

BANNER ELK TOWN COUNCIL MEETING
JANUARY 10, 2022
MINUTES

The Banner Elk Town Council met on Monday, January 10, 2022, at 6:00 p.m. in person for Council and staff with public participation facilitated through remote communication using audio and video connections due to the COVID-19 pandemic.

Council Members present: Mayor Brenda Lyerly, Mike Dunn, David Lecka, Robert Tufts, and Charles Von Canon.

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

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 January 10, 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.

Public Hearing

- 1) Ordinance amendment – Section 152.302 Planning Board Duties
Susan Brown spoke that she is not opposed to the changes; but it is important to have good people on the Board and that the people that are on the Board have done a good job.
- 2) Ordinance amendment – Section 152.086 Site Aspects – Sidewalks.
No comments from the public.

Approval of the December 13, 2021, Minutes

With no changes noted, Council Member Mike Dunn motioned to approve the minutes as submitted. Council Member Robert Tufts seconded. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

Approval of Stated Agenda

Mayor Lyerly asked if there was a motion to approve the stated agenda. Council Member David Lecka motioned to approve the stated agenda. Council Member Mike Dunn seconded the motion. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

Public Comment

Susan Brown spoke to the status of the infrastructure of Banner Elk as was posed to the Town Manager at the Planning Board meeting on January 3, 2022. Susan Brown said she knows that the growth is coming from outside the town limits and that it is putting some strain on our resources, but she wanted to ask what the Town and the TDA are doing to plan for what we can offer the tourists and new homeowners who are coming into the area during the off-season months.

Mayor Lyerly asked the Chair of the TDA, Mike Dunn if he would like to speak to this. Mr. Dunn said he was not certain exactly what Susan Brown’s question was, since she mentioned the strain on the infrastructure and services to the Town but at the same time wanted the Town and TDA to offer something that could draw those same people into Town. Susan Brown said she was on both sides and that it is something that should be considered. Susan Brown said as a realtor, she does not know what to tell people the Town offers during the winter months. Mike Dunn said the TDA is scaling back a bit because of the impact of Covid while dealing with the difficulty of finding volunteers to work events that draw large crowds.

Special Presentation – Banner Elk Volunteer Fire Department

Fire Chief Tyler Burr and his assistant Will Treen were at the meeting to give a presentation on the current status of the Fire Department, what their future plans are, and how they plan to get there. Their ISO (Insurance Rating Office) inspection went very well. Currently the rating is a six (6) inside the town limits and a nine (9) outside and Chief Burr is anticipating these numbers will be going down at least one point. The remainder of their presentation was focused on their future needs and funding sources. Chief Burr asked if the Town would consider contacting the Avery County Fire Commission in support of their budget request for the next fiscal year. Mayor Lyerly asked Chief Burr to get back to her with specifics and she would see what she could do to help.

Approval of Ordinance Amendments

1). Section 152.207 Commercial Campgrounds. Council Member David Lecka motioned to approve with a second by Council Member Charles Von Canon. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

2). Section 152.086 Site Aspects - Sidewalks. Council Member Mike Dunn motioned to approve with a second by Council Member Robert Tufts. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

3). Section 152.302 Planning Board Duties. Council Member Charles Von Canon motioned to approve with a second by Council Member David Lecka. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

Request for a Preliminary Plat Approval for Notting Hill

Town Manager Rick Owen handed out a plat for the Council's review. Town Attorney Stacy Eggers said that it satisfies the ordinance requirements for a subdivision except for the small triangle at the entrance, which needed to be combined with the larger tract. Mr. Eggers indicated that he is in possession of a copy of the recombination deed, but that it has not been recorded yet. Mr. Eggers suggested Town Council's approval be contingent on the deed's recording to be valid.

Susan Brown spoke in favor of the preliminary plat but asked the Council for sidewalks. Bob Grasso said the sidewalks could not fit because of the grade of the property, the retaining walls and the entrance being shifted. Mr. Grasso said they had wanted to include them; but it did not work out. As for the active recreation area, they came up short on the requirement of 15%, and they are proposing to pay a fee in lieu of. Although there was enough property, much of it was too steep to work as active recreation area.

Chad Carpenter spoke about the requirements of a sidewalk in the Heritage Overlay District. Attorney Eggers answered this by stating that this is an application of the subdivision ordinance. Yes, it is in the Heritage Overlay District, but it was staff's interpretation that when the lot is to be built on, then that builder will be required to build the sidewalk. Attorney Eggers said this is something the Town may want to look at later, but for now, this is how the ordinance reads.

Council Member David Lecka motioned to approve once the recombination deed is recorded. Seconded by Council Member Charles Von Canon. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea
The vote was unanimous, and the motion carried.

Request to Call for a Public Hearing – Ordinance Amendment Shipping Containers

Town Manager Rick Owen asked Town Council to call for a Public Hearing for the February 14, 2022 meeting to entertain an ordinance amendment pertaining to shipping containers as storage units. Motion by Council Member Mike Dunn to call for a Public Hearing for the February 2022 meeting with a second by Council Member David Lecka. The vote was:

Mayor Lyerly – yea
Mike Dunn – yea
David Lecka – yea
Robert Tufts – yea
Charles Von Canon – yea
The vote was unanimous, and the motion carried.

Annexation Request – Parcel 1858-0054-2716 – Call for a Public Hearing

Town Manager Rick Owen advised Town Council that staff had certified this petition and that Town Council needs to call for a Public Hearing for annexation of PIN 1858-0054-2716 for the February 2022 meeting. Motion to call for a public hearing by Council Member Mike Dunn and a second by Council Member Robert Tufts. The vote was:

Mayor Lyerly – yea
Mike Dunn – yea
David Lecka – yea
Robert Tufts – yea
Charles Von Canon – yea
The vote was unanimous, and the motion carried.

National Mentoring Month Proclamation

Mayor Lyerly advised that January is mentoring month and she noted that there are several interesting facts in the proclamation. Council Member David Lecka said he has had some interaction with the Western Youth Network, and it is an excellent program and he motioned to approve the proclamation as presented. Seconded by Council Member Mike Dunn. The vote was:

Mayor Lyerly – yea
Mike Dunn – yea
David Lecka – yea
Robert Tufts – yea
Charles Von Canon – yea
The vote was unanimous, and the motion carried.

Resolution Opposing Statewide Workforce Board Realignment

Mayor Lyerly stated that the High Country Council of Government has had a lot of success in working with these programs. She stated that it looks like the State is now trying to lump them into larger groups with “prosperity” zones. Mayor Lyerly said the prosperity zone the High Country is trying to be forced to work with is Hickory and she feels we know our area better than

those in Hickory and would like to continue to work as we are. Motion by Council Member Robert Tufts to approve the resolution with a second by Council Member Charles Von Canon. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

Resolution to Switch Proportions of Use for Occupancy Tax

Manager Rick Owen said that this had been done before and with the impact of tourism on our area and on the infrastructure, this switch could be of benefit to capital expenditures and help the Town. Manager Owen said several towns in the area are also making the same request and have been in touch with Representative Greene’s office who has asked for these resolutions of support to switch. Council Member Robert Tufts motioned to approved with a second by Council Member David Lecka. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

Manager Updates

- Town Manager Rick Owen said that he would like to ask for another call for a public hearing. This came from Monday night’s Planning Board meeting. Zoning Administrator Cheryl Buchanan discovered that a particular zoning district was omitted out of the table for dimensional requirements sometime ago and she just caught it. The zoning district is Manufacturing-Industrial/ M-I. Motion by Council Member David Lecka to call for a Public Hearing to amend the ordinance amendment to add that line item back into the zoning ordinance. Second by Council Member Charles Von Canon. The vote was:

Mayor Lyerly – yea

Mike Dunn – yea

David Lecka – yea

Robert Tufts – yea

Charles Von Canon – yea

The vote was unanimous, and the motion carried.

- Town Manager Owen said that the Banner Elk area has suffered a number of power outages and several citizens have asked the Town to reach out on behalf of Banner Elk to address the issue. Manager Owen explained what he contacted Mountain Electric, he had been given several reasons and had been told that all were or had been addressed. Mayor Lyerly said she felt that another communication should come from the Council considering how it has

affected the local businesses. Council agreed the Mayor would send a letter to Mountain Electric expressing the Towns concerns.

Adjourn

Mike Dunn motioned to adjourn. Seconded by Robert Tufts. The meeting ended at 7:35 pm.

Mayor Brenda Lyerly

Attested

Approved: February 14, 2022