

BANNER ELK TOWN COUNCIL SPECIAL MEETING

July 29, 2019

MINUTES

The Banner Elk Town Council met Monday, July 29, 2019 at 6:00 p.m. at the Banner Elk Town Hall for a called special meeting.

Council Members present: Mayor Brenda Lyerly, Charlie VonCanon, Mike Dunn, Allen Bolick, David Lecka and Robert Tufts.

Staff present: Town Manager Rick Owen and Cheryl Buchanan.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the special meeting of July 29, 2019 to order.

Pledge of Allegiance

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

Invocation

Council Member Bolick opened the meeting with prayer.

Consideration of Moratorium on the Establishment of Recreational Vehicle Parks

Mayor Lyerly stated that at the July 8th meeting, Council was presented with a draft ordinance for Recreational Vehicle Parks but were not prepared to discuss it. Council asked Town Attorney Four Eggers if he could advise them on a potential moratorium until the Town had more time to consider this topic. The Planning Board has been asked to reconsider their submittal for Recreational Vehicle Parks as the proposed ordinance was insufficient to address additional concerns of the Council. Mayor Lyerly asked Ms. Buchanan if she had anything she wanted to add. Ms. Buchanan stated that the discussion on Recreational Vehicle Parks occurred after she left the July 8th Council meeting and she is unsure exactly what Council is looking for. In the motion set by Town Council it was requested that Ms. Buchanan research the potential risks and public safety hazards posed by Recreational Vehicle Parks.

Ms. Buchanan said that her search on the Internet did not produce any articles about the concerns that Council had at that meeting. Instead she has created a spread sheet of various Recreational Vehicle Park Ordinances for comparison to the criteria used to create these parks. This could be a great tool for crafting Banner Elk's ordinance. Ms. Buchanan asked Town Council for feedback on their initial concerns about these parks in general.

Four Eggers reviewed the procedural rules involving moratoria. Council Member Bolick said he had found a really good example of a Recreational Vehicle Park in Canon City but was unsure of the state. He expressed concern for the use of Banner Creek Road and the bridge crossing for Recreational Vehicles. Manager Owen said it is a state maintained road and he felt the bridge could handle the capacity. Council Member Mike Dunn questioned the width of the road to accommodate this type of traffic. Town Attorney Eggers said that it is a state road and should be sufficient to handle this type of traffic. Ms. Buchanan mentioned that the bridge and entrance into that road is due to be replaced sometime in the near future.

Mayor Lyerly said this was supposed to be a Public Hearing for the Consideration of Extending a Moratorium on the Establishment of Recreational Vehicle Parks and asked for a motion to open the hearing. Robert Tufts motioned to open the public hearing with a second by Mike Dunn. All were in favor and none opposed.

Bill Stevenson was the first to speak. He asked the Council to consider three things. First, He asked that they take their time and do it right. Second, consider the location and the way it will look. Lastly, he mentioned the need for low income housing and the threat that these types of units would be rented out. Ms. Buchanan said that the proposed ordinance will only allow for five (5) months total to be habitable. Ms. Stevenson questioned why five months, maybe 30 days would work better. Ms. Buchanan said that Recreational Vehicles do not meet the building code for full time occupancy that the code only allows for five (5) months. Town Attorney Eggers confirmed that this was true. Ms. Buchanan also cautioned that any regulations placed in the ordinance must be reasonable. If not, our ordinance could be thrown out in court and not leave the Town Attorney any room to defend the ordinance. Mr. Eggers concurred.

Mr. Larry Cotton said that he was concerned about traffic on Highway 184 and the proposed old hospital property will also increase traffic in Banner Elk. Mr. Cotton also asked if the lots would be for sale, to which Ms. Buchanan responded they would not. Mr. Cotton asked if the Recreational Vehicle could sit there for 12 months. Town Attorney Eggers said it could not, that they were not allowed to have permanent connections.

Penny VonCanon said that she and Charlie B. VonCanon used to have a Recreational Vehicle and have stayed in these types of parks. Mrs. VonCanon stated that some are as large as Banner Elk and offer a lot of amenities.

With no further discussion, Council Member Dunn motioned to close the Public Hearing. Council Member Tufts seconded the motion. All were in favor. No one opposed.

After consideration of the discussion Council Member Mike Dunn motioned to accept a resolution extending a Moratorium on the Establishment of Recreational Vehicle Parks through September 5, 2019. Council Member VonCanon seconded. All were in favor. None were opposed.

Other Business

Town Attorney Eggers told Council that he had been working with Town staff to update the Town Code and that it was close to going to American Publishing. This is a project that is in the current year's budget to have the Code of Ordinances re-codified.

Adjourn

The Banner Elk Town Council meeting adjourned with a motion by Council Member Lecka and a second by Council Member Tufts. All were in favor. None were opposed. The meeting concluded at 6:56 p.m.

Mayor Brenda Lyerly

Attested

Approved: August 12, 2019