

**BANNER ELK TOWN COUNCIL MEETING
OCTOBER 9, 2023
MINUTES**

The Banner Elk Town Council met on Monday, October 9, 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, and Zoning Administrator Riley Pudney.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of October 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.

Public Hearing for Annexation Request-Banner Lowe 1, LLC

Mayor Lyerly opened the public hearing with a motion by Councilman Tufts and second by Councilman Dunn. Zoning Administrator Riley Pudney reminded the public that the request was for a 13-acre parcel next to Lowes Hardware that will be a potential site for a Hampton Inn and outparcel development. The petitioner requests connection to Town services for the development.

There were no comments from the public regarding the annexation. With no further comments, the public hearing was closed.

Approval of September 11th, 2023, Minutes

Mayor Lyerly asked the Council to review and approve the minutes from the September 11th regular meeting. With no changes made, Councilman Dunn motioned to approve the minutes as presented with a second by Councilman Lecka. 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 VonCanon motioned to approve the agenda as stated and was seconded by Councilman Tufts. The motion passed unanimously.

Public Comment

Ted Silver addressed the Council by thanking Town Manager Rick Owen and the Town for hosting and helping the Mountains to Sea bike event. He stated that the cyclist were very pleased with the accommodations. He also asked the Council to consider installing two DOT “Bikes May Use Full Lane” signs on Culver Street.

Annexation Request, Banner Lowe 1, LLC- 1858-1552-2667

Town Manager Rick Owen informed the Council that it is his recommendation to table the annexation to the next meeting so that the petitioner could gather more information regarding a well site. He explained that the Town has the capacity to provide sewer services and fire protection, but not water. The developer and property owner are working to find a location for a well site.

With no comments or questions, Councilman Lecka motioned to table the discussion until the November meeting and was seconded by Councilman Dunn. The motion passed unanimously.

C-3 Discussion

Mayor Lyerly opened the discussion to the Council regarding the potential C-3 Zoning District. Councilman Lecka stated that he believed the new district is beneficial to the Town in the long run and makes sense for future growth to be able to control it. Councilman Tufts agreed with Councilman Lecka and further stated that the proposal is very restrictive and allowed for the Council and Town to have more control. With no other comments or questions, Councilman Lecka motioned to approve the C-3 Zoning District and was seconded by Councilman Tufts. The motion passed unanimously.

Annexation Request 1697 Balm Highway

Town Manager Rick Owen informed the Council that this request was for an annexation at 1697 Balm Highway. The property owner is requesting to be connected to the Town's sewer system due to a failing septic tank. Manager Owen explained that the current Town sewer line does not extend that far, and the owner is willing to be responsible for the cost to extend the line, which is estimated to cost roughly \$80,000. Town Attorney Four Eggers further explained that it would be in the Council's purview to put into the Annexation agreement that the property owner would be responsible for the cost of the extension.

With no comments or questions, Councilman Lecka motioned to have the Clerk certify the petition and was seconded by Councilman Tufts. The motion passed unanimously.

Historic Banner Elk School Site Project Update

Town Manager Rick Owen addressed the Council with an update on the historic school project. He explained that since the bid came in lower than expected, the Town is considering adding things into the bid/contract that they were not before. Items such as the underground electrical will be included in the project. He anticipates the start date to be the week after Woolly Worm and the project to be completed by the end of May, weather permitting. He asked the Council for the following approvals:

- Approval to enter in the contract with M & M Construction: Councilman Tufts motioned to approve the contract and was seconded by Councilman VonCanon. The motion passed unanimously.
- Approval to open an account at First National Bank: Councilman VonCanon motioned to open an account at First National and was seconded by Councilman Lecka. The motion passed unanimously.
- Approval to have Mayor Lyerly, Councilman VonCanon, Councilman Dunn, and Town Manager Rick Owen to be signatories on the account. Councilman Lecka motioned to approve the signatories on the account and was seconded by Councilman Tufts. The motion passed unanimously.
- Approval for Mayor Lyerly and Town Manager Rick Owen to sign the loan documents. Councilman VonCanon motioned to approve the signing of the documents and was seconded by Councilman Lecka. The motion passed unanimously.

- Approval to pass the Capital Budget Ordinance. Councilman Dunn motioned to pass the ordinance and was seconded by Councilman Lecka. The motion passed unanimously.

Manager Updates

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

- He thanked Ted Silver for his help with the Cycling event.

-He asked the Council to approve the installation of the requested bike signs on Culver Street. The signs will be installed on the existing posts. The Council agreed to have the signs installed.

-He stated that he and Attorney Eggers finished the McGill contracts for the water and sewer projects and requested the Council to approve the contracts. Councilman VonCanon motioned to approve the contracts and was seconded by Councilman Dunn. The motion passed unanimously.

At 6:35 pm Councilman Dunn motioned to go into closed session regarding Attorney Client matters and was seconded by Councilman Tufts.

The Council reentered open session at 7:25pm.

Other Business

Councilman Dunn asked if the Chamber was doing a Small Town Christmas this year. Town staff said they believed so but will verify. Councilman VonCanon thanked the Town for the installation of the brick sidewalk on Culver Street, stating that it looked great.

With no further comments or questions, Councilman VonCanon motioned to adjourn the meeting and was seconded by Councilman Tufts. The motion passed unanimously, and the meeting was adjourned at 7:35 p.m.

Approved: _____
Mayor Brenda Lyerly

Attested: _____