

BANNER ELK TOWN COUNCIL MEETING
JULY 11, 2022
MINUTES

The Banner Elk Town Council met on Monday, July 11, 2022, at 6:00p.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, David Lecka, Charles VonCanon, and Robert Tufts. Councilman Mike Dunn attended the meeting over zoom.

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

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of July 11, 2022, to order.

Pledge of Allegiance

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

Invocation

Council Member Charles Von Canon opened the meeting with prayer.

Approval of June 13, 2022, Minutes

Mayor Lyerly asked the Council to review and approve the minutes from the June 2022 meeting. With no changes made, Councilman VonCanon motioned to approve the minutes as presented with a second by Councilman Lecka. All were in favor.

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 Lecka. All were in favor.

Public Hearing for Land Use Plan

Phil Trew with the High-Country Council of Government presented a brief overview of the proposed 2021 Land Use Plan to the Council. He explained his methodology, which included the use of a public survey, a windshield survey and recommendations from the plan. The recommendations he presented were:

- Review Viewshed Development Guidelines
- Review Heritage District Overlay Regulations
- Review Tree Preservation Regulations
- Codify requirement for Traffic Impact Analysis
- Clarify Historic Overlay
- Implement Water/Sewer CIP
- Implement Town Pedestrian Plan
- Implement Town Parks and Recreation Plan
- Conduct improvements to the Historic School Site
- Improve communication between Planning Board, Board of Adjustment and Town Council.

Phil Trew asked if the Council or anyone else had questions regarding the plan. Ted Silver, who participated over Zoom, had a few comments. He was concerned about the legalization and enforceability of the tree ordinance; he recommended the use of including pedestrian traffic to the traffic study. Ted Silver also commented about what types of businesses that would be allowed in the Historic Overlay District and how they would be limited. Lastly, he recommended to the Council the addition of a position that focused on finding and applying for grants. With no further comments or questions, the public hearing was closed.

Public Hearing for Annexation Request-1858-1047-8188

There was no comment from the public regarding this annexation request.

Public Hearing for Ordinance Amendment §152.035 Mobile Food Trucks

Town Manager Rick Owen informed the Council that he is recommending that they don't take any action on this request today and will explain more when the agenda item comes up. Ted Silver also commented that the existing ordinance has issues such as the operating hours. This amendment would allow for trucks to operate 24/7. He also had concern over the safety of pedestrians with food trucks operating close to other businesses. There was no further comment from the public.

Public Comment

Mayor Lyerly opened the meeting to comments from the public who were not on the stated agenda. Ted Silver made a quick comment regarding the Lees McRae Bike Race, stating that it was another big event that brought many people to the area, and it was very successful.

Land Use Plan Adoption

Phil Trew with Council of Government reintroduced the Land Use Plan to the Council. Mr. Trew gave a brief overview of the plan, highlighting the public input survey and recommendations section. The Council had no further questions and thanked Phil for his hard work. Councilman VonCanon motioned to approve the plan. The motion was seconded by Councilman Tufts. The motion passed unanimously.

Parks and Recreation Plan Adoption

Tatiana Magee with the Council of Government provided the Council an extensive overview of the updated Parks and Recreation Plan. Her presentation included the methodology, which entailed stakeholder surveys and public surveys. She explained to the Council key areas that were of concern to the public, such as a new dog park and more lighting on walking paths. Councilman Tufts asked Ms. Magee what Dark Sky Compliant lighting was. She explained that it was lighting that was downturned and reduced light pollution, specifically requested for Tate Evans Park. She informed the Council that there were recommendations that the Town could accomplish on their own, such as the dog park or bocci ball courts. Other recommendations included collaborating with stakeholders, like Lees McRae and creating more hiking trails or athletic fields. Councilman VonCanon thanked Ms. Magee for her hard work and recognized the time and effort that went in to developing the plan. With no further comments or questions, Councilman Lecka motioned to adopt the plan. The motion was seconded by Councilman Tufts and passed unanimously.

Annexation Request, Lot on Dobbins- 1858-1047-8188

No member of the Council had any further questions or comments regarding the annexation request. Councilman VonCanon motioned to approve the annexation request. The motion was seconded by Councilman Lecka and passed unanimously.

Ordinance Amendment §152.035 Mobile Food Trucks

Manager Owen informed the Council that he believed it would be best if there was no action taken on this amendment. He explained to the Council that the amendment was a fast solution to a problem that was presented and that it could lead to further issues. He also explained that the Planning Board is reviewing the ordinance as a whole and will be making recommendations for changes in the future. Town Manager Owen further explained that the amendment came from the issue of Stonewalls parking their food truck in their parking lot overnight and another restaurant wanted to do the same but was informed they could not because of the ordinance. He informed the Council that there were parts of the existing ordinance that are not being enforced and that the Town and the Zoning Department were going to begin enforcing the ordinance as it was written. The Council agreed with his recommendation and took no action.

Call for Public Hearing for Rezoning Request 110/120 Azalea Way

Zoning Administrator Riley Pudney informed the Council of a request to rezone 110 and 120 Azalea Way from R-2 to M-U. The purpose of the rezoning is to allow staff from the surrounding restaurants to use the parking area along with the residents of those apartments. She informed the Council that this was in line with the Land Use Plan and matched the surrounding area. With no comments or questions, Councilman Tufts motioned to call for a public hearing. The motion was seconded by Councilman Lecka and passed unanimously.

Call for Public Hearing for Rezoning Request 134 Main Street

Zoning Administrator Riley Pudney informed the Council of a request to rezone 134 Main Street from R-2 to C-1. She informed the Council that this was the property next to the Perry House that had previously been spot zoned. The rezoning would make the parcel a continuous C-1 property. With no questions or comments, Councilman VonCanon motioned to call for a public hearing. The motion was seconded by Councilman Tufts and passed unanimously.

Holston Camp Sewer Connection

Manager Rick Owen informed the Council of the request from Holston Camp to connect to the Town's sewer system. This would be an out-of-town connection, so it requires Council approval. He explained that the Town already had connections at the camp, so there would not be an issue of getting the service to them. Councilman Tufts asked him if they would be responsible for the cost of the work and Manager Owen said that they would be. He further explained that the connection is for a 400 square foot, 1 bed/1 bath cottage that will house staff during the summer. Councilman Tufts motioned to approve the connection with a second by Councilman Dunn the motion passed unanimously.

Manager's Update

Town Manager Owen provided reports to the Council in their packets and stated staff was open to any questions. He informed Council that DOT planned on beginning their milling and repaving of Highway 184 and 194 within the next two weeks and will be working at night, from 7 pm to 7 am. Councilman Tufts asked where exactly the repaving would occur. Town Manager Owen answered that it will be from the Tynecastle intersection to Beech Mountain Parkway and then all of 194 (county line to Elk River) that is in Town limits. Mayor Brenda Lyerly asked if the road would be closed, and he answered that it would not be, that it would be one lane. Councilman Lecka asked about the impact to traffic for Lee's McRae plays and other late evening events in the Town. Town Manager Owen asked for them to provide him a list of events that he can pass on to the paving company.

Town Manager Owen also informed the Council of a change order for the Culver Street Project for the drainage that needed to be installed, curb and gutter and base layer of asphalt, totaling \$93,382. He informed Council that he is still gather pricing for additional site work. Councilman VonCanon and Mayor Lyerly believed that now was the best time to complete the curb and gutter and that it will cost more later. Councilman VonCanon motioned to approve the change order. The motion was seconded by Councilman Tufts. The motion passed unanimously. Lastly, Town Manager Owen reminded the Council of legislation that was going to be introduced regarding occupancy tax and how the revenue was to be spent. He explained that a Senior Legislator did not want to introduce the bill yet, so it had not moved forward. He then asked Zoning Administrator Riley Pudney to inform the Council of the Mill Pond project.

Zoning Administrator Riley Pudney informed the Council that Lees McRae would be beginning to dredge the Mill Pond to make the Pond deeper and remove sedimentation. She also said that it would be done during the day and would be a little noisy. She explained that the Contractor had been in her office that day to get a tree permit for the sediment storage area and the project should begin soon and last roughly 3 months. Councilman Tufts asked if they would be required to replant any trees. Zoning Administrator Riley Pudney answered that they are only removing two trees and that they did not require a permit to remove them, nor would they be required to replant any. Councilman VonCanon asked if the project would interfere with travel on Mill Pond Road given that the staging area for the sediment is on the opposite side of the road from the pond. Town Manager Owen explained that they would build a ramp over the pipe that lies across the road so cars and bikes can still drive over it. The project will begin on the Hickory Nut Gap side and move toward the dam. Zoning Administrator Riley Pudney explained that the key to the success is to have the pond maintained once the project is complete.

Other Business

No other business was discussed.

With no further comments or questions, Councilman Lecka motioned to adjourn. The motion was seconded by Councilman Tufts. The motion passed unanimously, and the meeting was adjourned at 7:21 p.m.

Mayor Brenda Lyerly

Attested

Approved: