

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

The Banner Elk Town Council met on Monday, March 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, David Lecka, Charles VonCanon, and Robert Tufts. Mike Dunn was connected through zoom.

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

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of March 13, 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 February 13, 2023, Minutes

Mayor Lyerly asked the Council to review and approve the minutes from the February 2023 meeting. With no changes made, Councilman VonCanon motioned to approve the minutes as presented with a second by Councilman Tufts. 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 Lecka. 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.

Special Presentation from Chief Hodges

Chief Kevin Hodges introduced officer Justin Speer and recognized him and his accomplishment of receiving his Advanced Law Enforcement certification from the Police Commission. Chief Hodges stated that this required over 480 hours of continuous training and education and took just over 8 years to accomplish. Chief Hodges presented the certification to Officer Speer and thanked him for his service and dedication.

Annexation Request 1263/1285 Balm Highway

Town Clerk Riley Pudney stated that she had certified the request for annexation and the next step would be for the Council to call for a public hearing for their next meeting in April. With no questions or comments, Councilman Lecka motioned to call for a public hearing in April and was seconded by Councilman VonCanon. The motion passed unanimously.

Budget Amendment-Police Chief

Chief Hodges addressed the Council by asking for approval of a budget amendment to cover the additional costs of outfitting 2 new patrol vehicles. Chief Hodges explained that pricing has gone up since the original budget and each vehicle needs an additional \$12,300 to cover the costs of being outfitted and completed. Councilman Tufts asked when the vehicles would be delivered. Chief Hodges answered that the vehicles are already here and striped, they just need the interior to be outfitted with radios, cages, and other equipment. He stated that this process could take an additional 6-8 weeks. With no further questions, Councilman Tufts motioned to approve the budget amendment of \$25,000 and was seconded by Councilman VonCanon. The motion passed unanimously.

Policy Adoptions

Town Manager Rick Owen presented to the Council five policies that needed to be adopted before the Town could use the funds from the American Rescue Plan and CSLFRF. He explained that the funds would be used for revenue replacement and these policies needed to be in place prior to the funds being spent. The Council had no questions and made the following motions:

-Nondiscrimination Policy-Councilman VonCanon motioned to adopt and was seconded by Councilman Tufts. The motion passed unanimously.

-Record Retention Policy- Councilman Lecka motioned to adopt and was seconded by Councilman Tufts. The motion passed unanimously.

-Conflict-of-interest policy- Councilman Tufts motioned to adopt and was seconded by Councilman VonCanon. The motion passed unanimously.

-Allowable Costs and Cost Principles Policy- Councilman VonCanon motioned to adopt and was seconded by Councilman Lecka. The motion passed unanimously.

-Eligible Use Policy- Councilman Lecka motioned to adopt and was seconded by Councilman Tufts. The motion passed unanimously.

Zoning Amendment: Commercial Low-Density District

Zoning Administrator Riley Pudney introduced the proposal of a new zoning district to the Council. The new district is commercial-low density (C-LD) and would allow for small scale, low impact commercial businesses in more residential rural areas. The term “Adaptive Reuse” was explained as allowing for existing structures to be renovated and turned into commercial businesses. She stated that this was in line with the Land Use Plan in allowing for commercial growth along the 184/194 corridors. Councilman Tufts asked if the main difference for this district compared to other commercial districts is the adaptive reuse section. Zoning Administrator Riley Pudney answered that yes, that was the biggest difference along with only allowing low impact commercial ventures. She informed the Council that the next step would be to call for a public hearing if they wanted to move forward. With no other questions or comments, Councilman VonCanon motioned to call for a public hearing for their next meeting and was seconded by Councilman Tufts. The motion passed unanimously.

Zoning Ordinance Amendments

Zoning Administrator Riley Pudney provided the Council with two previously adopted ordinances. She stated that they did not copy over to the American Legal version, and they need to be recodified. She stated that they were 152.086 (g) Utilities and (h) Fences. She asked for the Council to call for a public hearing for the amendments. With no questions, Councilman Tufts motioned to call for a public hearing and was seconded by Councilman VonCanon. The motion passed unanimously.

Unpaid Taxes Advertisement

Tax Collector Riley Pudney presented to the Council the advertisement of unpaid property taxes that will be advertised in the paper on March 15th, 2023. She explained that there was no action needed by the Council.

Arbor Day Proclamation

Zoning Administrator Riley Pudney presented the annual Arbor Day Proclamation to the Council, which recognizes Arbor Day on April 28th. She informed the Council that she is working with the local Forestry service to have oak seedlings delivered and available to the public at one of the Art on the Green shows. The Council approved a motion to accept the proclamation.

Manager Updates

Town manager Rick Owen provided the Council with staff reports and the following updates:

-He asked the Council to adopt a resolution to accept a \$735,000 grant offer from the American Rescue Plan for water projects within the Town. Councilman Lecka motioned to adopt the resolution and was seconded by Councilman VonCanon. The motion passed unanimously.

-He asked the Council to schedule a special project planning meeting in the upcoming weeks to plan for the upcoming budget year. The Council decided on 3/27/2023 at 7 p.m. for the meeting.

-The DOT is having a statewide litter sweep April 15th-29th and the manager ask to coordinate a litter sweep for Town roads during that time as well. He said the Town Hall will supply trash bags and gloves. He hopes that people will volunteer and adopt a Town road to clean up. Mayor Lyerly asked if it would be possible to coordinate with Lees McRae College and the Kiwanis Club. He stated that he could look into that option.

Other Business

Councilman VonCanon asked if there was an update on the College renovation project. Town Manager Rick Owen stated that he did not have a timeframe of completion.

Councilman Tufts asked for an update on the Historic School Project and if a bid has gone out yet. Town Manager Rick Owen stated that the bid request had not gone out and the project has a few issues he needs to figure out before it goes out to bid. He stated that the project has been delayed due to the Culver Street project and the front section cannot start until that is completed. He also stated that he is still looking at financing option. Also, there is concern on the timing of the project with other events such as Art on the Green, Woolly Worm, and Plays. He believes that work won't begin until after Woolly Worm. He stated that he would provide the Council with additional information at their planning meeting.

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

Mayor Brenda Lyerly

Attested

Approved: