

BANNER ELK TOWN COUNCIL

May 10, 2021

MINUTES

The Banner Elk Town Council met Monday, May 10, 2021 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, David Lecka, Mike Dunn, Charlie VonCanon and Robert Tufts.

Staff present: Town Manager Rick Owen, Chief Kevin Hodges (via Zoom), Justin Hodges, Cheryl Buchanan and Attorney Four Eggers.

Call Meeting to Order

At 6:00 p.m. Mayor Lyerly called the regular monthly meeting of May 2021 to order.

Pledge of Allegiance

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

Invocation

Council Member VonCanon opened the meeting with prayer.

Approval of the Regular Meeting Minutes

Mayor Lyerly asked for a motion to approve or amend the April 12, 2021 Regular Meeting Minutes. Council Member VonCanon motioned to approve the minutes as written. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Approval of Stated Agenda

Mayor Lyerly called for a motion to approve or amend the stated agenda. Council Member Tufts motioned to approve the agenda as written. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Public Comments

There were none.

Consider Resolution Recognizing National Bike Month

Mr. Ted Silver, Chairman of the Bicycle/Pedestrian Advisory Committee asked Council to consider adopting a proclamation recognizing May as National Bike Month and recognizing the International Ride of Silence, its 11th year. Mr. Silver read the resolution. Council Member VonCanon motioned to approve the resolution. Council Member Lecka seconded the motion. All were in favor. No one opposed.

Planning Board Member Appointment

Cheryl Buchanan reported that Ray Knowles has officially resigned from the Planning Board as an in-Town member. She noted that Jacki Lecka was on the Planning Board in 2017 and handed in her application stating that she was interested in serving again. Council Member Dunn motioned to approve the appointment of Jacki Lecka to the Planning Board. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Budget Amendment, COPS Golf Fund

Mr. Owen reported that the budget amendment would be from the golf tournament fund balance in the amount of \$9,000. He noted that this is a charity golf tournament that the police department runs every year. Mr. Owen stated that Chief Hodges is wanting to purchase ballistic plates and helmets. There have been recent events in which the chief feels it critical to the police department's operation to equip his officers with the best level of protection. Mr. Owen noted that these are not taxpayer funds. These funds have been raised through the COPS Golf Tournament. Council Member Tufts motioned to approve the budget amendment. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Resolution Opposing SB 349/HB 401

Mr. Owen stated that he would like Town Council to consider drafting a resolution opposing SB 349/HB 401. He noted that the information on the proposed bill is in Council's packet and feels it would be timely and worthwhile to pass a resolution opposing this bill and putting it to our current delegation. Council Member VonCanon motioned to approve the resolution. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Manager's Update

Mr. Owen reported that there is another resolution to present to Council Members. He noted that this resolution is in opposition of proposed legislation for tree ordinance reform (HB496). It would remove all authority that local governments have in regulating the removal of trees on private property. Mr. Owen stated that the Town would not be able to pass any type of ordinances restricting tree removal on private property which would be a devastating impact on our mountain community. He noted that the Mayor and Cheryl have corresponded with the Town's delegation requesting that they not get it out of committee and Ted Silver also spoke with Representative Greene today about the bill. Attorney Eggers gave Council background information on the proposed bill which would nullify all regulations in the Town's zoning ordinances that relate to trees. Mr. Owen stated that it removes anything that is not legislatively directed. Unless a Town has that legislative authority to regulated trees, it has no authority. Mr. Silver shared with Council the conversation he had with Representative Greene. Mayor Lyerly called for a motion. Council Member Dunn motioned to approve the resolution as written. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Mr. Owen reported that included in Council's packets is the Financial Summary Report for ten months ending 4/30/21, Public Services Monthly Report for April 2021, the police report, planning, zoning and tax collection reports. He asked if there were any questions regarding these reports to let him know or staff know. Mr. Owen noted that also included in Council's packets is

a draft copy of the Planning Board Meeting Minutes dated May 3, 2021 and High Country ABC Board Meeting Minutes dated March 18, 2021 and April 15, 2021.

Mr. Owen reported that he spoke with Donna Dicks concerning the reopening of The Book Exchange. He noted that Mrs. Dicks is working on the volunteer schedule and it will open the first or second week of June. The operating hours would be Tuesday through Friday 10:00 a.m. until 4:00 p.m. and on select Saturdays (not opened when there is Art on the Greene) 10:00 a.m. until 4:00 p.m.

Mr. Owen requested Council call for a public hearing at June's meeting for the budget. Council Member Lecka motioned to call for a public hearing at Council's June meeting. Council Member Dunn seconded the motion. All were in favor. No one opposed.

Mr. Owen reported that Avery County continues to test for COVID and some clinics, but not as many as before due to the availability of vaccine shots around the County (i.e., health department and mobile units).

Mr. Owen noted that in regard to the American Rescue Plan funding, the money still has not been seen but there are still several guidelines that the Town is going through (i.e. Webinars). The Town has not been allocated the funds yet.

Mr. Owen reported that Justin Hodges received certification from the Water University National Rural Water Association. It is the first certification to recognize an individual's knowledge and ability in management of water and wastewater utilities. Mayor Lyerly congratulated Justin and thanked him for all his work in this department. Justin thanked Council and the Town for giving him the opportunity to step into this role and thanked Rick.

Council Member Tufts gave an update on Art on the Greene. He noted that July 4th is full, Memorial Day perhaps one spot open and August and Labor Day are close to being full. The number of slots filled is 50% of the normal capacity.

Mayor Lyerly called for a motion to go into closed session.

At 6:30 p.m. Council Member VonCanon motioned for Council to go into closed session. Council Member Tufts seconded the motion. All were in favor. No one opposed.

Mayor Lyerly thanked everyone for joining us for this meeting.

At 7:23 p.m. Council returned to open session.

Other Business

Council Member Tufts discussed the future of Art on the Greene. He noted that Kimberly Tufts may be planning to step down from being the director and that the Town may need to begin planning how the shows will be managed.

There being no further business, Mayor Lyerly asked for a motion to adjourn the May meeting.

At 7:40 p.m. Council Member Lecka motioned to adjourn the May 2021 Town Council meeting. Council Member VonCanon seconded the motion. All were in favor. No one opposed.

Adjourn

The Banner Elk Town Council meeting adjourned at 7:40 p.m.

Mayor Brenda Lyerly

Attested

Approved: June 14, 2021