BANNER ELK TOWN COUNCIL MEETING
August 10, 2026
MINUTES

The Banner Elk Town Council met on Monday, August 10, 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, Public Services Director Justin Hodges, and Attorney Joey Petrack.

Call Meeting to Order
At 6:00 pm Mayor Lyerly called the regular Town Council meeting of August 10, 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 for Short Term Rental Ordinance
Council Member Dunn made a motion to open a Public Hearing and Council Member Saunders seconded the motion.

Manager Owen explained that Attorney Eggers has drafted an update to the Town's Short Term Rental Ordinance in response to changing laws about short term rentals and the oversight of municipalities. He stated that the update protects the character of our community without limiting the ability to use a property for short term rental. He stated that a unique item within the new ordinance addresses the limit to occupancy of these properties.

Manager Owen stated that he will be asking the Council to table the agenda item on this topic tonight until next month because there are properties in town that already have advertised a higher number of occupants than what would be allowed and the Planning Board needs to examine occupancy number requirements and work towards not creating an ordinance that would require existing properties to go to the Board of Adjustments.

Manager Owen stated that the ordinance places a parking minimum for properties but current legislative changes are removing the parking minimums and that area needs to be rewritten before coming to the Council.

An audience member asked clarifying questions about the number of individuals per bedroom and ingress and egress.

Sam Brown asked about inclusion of enforcement in the ordinance. Manager Owen stated that there are items that have to do with enforcement but there aren't any financial penalties. He stated that numerous violations would lead to inability to rent for a period of time.

Council Member Dunn asked if POA's can enforce and provide oversight for short term rentals. Manager Owen stated they must respond to the town ordinances but can enforce more stringent requirements that are part of their POA regulations.

Council Member Lecka made a motion to close the public hearing and Council Member Dunn seconded the motion. The motion passed unanimously.

Approval of Minutes

Council Member VonCanon made a motion to approve the minutes for the regular Town Council meeting on July 13, 2026 and Council Member Dunn seconded the motion. The motion passed unanimously.

Public Comments

Tom McMurray addressed the Council and shared the advent of Banner Elk's new community non-profit radio station WXVV 105.5 and stated that the license has now been granted. He detailed the coverage and stated that the purpose of the station is to be a community based station with community programming. Mr. McMurray detailed some of the programming that is in the works and explained that it is affiliated with Pacifica Network which also provides some programming connections. He stated that they are doing blocks of 70's and 80's music and playing from the Great American Songbook.

Mr. McMurray explained that Asheville demonstrated the importance of a radio station in a community emergency situation during Helene when cell and Internet went down and that this station would be beneficial to the area in the future should the occasion warrant.

Mr. McMurray stated that there will be an official launch date and gathering in the future. He stated that the station is on the air 24 hours each day, seven days a week. He invited visitors any time.

John Connelly stated that he has questions about items on the agenda, specifically Banner Lowe, LLC, and stated that he was present in Chad Carpenter's absence.

Approval of Stated Agenda

Council Member Lecka made a motion to approve this month's agenda as presented and Council Member Saunders seconded the motion. The motion passed unanimously.

Short Term Rental Ordinance Amendment

Mayor Lyerly tabled this agenda item for next month so that the Planning Board has a meeting to review new information.

Banner Lowe, LLC Subdivision of Property

Manager Owen referred to a parcel map included in the Council Member's packets and explained the parcels being discussed. He stated that because the entire parcel being divided is larger than five acres it needs Council review. He stated that the one large parcel for Harris Teeter and the subdivision for the grocery store and fuel station was subdivided three years ago. He explained that there is a small portion of the greater parcel to be subdivided now that is adjacent to that parcel but doesn't have anything to do with it.

Council Member Saunders made a motion to approve the proposed subdivision of the Banner Lowe, LLC property and Council Member Dunn seconded the motion. The motion passed unanimously.

Annexation Request

Manager Owen highlighted the information included in the Council packets about a previous annexation request by this same individual and stated that tonight's action is to direct the staff to certify the petition.

Council Member VonCanon made a motion to ask the staff to certify the petition and Council Member Saunders seconded the motion. The motion passed unanimously.

Review Request for Bids – Townwide Culvert Jetting and Vacuuming

Manager Owen stated that the bids are broadly diverse and will be reviewed by Attorney Eggers to answer questions before further Council consideration. He stated that there are adequate bids that just need to be verified.

Consider Contract Approval - Townwide Culvert Repair

Manager Owen stated that staff is asking Council to approve the contract with M&M Construction for $184,000 to complete the Townwide Culvert Repair.

Council Member Dunn made a motion to approve the contract for Townwide Culvert Repair and Council Member Lecka seconded the motion. The motion passed unanimously.

Charge to Tax Collector

Manager Owen asked the Council to direct the collection of taxes for the current and previous years.

Council Member Dunn made a motion to direct the collection of taxes and Council Member VonCanon seconded the motion. The motion passed unanimously.

Storm Recovery Update

Mike Healy, town Recovery Assistant for Hurricane Helene, presented the update for the council. He stated that the town is still at 42 projects and that the Town has completed 21 to date which means they've been obligated and reimbursed. The total of these projects is approximately $2.9 million. He stated that an additional $576,000 in actual cash value has been paid from insurance. He stated that the replacement cost value is about double that and when the work is completed that total gets triggered. He stated that insurance will pay actuals above replacement value if it costs more and is already doing that. He stated that moving forward any replacement cost over actual is repaid one to one.

Mr. Healy stated that 13 projects are progressing in being formulated by FEMA. He stated that it will be about $6.5 million to complete these. He stated that $1.8 of that is on the verge of funding and it will include the Waste Water Treatment Plant, SCADA, townwide culverts & jetting, and Penny Lane.

Mr. Healy stated that there are 8 projects that FEMA wants to give $1.7 million but the projected costs are almost $4 million. He stated that they are still being discussed so that the reimbursement costs more closely match the actual costs. He stated that Silver Springs is one of these projects. He stated that Lecka Lane and Crooked Creek are closing in on agreement. Mr. Healy stated that within weeks Crooked Creek should be approved for $1.4 million.

Mr. Healy stated that the goal is to get the projects out to bid and lined up to be completed as soon as weather allows.

Mr. Healy stated that based on those numbers, the Town is looking at between $13 and $14 million to be recouped in costs.

Mr. Healy stated that Shawneehaw Creek will be last and will cost $1 million for creek restoration.

Mr. Healy reviewed that Townwide culvert and jetting are getting ready to be underway and the next project will be small asphalt work. He stated that this will affect access roads like Vista water tank and Mill Pond Road.

Mr. Healy stated that there isn't enough information to complete the Greenway project so the portion affected by DOT has been pulled so that the Greenway Trail portion can be addressed.

Manager's Update & Staff Reports

Manager Owen highlighted staff reports in the packet.

Manager Owen stated that the $3 million project on the clarifier has started and Public Services Director affirmed that the intention is to pour the clarifier before winter.

Manager Owen stated that the water project in Crooked Creek is designed and ready to bid. He stated that the owners of the property nearby are willing to support the Town in setting the pump house back from the road and onto their property so it is more visually appealing.

Manager Owen stated that he and Chief Hodges had an initial meeting with the architect firm working on the PD Project and that the firm is positive about it and excited to take it on. He stated that the figures being mentioned are in line with the monies set aside for the project. Chief Hodges said that there were two from the engineering firm and two from the electrical engineering firm that had visited the property for an initial assessment. Manager Owen stated that that this firm will be looking at the restroom renovation as well.

Manager Owen stated that the August Art On The Greene went well and the final event of the season will take place on Labor Day weekend. He stated that volunteers are always appreciated.

Manager Owen stated that the Planning Board didn't have a formal meeting in August but did meet in a smaller group for a working meeting addressing the noise ordinance rewrite. He stated that the Board of Adjustments does not have a meeting this month.

Manager Owen stated that there has been great interest in beautification of the park and park improvements and Laurie Huot, Jessie Schmitt and their group of volunteers have been working tirelessly. He expressed his appreciation for the volunteers and the work that has already been completed. He stated that they are known as BE Blooms and donation can be made to Friends of the Park to help with projects they work on.

Manager Owen stated that Chief Hodges wishes to talk to the Council about an expenditure from the COPS Golf Tournament fund. He reminded the Council that the funds raised from the tournament were to fund things that are outside of the normally budgeted items within the Towns budget.

Chief Hodges explained that the Police Department would like to purchase a SkyWatch Tower for large events and provide overwatch from about 30 feet in the air. He stated that in 2019 he had priced one new at $265,000. He stated he has found a used one for $24,000. Manager Owen stated that he will come back to the Council with a budget amendment on this item if approved with the funds coming from the Golf Tournament.

Council Member VonCanon made the motion to approve the purchase of the SkyWatch Tower and Council Member Saunders seconded the motion.

Chief Hodges stated that he has the need to replace handguns. He stated that the cost of replacements will be $6,892. He requested that the Council provide the officers with the opportunity to purchase their replaced handguns. He proposed that the Council surplus the replaced weapons and sell them to the officers for $1.

Manager Owen stated that this would be a capital fund item and the money is already available in the budget.

Council Member Lecka made a motion to sell the pistols that are being replaced to the officers for $1 And Council Member Dunn seconded the motion.

Chief Hodges requested that the Council purchase 8 suppression devices for the police department's 8 AR-15 rifles for $8,913. He explained that these items would protect the officers and the public if the rifles are fired indoors.

Council Member VonCanon made the motion to purchase 8 suppression devices and Council Member Dunn seconded the motion.

Chief Hodges reported on the large methamphetamine drug bust by Office Logan and Que.

Council Member Lecka made a motion to purchase the new handguns for the police department and Council Member Dunn seconded the motion.

Closed Session
There was no closed session at this meeting.

Other Business
Council Member Lecka asked for an update on the status of the park's foot bridge replacement. Manager Owen stated that the town is really close with a determination of cost from FEMA.

Council Member Saunders asked for the timing and Manager Owen stated that the desire is for that to be completed this fall.

Adjourn
Council Member Lecka made a motion to adjourn at 6:46 p.m. and Council Member Dunn seconded the motion. The meeting was adjourned.

Approved: _____
Board Chair

Attested: _____