re-install a guardrail along that area. He stated that the wooden boardwalk was high maintenance for the town, blocked the view of the pond, and DOT didn't feel that it was safe for pedestrians as it made a false sense of security.

Closed Session

There were no matters for Closed Session this evening.

Other Business

There was no other business this evening.

Adjourn

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

Approved: _____
Mayor Brenda Lyerly

Attested: _____