

**BANNER ELK TOWN COUNCIL MEETING  
FEBRUARY 13, 2023  
MINUTES**

The Banner Elk Town Council met on Monday, February 13, 2023, at 6:00p.m. in person for Council and staff with public participation. Remote viewing was offered through zoom.

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

Staff present: Town Manager Rick Owen, Town Attorney Four Eggers, Police Chief Kevin Hodges, Public Services Supervisor Justin Hodges, and Zoning Administrator Riley Pudney attended through Zoom.

**Call Meeting to Order**

At 6:10 p.m. Mayor Lyerly called the regular Town Council meeting of January 9, 2023, to order.

**Pledge of Allegiance**

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

**Invocation**

Council Member Charles VonCanon opened the meeting with prayer.

**Approval of January 9, 2023, Minutes**

Mayor Lyerly asked the Council to review and approve the minutes from the January 2023 meeting. With no changes made, Councilman Lecka motioned to approve the minutes as presented with a second by Councilman Dunn. All were in favor of the motion.

**Approval of Stated Agenda**

Mayor Lyerly asked if there was a motion to approve the stated agenda. Councilman Tufts motioned to approve the agenda with a second by Councilman VonCanon. All were in favor of the motion.

**Public Comment**

Mayor Lyerly opened the meeting to comments from the public who were not on the stated agenda. There was no one who signed up to speak.

**Republic Service Contract Extension**

Town Manager Rick Owen informed the Council that it was time to renew the contract with Republic Services for a 1-year extension. He stated that next year, the town should consider entering into a multi-year contract. Councilman Dunn asked if the contract allowed for a price increase. Town Manager Rick Owen said that it did, but it would not go into effect until July. He also informed the Council that there are 140 customers who utilize the service. Of those 140, 57 residents recycle. There are 57 commercial businesses that utilize the service with 6 recycling. Lastly, he stated that there are a total of 81 pickups a week for commercial. With no further questions from the Council, Councilman Tufts motioned to approve the 1-year contract and was seconded by Councilman Lecka. The motion passed unanimously.

### **Audit Contract**

Town Manager Rick Owen informed the Council that the contract for auditing services needs to be approved. He stated that the price increased \$1,000 to include financial services, but he believes it is still a very reasonable price. With no questions from the Council, Councilman Lecka motioned to approve the contract and was seconded by Councilman Dunn. The motion passed unanimously.

### **Tax Release**

Town Manager Rick Owen explained that the requested release was for common area in the Banner Elk Vistas and was improperly taxed by Avery County and the Town. He informed the Council that Avery County had already released their bill and had requested that the Town do the same. It was explained that the common area is divided into the owners tax bills and should not have been taxed. With no questions from the Council, Councilman Tufts motioned to release the bill and was seconded by Councilman Dunn. The motion passed unanimously.

### **Tax Advertisements**

Town Manager Rick Owen presented to the Council the advertisement of unpaid property taxes that will be advertised in the paper next month. He explained that there was no action needed by the Council. Mayor Lyerly asked if the property owners had been notified, to which he answered that they have been and will receive another notice.

### **Annexation Request 1285 Balm Highway**

The request for annexation into Town is for 1285 Balm Highway and the adjoining property. The applicant is requesting annexation to receive Town services and utilities. Town manager Rick Owen said the property across the street had been recently annexed. He requested the Council to call for the Clerk to certify the annexation petition. With no further questions, Councilman VonCanon motioned to have the Clerk certify the petition and was seconded by Councilman Lecka. The motion passed unanimously.

### **Public Services Report**

Public Services director Justin Hodges presented the annual public services report to the Council. He thanked both the Council and Town Manager for their support and resources to do his job. Councilman VonCanon asked who the new hire is. Justin Hodges stated that Andrew Grindstaff has been with the Town for 3 months now and is doing great. Justin Hodges told the Council that if they had any specific questions regarding the report that he would be happy to answer. Councilman VonCanon asked what the plan was for the broken metal bridge. Justin Hodges told him that when the ground is not muddy, they will cut it apart and haul it out. There were no questions from the Council.

### **Manager's Update**

Town Manager Rick Owen informed the Council that Banner Elk will be the starting point for the Mountain to Coast Cycle NC ride. It will be the weekend of October 1<sup>st</sup>. He then stated that he had recently attended the NC Manager's meeting which was very informative and beneficial. He updated the Council on a possible Hotel development and wanted to let them know the plans for annexation and zoning. He also updated the Council on the Board of Adjustment Appeal decision regarding the illegal subdivision.

**Other Business**

Mayor Lyerly asked about the status of Wood's laundry mat. Town Manager Owen explained that the look/material does meet the ordinance, however the building still needs eves to come into compliance.

With no further comments or questions, Councilman VonCanon motioned to adjourn and was seconded by Councilman Lecka. The motion passed unanimously, and the meeting was adjourned at 6:50 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: