

# BANNER ELK TOWN COUNCIL MEETING

March 9, 2026

## MINUTES

The Banner Elk Town Council met on Monday, March 9, 2026, at 6:00 p.m.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, Chuck Saunders, 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 March 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.

### **Recognition of Trela Watson**

Chief Hodges presented a plaque to Trela Watson at her retirement after fifteen years of service with the Town working in the Police Department.

### **Approval of Minutes**

Council Member Dunn made a motion to approve the minutes for the regular Town Council meeting on February 9, 2026 and Council Member Saunders seconded the motion. The motion passed unanimously.

### **Public Comments**

Ted Silver spoke about the League of American Cyclists National Conference in Washington, D.C. He stated that he is president of BikeWalkNC and his organization has been setting up appointments to meet with delegates while in DC. They currently have appointments with Representative Edwards and Representative Foxx and hope to gain appointments with as many of the sixteen possible delegates.

Dr. Lee King announced to the Council that at 6:00 p.m. on Monday, March 30, 2026, the College will be holding an open forum in Evans Auditorium about the future of the Mill Pond. The Mill Pond dam received extensive damage during Helene and now has a leak and will not hold water. The College hopes to make the Mill Pond a better asset to the Town, the College will be partnering with Mountain True, a regional environmental organization that focuses on clean water and clean environment. He stated that communication will be sent out through local media.

Mark File spoke about the opening of the Blue Ridge Parkway and explained that while 80% of the Parkway will be open this summer, the 20% closed for construction is the section closest to Banner Elk - both north and south. He explained the economic impact on tourism with restricted access to the Parkway. He stated that from Blowing Rock to Grandfather the Parkway will undergo extensive construction and that the expectation is that this section will be done by the fall and will be renewed for the next fifty years. Mr. File stated that south of that section the Parkway section running from Linville Falls to Mount Mitchell will be under construction through the summer and into the fall to repair Helene damages. He handed out a new map called the Mayland Meander: NC Blue Ridge Road Trip 2026 which is meant to promote traveling through the high country and help travelers navigate the area this year.

### **Approval of Stated Agenda**

Council Member VonCanon made a motion to approve this month's agenda with the adjustment of the date to reflect the correct month, and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Consider Agreement Amendment with McGill - Grant Management**

Manager Owen reviewed for the Council the ongoing ARPA Grant for the Town and the Sewer WasteWater Treatment Plant Grant that McGill Engineering has been involved with designing and planning. He stated that this amendment would amend the contract with McGill to allow them to provide grant administration.

Council Member Saunders made a motion to accept agreement amendment and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Budget Amendment**

Manager Owen highlighted the items on the budget that needed to be amended. He stated that the revenue items in the General Fund are the Helene FEMA reimbursement and the State Cash Flow Loan for Hurricane Helene which would be allocated to expenditure items in Administration and Streets.

Manager Owen stated that there are two revenue items in the Water and Sewer Fund. He stated that one indicates reimbursement for construction, which was expended out of a line item for Helene FEMA expenditures and represents Lees-McRae payment for a water line placed for them. He stated that the second item indicates tap fees for a sewer tap completed in town which should be adjusted to Contracted Services and part of Public Services Director Hodges' budget.

Council Member Dunn made a motion to approve the Budget Amendment and Council Member Saunders seconded the motion. The motion passed unanimously.

### **Reporting of Delinquent Taxes**

Manager Owen stated that the Council needs to approve the reporting of delinquent taxes. He stated that a letter will go out to each party to allow for payment and the remaining delinquent taxes will be advertised in the local paper. He affirmed that some have already been paid and that the only delinquent taxes that will be advertised are those that have not been paid.

Council Member VonCanon made a motion to approve the reporting of delinquent taxes and Council Member Dunn seconded the motion. Council Member Dunn asked how long delinquent taxes are allowed to continue on and Manager Owen stated that foreclosure and legal action can be taken and the Council can direct that process. He stated that legal actions are more typically applied in the three-to-five-year delinquency period but after ten years the delinquent taxes drop off the report, and the town has never waited that long to take action. Attorney Eggers added that individuals that have a lien of certain status, it can sometimes be superior to an IRS lien. He stated that individuals working through a foreclosure are responsible for the legal fees that are incurred.

The motion passed unanimously.

### **Grants Review**

Manager Owen stated that there are different grants that the town is preparing at this time. Emergency Management Disaster Relief for the moving of the Police Department to the building behind the Historic Banner Elk School. It was prepared by Chief Hodges and requires the Council to pass a memorandum of understanding.

Council Member Saunders made a motion to pass the Memorandum of Understanding for acceptance of Emergency Management Disaster Relief and Mitigation Fund – Hurricane Helene Flood Mitigation Grant and Council Member Dunn seconded the motion. The motion passed unanimously.

Manager Owen stated that the second memorandum was a Resolution of Acceptance for a Drinking Water State Revolving Loan Fund Helene Grant which will allow the town to make improvements to the water system throughout town and to accept a grant of \$6.197 million.

Council Member Saunders made a motion to pass the Memorandum of Understanding for acceptance of Drinking Water State Revolving Fund Loan Helene Funds Grant and Council Member VonCanon seconded the motion. The motion passed unanimously.

### **Storm Recovery Update**

Manager Owen explained that FEMA is in a slow mode because of the partial government shut down. He stated that they have filed 27 time extension requests and they have all been approved by FEMA and gone on to the state. He stated that the town has received three acceptances back so far and expects them all to be accepted.

Manager Owen stated that the plans for Penny Lane are almost completed. The intent is to have the bidding done and the work beginning this summer.

Public Services Director Hodges stated that the design work for the SCADA system is almost complete and on-site work should begin soon.

Manager Owen stated that the insurance company has agreed to pay for a new roof for the Town Hall and the town will send it out to bid.

Manager Owen stated that Pat VonCanon is at the stage of waiting for an offer from FEMA to buy out her property and that there isn't anything that can be done until an offer is made.

Manager Owen stated that the work for the Park Bridge is still in planning stages. FEMA agrees with the plan proposed by the town but not the funding. He stated that he is still working to find the funds to complete this project and that he doesn't recommend that the funds be gathered from tax revenue. Manager Owen explained that FEMA will provide \$11,000 for the bridge project but the costs provided start at \$50,000 for the bridge itself but that doesn't include the borings and footings required in the preparatory stages. Manager Owen stated that the grants they have reviewed for parks so far are set up to support nonprofit organizations and the town does not fall into that category. He shared that Chief Hodges has found some grants to pursue, and Chief Hodges shared that the PARTF Grant would be appropriate for work in the park, but it is an "in kind" grant that would need a match. Manager Owen stated that there is a Kiwanis grant for the playground that will be given to the community with the most online votes.

Manager Owen stated that Klonteska Drive is almost ready for bid documents and Public Services Director Hodges affirmed that there were six other town-wide projects. Manager Owen stated that there is a public utility project that will include water and sewer needs, lift stations, and different utility pieces and will probably cost over a million dollars. The section of water line at Dobbins Road will be completed after DOT completes their culvert and road work. Public Services Director Hodges stated that a detour and construction could begin as early as mid-April on the culverts at Dobbins Road.

Manager Owen stated that for the Wastewater Treatment Plant, the town is still working with insurance and FEMA to determine what damages are covered down there.

He stated that the final civil engineering plans have been received for the bridge at Lecka Lane. The town will need to be considering the order in which the work will take place as Silver Springs and Crooked Creek also need their bridges to be addressed. Crooked Creek would be next, potentially by the end of March and Silver Springs should have plans in April.

Mayor Lyerly asked if the town owns the temporary bridge at Lecka Lane and Manager Owen affirmed that was true and that the town is considering the options for its use. He stated that FEMA wants to know what the town is going to do with the bridge when it is no longer needed for the temporary functions. Mayor Lyerly asked if the bridge could be used to create better access to the park area behind the Circle K and Manager Owen suggested that the area can best be accessed by fording the creek.

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

Manager Owen reminded the Council that the town received the secondary grant so the WasteWater Treatment Plant Project will be able to be completed. He stated that there will be great improvements but there have been some complications because there were some requirements for the ARPA grant money that weren't required for the loan. He stated that adjustments to the contract should be allowed but there will be a delay of funding between the two installations of grant money.

Manager Owen stated that the pump station project for Crooked Creek has gone into building design.

Manager Owen asked the Council to change the date for the planning meeting previously scheduled, and the Council rescheduled their meeting for March 31st at 6:00 pm.

### **Closed Session**

Council Member Dunn made a motion to move to closed session for Attorney/Client Matters.

Council Member VonCanon made a motion to end the closed session and Council Member Dunn seconded the motion. The motion passed unanimously.

### **Other Business**

Manager Owen stated that Mr. Trey VonCanon is building a home adjacent to the town park. He would like to ask the town to run his sewer line across the corner of town property to reach a manhole for his sewer connection. It would be a small encroachment in an area that would be unnoticed or affected by the sewer line placement.

Council Member Saunders made a motion for an easement agreement to be written for the sewer pipe access for Mr. VonCanon's new construction on his property and Council Member Dunn seconded the motion. The motion passed with Council Member VonCanon abstaining.

Manager Owen stated that the lease is up on the body cams for the police department and other camera equipment needs to be updated as well. Chief Hodges stated that the original contract and expected services for the WatchGuard equipment was completed by Motorola and the town did not receive what they expected. He stated that as that contract has expired, he would like the Council to open a new contract with Axon. He stated that the current equipment is leased and would return to Motorola and Axon will provide brand new Taser10s, eight of the newest body cameras, and six in-car cameras for all patrol staff with the initial cost of \$1525 and an annual cost of \$30,000. Chief Hodges stated that while it is more expensive, it is providing more equipment. Attorney Eggers stated that from a litigation standpoint, body cameras are a standard and police officers without them raise concern and question without that support for their claims. Council Member Saunders stated that the litigation on a case could potentially cost more than the annual fee for the equipment. Chief Hodges affirmed for Council Member VonCanon that they are more user friendly. Chief Hodges shared an example of the communications upgrade with a built-in translator in the body equipment which allows for better outcomes.

Chief Hodges stated that delivery of products begins at 30-45 days from payment. He explained that it is being presented now, instead of at budget time in July, so that there is no gap in equipment coverage.

Council agreed to move forward with the new equipment lease.

**Adjourn**

With no further business, Council Member Dunn motioned to adjourn and was seconded by Council Member Saunders. The motion passed and the meeting was adjourned at 7:50 pm.

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

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