

**BANNER ELK TOWN COUNCIL MEETING  
APRIL 11, 2022  
MINUTES**

The Banner Elk Town Council met on Monday, April 11, 2022, at 6:00 p.m. in person for Council and staff, with public participation facilitated through in person and remote communication using audio and video connections due to the Covid-19 pandemic.

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

Staff present: Town Manager Rick Owen, Town Attorney Four Eggers, Zoning Administrator Riley Pudney, Police Chief Kevin Hodges.

Also present was Fire Chief Tyler Burr and Assistant Chief Will Treen.

**Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of April 11, 2022, 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 March 14, 2022, Minutes**

Mayor Lyerly asked the Council to review and approve the minutes from the March 2022 meeting. With no changes made, Councilman Dunn motioned to approve the minutes as presented with a second by Councilman Tufts. All were in favor. No one opposed.

**Approval of Stated Agenda**

Mayor Lyerly asked if there was a motion to approve the stated agenda. Councilman VonCanon motioned to approve the agenda with a second by Councilman Lecka. All were in favor. No one opposed.

**Public Comment**

Mayor Lyerly opened the meeting to comments from the public. Jim Swinkola, a member of the Banner Elk Kiwanis club addressed the council with two invitations to two upcoming events. The first is on April 19<sup>th</sup>, where the candidates for Sheriff will be speaking to the public at the Holston Presbyterian Camp. It will serve as an opportunity for the public to hear the candidates speak on different topics. The second event is April 29<sup>th</sup> for a fellowship breakfast where Senator Deanna Ballard and Senator Ralph Hise will be in attendance.

**Public Hearing for Rezoning of 1859-1830-1511**

Zoning Administrator Riley Pudney presented to the Council a request to rezone a parcel owned by the Banner Elk Volunteer Fire Department. The parcel is intended for a new fire station. The

current zoning of the parcel is C-1P. the request is to change it to CZD. Zoning Administrator Riley Pudney explained that the CZD district allows for civic uses of the lot, such as EMS stations, police, libraries etc. Councilman Robert Tufts questioned why it could not be zoned as G-O which would allow for the same use but would limit the parcel to strictly government owned businesses. Staff indicated that they would look more closely at the differences in the zoning districts. With no further questions, the Council moved to hold a public hearing at their May meeting. All were in favor. No one opposed.

### **Annexation Request 1260 Balm Highway**

Town Manager Rick Owen presented to the Council a request for annexation at the address of 1260 Balm Highway. The owners are wanting to connect to Town sewer service but not Town water. Councilman VonCanon asked to clarify which service they would be utilizing, and Town Manager Owen reiterated that as of right now they are only looking to connect to the Sewer and will pay all the necessary connection and development fees. Mayor Lyerly asked for a motion to have the Clerk certify the annexation petition. Councilman Lecka motioned for the certification of the petition with a second by Councilman Tufts. All were in favor. No one opposed. The annexation request will be revisited at the May meeting.

### **Arbor Day Proclamation**

Town Manager Rick Owen presented the annual Arbor Day Proclamation to the Council, which recognizes National Arbor Day on April 29<sup>th</sup>. Manager Owen informed the Council that Zoning Administrator Riley Pudney will be working with the Tree Board to plan an Arbor Day celebration in upcoming months when the weather allows for it. The Council approved a motion to accept the proclamation.

### **Review of Water and Sewer Capital Improvement Plan**

Manager Owen provided the Council with several updated pages for the Capital Improvement Plan with information on an additional water storage tank and sewer system improvements. He informed the Council that the Town will be looking toward a September round of grants for possible funding for select projects. September will allow more time for the Council to budget and prioritize projects. He also stated that the plan will be continuously changing and asked the Council to adopt the plan as currently presented. Mayor Lyerly asked the Council if they were comfortable with the plan and were ready to adopt it. Councilman Tufts made a motion to approve the plan with a second by Councilman VonCanon. All were in favor. No one opposed.

### **Manager Updates**

Town Manager Owen provided staff reports to the Council in their packets and indicated staff was open to any questions. He informed the Council of a water leak near Orchard Lane that resulted in an area of Town being under a boil water advisory. He also requested the Council to schedule budget meetings in the upcoming months. After discussion, the dates are April 25<sup>th</sup>, May 18<sup>th</sup>, and June 27<sup>th</sup> all at 6:00 p.m. Manager Owen also discussed with Council this year's Historic Banner Elk School Golf Tournament. He informed the Council of the dates that Beech Mountain Club had available, September 26<sup>th</sup> and October 3<sup>rd</sup>. Police Chief Kevin Hodges informed the Council that the Police Department's tournament is on October 3<sup>rd</sup>. The Council agreed to request the tournament be held at Beech Mountain on September 26<sup>th</sup>.

Lastly, Manager Owen informed the Council about Art on the Greene. Mayor Lyerly asked if they were doing these events in house. Manager Owen explained that he will have volunteers (point person) that will work the shows who will serve as a contact person for the artists. Zoning Administrator Riley Pudney volunteered to do some weekends if needed. Councilman VonCanon asked how the new Culver Street connection project would impact the event. Manager Owen said they will either be finished or will not be working on show weekends, so there should be no impact on the show.

**Other Business**

Fire Chief Tyler Burr informed the Council that after their inspection, their rating went down to a 5.5. Which helps insurance rates and can help increase commercial activity in the area.

With no further business, the meeting was adjourned with a motion by Council Member Charles VonCanon and seconded by Robert Tufts. All were in favor. No one opposed. The meeting ended at 6:36 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: May 9, 2022