

**BANNER ELK TOWN COUNCIL MEETING**  
**APRIL 10, 2023**  
**MINUTES**

The Banner Elk Town Council met on Monday, April 10, 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, David Lecka, Charles VonCanon, and Mike Dunn. Robert Tufts was not in attendance.

Staff present: Town Manager Rick Owen, Town Attorney Stand in Jonathan Green, Public Services Supervisor Justin Hodges and Zoning Administrator Riley Pudney.

**Call Meeting to Order**

At 6:00 p.m. Mayor Lyerly called the regular Town Council meeting of April 10, 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.

**Approval of March 13, 2023, Minutes**

Mayor Lyerly asked the Council to review and approve the minutes from the March 2023 meeting. With no changes made, Councilman Lecka motioned to approve the minutes as presented with a second by Councilman Dunn. 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 with a second by Councilman Dunn. All were in favor of the motion.

**Public Comment**

Mayor Lyerly opened the meeting to comments from the public who were not on the stated agenda. Ted Silver signed up and addressed the Council.

Mr. Silver introduced himself to the Council. He stated that he is a member of the BOA and a coordinator for Bike/Walk NC, along with many other titles. He is a concerned citizen regarding the potential annexation and rezoning of the possible future hotel site. He listed the following concerns to the Council:

-NCDOT egress and ingress into the property will drastically change the traffic pattern and increase traffic in the area. He stated that the 2020-2029 NCDOT improvement plan includes the widening of 184 from 105 to Banner Elk. He is concerned that the development could lead to the unwanted acceleration of the widening project.

-High Country RPO-184 was designated a high priority for consideration for bike and pedestrian facilities in the future and this development could impact that potential.

-Is not and was not part of the Master Plan, Parks and Rec plan, Land Use plan, Ped Plan. There are concerns with how it will connect to downtown and provide sidewalks, trails and bike paths to the downtown area.

-Traffic will change the demands of the infrastructure and will impact all the way in to Town.

-Complete streets: A state policy to try and make designs for infrastructure to be safe and accessible to pedestrians, motorists, bicycles...etc. The potential design for the entrance/exit will need scrutiny and could severely impact traffic and safety.

There were no further comments from the public.

#### **Annexation for Balm Highway Public Hearings**

Mayor Lyerly called for a public hearing regarding the annexation of 185900728766 & 185900729747 on Balm Highway: Councilman Dunn motioned to open the public hearing and was seconded by Councilman Lecka. Zoning Administrator Riley Pudney stated that this was a continuation of the discussion for the annexing of the properties on Balm Highway. There were no comments from the public.

#### **Zoning Ordinance Amendment Commercial Low Density Public Hearing**

Mayor Lyerly called for a public hearing regarding the potential adoption of a new low density commercial zoning district. Councilman VonCanon motioned to open the public hearing and was seconded by Councilman Lecka. Zoning Administrator Riley Pudney stated that this was for the new low density commercial district. There were no comments from the public.

#### **Zoning Ordinance Amendment, Prior Ordinances (Utilities and Fencing) Public Hearing**

Mayor Lyerly called for a public hearing regarding the adoption of prior ordinances regarding utilities and fencing. Councilman Lecka motioned to open the public hearing and was seconded by Councilman Dunn. Zoning Administrator Riley Pudney stated that these ordinances were previously approved but did not make the new American Legal version, so they needed to be codified again. There were no comments from the public.

#### **Annexation Request 185900728766 & 185900729747 (1263/1285 Balm Hwy)**

Zoning Administrator Riley Pudney stated that this request was for annexation in to the Town and that she could answer any further questions if the Council had them. There was no additional comment from the council. Councilman Dunn motioned to approve the annexation and was seconded by Councilman VonCanon. The motion passed 4-0.

#### **Zoning Ordinance Amendment Commercial Low Density Zoning District**

Zoning Administrator Riley Pudney reminded the Council that this was for a new zoning district. The new district is commercial-low density (C-LD) and would allow for small scale, low impact commercial businesses in more residential rural areas. The Council had no additional comments. Councilman VonCanon motioned to approve the new district and was seconded by Councilman Lecka. The motion passed 4-0.

#### **Zoning Ordinance Amendment Codification of Prior Ordinances**

Zoning Administrator Riley Pudney provided the Council with two previously adopted ordinances. She stated that they did not copy over to the American Legal version, and they need to be recodified. She stated that they were 152.086 (g) Utilities and (h) Fences. There were no additional comments from the Council. Councilman Lecka motioned to adopt the ordinances and was seconded by Councilman Dunn. The motion passed 4-0.

#### **Budget Amendment Request**

Town Manager Rick Owen addressed the Council with a budget amendment for three different items. The first is a reimbursable purchase for the Town by the TDA for a new weather station at Town Hall. The second from the TDA is new snowflakes for the light poles and website updates. Additional amendments included:

- Police car damage repair insurance reimbursements
- Historic School, materials for the power to be installed underground

With no questions from the Council, Councilman Lecka motioned to approve the amendments and was seconded by Councilman VonCanon. The motion passed 4-0.

### **Public Services Job Classifications**

Town Manager Rick Owen introduced a packet to the Council that outlined job titles and descriptions within the Public Services Department. He stated that the department does not have a formal director title and that he added three new job titles and descriptions. The three new positions include: Public Services Director, Equipment Operator, and Public Services Crew Leader. He explained that these new job classifications allow for growth and retention with current employees. He stated that the new classifications will add an additional \$20,000 to the payroll budget. Mayor Lyerly asked what the current employee pay would start at. Town Manager Rick Owen answered that existing employees would be moved to the minimum category unless new training or a probationary period is needed, then they would be at the hiring amount. Councilman Lecka and Councilman VonCanon were in favor of the reclassifications. Councilman VonCanon motioned to approve the classifications and pay scale and was seconded by Councilman Lecka. The motion passed 4-0.

### **Manager Updates**

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

- Town Litter sweep emails will go out this week to coincide with the State litter sweep that runs between April 15<sup>th</sup> through April 29<sup>th</sup>.
- Culver Street Connection Project is going well. The Curb and gutter are done and the paving will begin within the next week or two.
- April 27<sup>th</sup> at 1pm Avery County has a budget meeting planned. The Town has asked the County to relieve the Town of the remaining payments on the Historic Banner Elk School. He stated that there is no indication on what the County will decide but encourages the Council to go.
- The following budget workshops were scheduled:
  - May 2<sup>nd</sup> at 6:00 pm Tuesday
  - May 30<sup>th</sup> at 6:00 pm Tuesday
  - June 27<sup>th</sup> at 6:00 pm Tuesday
- He provided the Council with an update on the potential hotel project. He stated that the Planning Board had a meeting to discuss possible ordinance amendments to the MU district, but after discussion decided to draft a new zoning district for high density commercial development. He informed the Council that Zoning Administrator Riley Pudney has been working on a draft and is meeting with the Planning Board on April 12<sup>th</sup> at 6:00pm. He invited the Council to provide feedback, concerns or suggestions for the new district to the Zoning Administrator. Councilman Lecka asked if the developer has had any discussion with DOT. The architect for the project stated that he had heard from DOT and believes that the access to the property is not an issue and there will be a deceleration lane needed. They are planning on having roughly 30 feet for the center turn lane and deceleration lane. Councilman VonCanon asked if they have obtained any soil samples to determine if there is dirt or rock on the site. The architect stated they have not but are lining it up for the next week.

There were no further comments or questions from the Council.

**Other Business**

There was no other business addressed.

With no further comments or questions, Councilman Lecka motioned to adjourn and was seconded by Councilman Dunn. The motion passed unanimously, and the meeting was adjourned at 7:00 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: