BANNER ELK TOWN COUNCIL MEETING
July 13, 2026
MINUTES

The Banner Elk Town Council met on Monday, July 13, 2026, at 6:00 p.m.

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

Staff present: Town Manager Rick Owen, Chief Kevin Hodges, and Attorney Four Eggers.

Call Meeting to Order
At 6:00 pm Mayor Lyerly called the regular Town Council meeting of July 13, 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.

Approval of Minutes
Council Member Saunders made a motion to approve the minutes for the regular Town Council meeting on June 8, 2026 and Council Member VonCanon seconded the motion. The motion passed unanimously.

Public Comments
Susanna Dibble introduced herself and explained that she is running for Clerk of Court. She stated that she wanted to also disseminate the information that the state has civil records that are available on the internet to the public. She stated that she is looking to find a way to connect the public to the records and provide assistance to them in supporting digital access.

Council Member Saunders asked about a work station for the general public and she stated that she is working on creating a connection with the public library and their program to assist the general public navigating digital information.

Approval of Stated Agenda
Council Member Lecka made a motion to approve this month's agenda as presented and Council Member Dunn seconded the motion. The motion passed unanimously.

Consider Call for Public Hearing, Ordinance Amendment – Short Term Rental Ordinance
Manager Owen explained that our ordinances are no longer current with the state laws and Attorney Eggers has been working with the Planning Board to rewrite the ordinances so that they respond to current law. He stated that there had been litigation that was in response to any ordinance that limits or curtails short term rentals but the town needs to adequately manage those rentals and has a good draft for review.

Attorney Eggers explained that this only affects short term rentals and doesn't apply to long term rentals. He stated that since rentals are related to each other there is some wording that addresses both. He stated that monitoring short term rentals affects the town's ability to collect occupancy tax. He explained to the Council that the recent litigation required the town to respond and rewrite the existing ordinance.

Council Member Lecka made a motion for a Public Hearing on Short Term Rental Ordinances and Council Member Dunn seconded the motion. The motion passed unanimously.

Budget Amendment

Manager Owen stated that this amendment relates to $3,000 requested from the TDA by the Police Department for promotional materials.

Council Member Lecka made a motion to approve budget amendment #20260713 and Council Member VonCanon seconded the motion. The motion passed unanimously.

Review Request for Qualifications, Architectural & Design Services – Police Department Renovation

Manager Owen introduced the request as one of three projects that have been published.

Chief Hodges stated that the town has received nine responses to this request for qualifications. He stated that he expects to bring back information to the Council within the week.

Review Request for Bids – Townwide Culvert Jetting and Vacuuming

Manager Owen stated that there isn't a recommendation tonight but there have been five respondents to this request for bids. He stated that the town must use the most stringent requirement available to the town for the procurement of services and they realized after the mandatory bid meeting, they did not advertise the need for a bid bond at the state requirement level, so the town needs to re-submit the request for bids.

Attorney Eggers stated that if the town was found to be out of compliance, the town would not be eligible for reimbursement. He stated that since the bids had been submitted sealed and were not opened, they are not available as public records and will not skew response to the re-advertisement of the request. This delay will potentially push the project back a couple of weeks.

Review Request for Bids - Townwide Culvert Repair

Manager Owen stated that this is a different bid. He stated that there were three bids received at the meeting today and they varied widely. He stated that the town is reviewing the bids to ensure that the bids are correctly responsive to the job. He stated that the town would look to quickly award the bid as soon as clarification is made.

Storm Recovery Update

Manager Owen highlighted updates on storm recovery. He stated that there are 26 FEMA projects that the town is working on at this time.

Manager Owen stated that the police department building and contents has been an ongoing conversation with FEMA. He explained that the goal with this project is to request whatever funds would be allocated to the original location to be allowed for use in a new facility. The town was considering an alternate project scenario but they were told that the money matching will require that the town complete an improvement project. Manager Owen stated that the town will keep the old building and create the new police station in the back building at the historic school property.

Manager Owen stated that the Greenway Trail, running out to the Art Cellar, and its projects at the Mill Pond and at Pat VonCanon's house are in negotiation. They are impacted by DOT and by Lees-McRae and their decisions on their own projects in that area. He stated that FEMA has stated that the Boardwalk

portion of the project can be isolated from the Greenway Trail project and may potentially be funded with money that can be used there or somewhere else.

Manager Owen stated that there are a couple of components in the park that are also in negotiation. He stated that FEMA felt that the town should have just lifted the bridge, completed the repairs, and set the bridge back down. The bridge was too badly damaged to make this possible. He stated that the long-term plan would be to replace the old bridge with a prefabricated bridge that would span the creek without stanchions in the creek bed.

Manager Owen stated that the dog park is open for dogs and being enjoyed.

Manager Owen stated that the town is in debate with FEMA over whether The Vista's water tank property is the town's responsibility.

Manager Owen stated that the Lecka Lane bridge is under review for costs comparing mitigation versus the pre-storm restoration.

Manager Owen stated that the Wastewater Treatment Plant funds have been signed off on.

Manager Owen reviewed the Crooked Creek culvert status including that one way access will be maintained during construction and ongoing information concerning pre-disaster and mitigation work.

Manager Owen stated that there is a lot of shoulder work to be done on town roads. He stated that Silver Springs is in a similar project flow to Crooked Creek, just a couple of weeks behind. He stated that Highland Drive has $50,000 in additional work that needs to be done.

Manager Owen stated that Orchard Lane has several projects on which the town is discussing and for two of the projects the town is exploring options with engineers that might allow not replacing culverts.

Manager Owen stated that the town is working through sewer line easements and the right to clear trees that are down on those easements.

Manager Owen stated that wetland projects and Shawneehaw Creek restoration are projects currently on the back burner. He stated that FEMA has offered money for engineering costing since it isn't an area for estimation.

Manager Owen stated that for Penny Lane, the town is waiting for bidding out the projects.

He stated that the SCADA repairs are still being conducted.

He stated that the town is waiting for the water line work being conducted out by the Farm and at Balsam Road to move the lines to the opposite side of the road. He stated that he hasn't seen the time line for completion at Dobbins Road, so he doesn't know if they are on track to finish in October.

Manager's Update & Staff Reports

Manager Owen stated that the town had a successful 4th of July. He stated that there may be the need to review in the future the placement of chairs on the sidewalk days before the event.

Manager Owen stated that Art On The Greene went well with a good turn out. He stated that he would appreciate help for the August Days Art On The Greene.

Manager Owen stated that the Planning Board is working on the noise ordinance and will bring it back to the Council when that is complete.

Manager Owen stated that the Board of Adjustments does not meet this month.

Manager Owen stated that the ABC Board has asked about passing a resolution related to the sale of ready-to-drink cocktails. He stated that there is a state law being proposed that would allow some pre-mixed cocktails to be sold at the grocery store. The ABC Board is concerned that they will lose their system of control and the revenue related to these sales.

Manager Owen passed out a resolution to the Council that expresses opposition to Section 22 of House Bill 921 regarding the expansion of Ready-To-Drink Spirit-Based Cocktail sales outside of the North Carolina ABC system. Manager Owen stated that although the House is not currently in session, he would like the town to provide feedback to the House when they are not under pressure.

Council Member Saunders made a motion to approve the Resolution of the Town Council of the Town of Banner Elk to oppose Section 22 of House Bill 921 regarding the expansion of Ready-To-Drink Spirit-Based Cocktail sales outside of the North Carolina ABC system and Council Member VonCanon seconded the motion. The motion passed unanimously.

Closed Session

Council Member Lecka made a motion to move into closed session for attorney-client matters and Council Member Saunders seconded the motion.

Council Member Dunn made a motion to come out of closed session and Council Member Saunders seconded the motion.

Other Business

As to the Banner Lowe 1, LLC annexation agreement, Council Member Saunders made a motion that the town accept the $125,000 payment as proposed by Banner Lowe 1, LLC in lieu of the well site with such funds to be restricted to the Town of Banner Elk water and sewer fund and Council Member Lecka seconded the motion. The motion passed unanimously.

The Council had a discussion about a sidewalk being installed from Town Tavern and extending up to the Dollar General. Manager Owen explained that there will be some work to be done to place the water and sewer on the Dollar General side of the road and then a sidewalk can be installed. Manager Owen stated that McGill Engineering has not provided a time line yet for the sidewalk on the side of town by the Mill Pond.

Manager Owen and Mayor Lyerly discussed contacting the COG about money for pedestrian safety through DOT for projects around town.

Adjourn

Council Member Lecka made a motion to recess at 7:35 p.m. and Council Member Saunders seconded the motion. The meeting was set to re-adjourn on Thursday, July 16th at 6:00 pm.

Approved: _____
Brenda Lyerly, Mayor

Attested: _____