

BANNER ELK TOWN COUNCIL MEETING
May 9, 2022
MINUTES

The Banner Elk Town Council met on Monday, May 9, 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, Mike Dunn, David Lecka, and Charles VonCanon.

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

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 May 9, 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 April 11, 2022, Minutes

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

Public Hearing for Rezoning of 1859-1830-1511

Mayor Brenda Lyerly opened the public hearing for the above parcel. This parcel is owned by the Banner Elk Volunteer Fire Department and is planned to be the location for a future new fire station. The Fire department requested for the property to be rezoned to CZD, however after Council questions and staff discussion, it is recommended that the property be rezoned to the G-O district. Councilman VonCanon thanked staff for looking into the matter and appreciated them for getting the correct zoning district attached. Fire Chief Tyler Burr asked Manager Rick Owen to clarify what the difference is. He stated that the G-O district allowed for more restricted use of the parcel while allowing for the same density.

Manager Rick Owen share other public comments from adjoining property owners. One concern was that the Fire Department purchased the property before it was rezoned. The property owner believed that the process was backwards and by the time they received the notice of the hearing,

the decision had already been made. Manager Rick Owen informed the owner that nothing was predetermined, and the Town encouraged the Fire Department to get it rezoned prior to purchasing. A second property owner had shared their concerns and thoughts on the aesthetics of the building and wanted to make sure it fit in with the surrounding buildings. Chief Tyler Burr stated that the department had to jump on the property quickly in order to secure it and understood the concerns of the citizens.

Councilman Dunn asked Chief Tyler Burr where the building will sit on the lot. Chief Tyler Burr stated that the building will be as close to Main Street as possible, and the front of the lot will be used as much as it will allow. Councilman Lecka asked what the time frame is for construction. Chief Tyler Burr answered that it is based on funding for the structure and does not have a specific time frame. With no further comments, the public hearing was closed.

Public Comment

Mayor Lyerly opened the meeting to comments from the public. There were no persons from the public present and no comments made.

Presentation of the Parks and Recreation Plan

Tatiana Magee with the High Country Council of Governments has completed the Parks and Recreation plan update. She presented to the Council a brief summary of the methodology, workflow, major ideas, stakeholders, and actionable items for the Town from the plan. She explained that the main goals of the plan were to provide direction for grants and future projects. The methodology was public involvement through survey and interviews and breaking down the responses and ideas presented. The main issues that were highlighted in the survey were the dog park (condition, size, and location), the use for a multipurpose court and a bocci ball area. She explained different maps that showed recreational areas, the Green Way, Wildcat Lake, trails etc. Ms. Magee told the Council to review the plan and if they have any questions, she will be back at a later date to go over it in greater detail.

Mayor Lyerly asked Tatiana how long it took her to get the plan together and Tatiana told the Council that she had been working on this plan since November. The Council thought it was interesting that the population had only grown roughly 300 residents since the 2010 plan was conducted. The plan also showed an increase in the median annual income. Mayor Lyerly asked if there was any hesitancy with meeting with the stakeholders. Tatiana said that everyone was willing to meet and go through the interview process.

Rezoning of Parcel 1859-1830-1511

Zoning Administrator Riley Pudney informed the Council that the parcel in question for rezoning was for the future Fire station and recommended that it be zoned to the G-O district. She informed the Council that she could answer any other questions that they had on the matter. With no further questions, Councilman Dunn motioned to approve the rezoning to the G-O district. The motion was seconded by Councilman VonCanon. The motioned passed 4-0 and the parcel was rezoned to the G-O district.

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 request has been certified by the Town Clerk and Council may now call for a public hearing. With no further comment, Councilman VonCanon motioned to hold a

public hearing at the June Council meeting. The motion was seconded by Councilman Lecka. All were in favor. No one opposed.

Annexation Request for 1858-1047-8188 Dobbins Road

Manager Rick Owen informed the Council that this property is right on the left on Dobbins Road and will be a contiguous annexation. The property will have water and sewer and has received an easement to run the sewer and water lines across the neighbor's property. There is currently a mobile home on the property. The property will eventually be subdivided into two parcels for two homesites. Councilman VonCanon motioned for the Clerk to certify the petition. The motion was seconded by Councilman Dunn. The motioned passed 4-0.

Proclamation for Ride of Silence and Bike Month

Ted Silver addressed the Council regarding Bike month and the Ride of Silence. Mr. Silver read a proposed proclamation that would proclaim May as Bike Month, hold a bike week the week of the 16th and hold an event in May as well to remember those who have been injured or killed while riding bicycles. With no questions, Councilman Lecka motioned to accept the Proclamation with a second by Councilman Dunn. The motion passed 4-0.

Manager Updates

Town Manager Owen provided staff reports to the Council in their packets. He informed the Council that the Police Chief did not provide his report as of yet and will check on the status. Manager Owen reminded the Council of upcoming budget meetings, elections, and Art on the Green. He also informed the Council that Beech Mountain Club approved the Town's golf tournament on September 26th. The mayor confirmed the title sponsorship with Eagles Nest for the event. Manager Owen also informed the Council of the DOT signs that went up regarding the paving of the roads. The paving will be done at night, with the exception of Beech Mountain Parkway. The Manager also brought up the resolution regarding Occupancy Tax and the allocation of funding. There is a new resolution that is requesting to introduce a bill that will allow for 50% of the collected tax to be spent on infrastructure and the other 50% be spent on advertising. The bill includes the Town of Boone, Blowing Rock and other surrounding areas. Manager Owen asked the Council if they would prefer to stay with the resolution they have already passed, which asked for 1/3 spending on advertising and 2/3 on infrastructure or pass a new resolution requesting the 50% split. Councilman Dunn further commented on the matter and believes that their Representative does not want a new resolution introduced and would rather have one package for everyone. His concern was for the big lobbies that might fight the 1/3-2/3rd package. Mayor Lyerly asked if it would be better if the Town wrote their own and had Sugar Mountain and Seven Devils signed on? Town Attorney Four Eggers and the rest of the Council believed it was a risky move since it may not be adopted, and that the more names on the Bill, the better chance it will be adopted. After discussion, the Council decided to remain on the "up to 50%" Bill rather than trying to recreate their own.

Lastly, Manager Owen informed the Council of an online credit card vendor that offered the Town their company's service. There is a 30-day trial period and can be cancelled any time. There is no charge to the Town at any point and would allow the Town to take online payments for taxes and utilities. The link to pay would be available on the Town's website, and the Town would not be responsible for taking any card numbers in person or over the phone. The Council believes that it is worth the trial and gave the okay for Manager Owen to enter into the agreement with All Paid pending attorney review of the agreement paperwork.

Other Business

Councilman VonCanon asked Manager Owen how the road connection project at the Historic Banner Elk School was going. Manager Owen stated that the road was going well, and he had a few change orders that he wanted to discuss. The first was putting the underground conduit in place. The second is putting the binder coat of asphalt down with the curb and gutter. He informed the Council that he will obtain prices for these additions to the project.

With no further business, the meeting was adjourned with a motion by Council Member Charles VonCanon and seconded by Councilman Lecka. All were in favor. No one opposed.

The meeting ended at 7:25 p.m.

Respectfully Submitted,

Riley Pudney, Town Clerk

Mayor Brenda Lyerly

Attested

Approved: