

BANNER ELK TOWN COUNCIL MEETING
August 14, 2023
MINUTES

The Banner Elk Town Council met on Monday, August 14, 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, Charles VonCanon, Mike Dunn, Robert Tufts and, David Lecka

Staff present: Town Manager Rick Owen, Attorney Four Eggers, Police Chief Kevin Hodges, Public Service Director 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 August 14, 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.

Public Hearing for Zoning Use Table Amendment

Zoning administrator Riley Pudney reminded the Council this was for a change to the use table. She explained that there are some uses that are permitted outright and do not require to come to the Planning Board or Board of Adjustment. She stated that there are uses, such as a hotel, that need stringent review from both Boards and has recommended changes to change specific uses from permitted use to a special use.

There were no questions or comments from the public regarding the changes and the hearing was closed.

Approval of July 10th 2023 Minutes

Mayor Lyerly asked the Council to review and approve the minutes from the July 10th regular meeting. With no changes made, Councilman VonCanon 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 or amend the stated agenda. Mayor Lyerly asked if the Council would consider adding a closed session before the rest of the agenda items. After discussion, Councilman Tufts motioned to go in to closed session before Agenda Item 1 and was seconded by Councilman VonCanon. The motion passed unanimously.

Public Comment

Mayor Lyerly opened the meeting to comments from the public who were not on the stated agenda. The following individuals spoke:

Mark Mucci, the architect for the Springhill Suites, addressed the Council asking them to provide a more concrete stance on the potential zoning district. He stated that he believes that his team

has accommodated the Town and does not want the project to get kicked to the curb. He asked the Council to let him know where his project stands.

Gonzalo Sanabria of Sugar Mountain addressed the Council and the public issuing an apology of posting photos of local businesses on a blog and talking negatively of them. He reiterated Mr. Mucci's request of letting the developer know where the project stands and offered his services to the Council.

There were no further comments from the public.

Closed Session

The mayor moved the Council into a closed session.

Council returned to open session on a motion by Councilman Lecka and was seconded by Councilman Dunn. The motion passed unanimously.

Zoning Use Table Amendment

Zoning Administrator Riley Pudney informed the Council that this change is not adding or removing any permitted uses, it is only making some uses have to go to the Board of Adjustment as well as the Planning Board.

With no further questions, Councilman Lecka motioned to approve the amendment and was seconded by Councilman VonCanon. The motion passed unanimously.

Annexation Request for Parcel 1849-00-93-8430

Zoning Administrator Riley Pudney explained that she had certified the petition for a contagious annexation request for a 13.6-acre parcel next to The Vistas. The parcel is requesting Town water and sewer for a future development. She explained that the next step would be to call for a public hearing. Councilman Dunn asked if the Town had the capacity for water and sewer for a future development at this location. Town Manager Owen stated that he believes more information needs to be gathered before the Town approves the annexation. He stated that he would recommend tabling the request after the public hearing until a plan or survey is provided from the developer.

With no further questions, Councilman Tufts motioned to call for a public hearing and was seconded by Councilman Lecka. The motion passed unanimously.

Annexation Request 1858-1552-2667

Zoning Administrator Riley Pudney informed the Council that this request was for a non-contiguous annexation of roughly 13 acres next to the Lowe's Hardware. She explained that the site would potentially be a hotel and would need Town water and sewer. She asked that the Council direct her to certify the petition for the next meeting.

Town Manager Rick Owen also explained to the Council that he was in talks with the developer about a possible well site and that the Council could make that a condition of the annexation.

With no comments or questions, Councilman VonCanon motioned to have the petition certified and was seconded by Councilman Dunn. The motion passed unanimously.

Annual Settlement and Statement of the Tax Collector

Tax Collector Riley Pudney presented the Tax settlement to the Council which included the settlement report, DMV fees and a list of over/under payments. She informed the Council that the Town had a 98% collection rate and was very pleased with that rate. Tax Collector Riley Pudney asked if the Council had any questions regarding the report, and none were stated.

Resolution to Approve 2022-2023 Tax Settlement & Minimal Collection Statement

Tax Administrator Riley Pudney informed the Council that NC General Statute required the Council to pass a resolution approving the previously presented Tax Settlement. Along with the settlement, she requested the Council to also pass a resolution allowing her to not collect tax bills that were less than \$5.00. With no questions or comments, Councilman VonCanon motioned to pass both resolutions and was seconded by Councilman Dunn. The motion passed unanimously.

Charge to Tax Collector to Collect Current Year Taxes

Tax Collector Riley Pudney requested the Council to charge her as the Tax Collector to collect the Current 2023-2024 taxes on behalf of the Town. Councilman VonCanon motioned to pass the charge and was seconded by Councilman Dunn. The motion passed unanimously.

Consider Engineering Services Agreement

Town Manager Rick Owen informed the Council that the Town is required to seek engineering services through a Request for Qualifications to be compliant with the funding from State appropriated ARPA funds the Town received. The funds are for projects involving water and sewer improvements. He further explained that the Town received 3 responses to the request and that he and Justin Hodges believe the Town should enter into an agreement with McGill for the 2 projects.

Councilman Dunn motioned to accept McGill and was seconded by Councilman Lecka. The motion passed unanimously. Councilman VonCanon motioned to direct staff to begin the paperwork for contracts related to the projects and was seconded by Councilman Tufts. The motion passed unanimously.

Resolution Authorizing Application with Local Government Commission

Town Manager Rick Owen addressed the Council, informing them that the Town is ready to move forward with the Historic School Site project. In order to begin the funding process, the Council must pass a resolution that authorizes the filing of an application for approval of a financing agreement with the Local Government Commission. He asked the Council to consider the resolution so he is authorized to begin the application process.

With no questions or comments, Councilman Tufts motioned to approve the resolution and was seconded by Councilman Dunn. The motion passed unanimously.

Manager Updates

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

- He informed the Council that the August Art on The Green show was a success and had a great turn out.

-Piedmont Natural Gas has a leak in front of Dobbins Road and may have leaks extending down toward the old hospital. They are continuing to work on it and will have to bypass the line. The repairs will affect traffic for the time being.

-He asked the Council to call for a public hearing as part of the Local Government Commission application process for their next scheduled meeting. The public hearing would be to receive public input on the Historic School Site Project and the proposed funding of the project. Councilman Lecka motioned to call for the public hearing and was seconded by Councilman Tufts. The motion passed unanimously.

-Lastly, he explained that the bids for the school project will be opened on the 8th and staff will hopefully have a recommendation for the Council meeting on the 11th.

Other Business

Councilman Dunn addressed the rest of the Council regarding the C-3 zoning district. He believes that any further discussion needs to reflect a zoning district and not a specific project. He asked Attorney Eggers if a new public hearing would need to be held if there were changes made to the proposed ordinance. Attorney Eggers answered that there would be a need for an additional public hearing.

Councilman Lecka stated that he would be okay with a height change of 45-48 feet tall. Councilman Tufts agreed, but also stated that the entire document and other 16 qualifications need to be reviewed. Councilman VonCanon stated that the Council needs to be careful in determining what if any changes are made.

After discussion, Council agreed that a work session needed to be held on September 24 at 5pm. Councilman Tufts motioned to hold the workshop and was seconded by Councilman Dunn. The motion passed unanimously.

There was no further business.

With no further comments or questions, Councilman Tufts motioned to adjourn and was seconded by Councilman Lecka. The motion passed unanimously, and the meeting was adjourned at 7:20 p.m.

Mayor Brenda Lyerly

Attested

Approved: