

BANNER ELK TOWN COUNCIL
March 8th, 2010
MINUTES

The Banner Elk Town Council met Monday March 8th, 2010 at the Banner Elk Town Hall for the regular scheduled meeting of the Town Council.

Council Members present: Mayor Tate, Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Phillips. Mr. Hahn was absent.

Staff present: Town Manager John Mejaski, Chief of Police Bill Burleson, Assistant to the Town Manager Cheryl Buchanan, Town Attorney Chelsea Garrett and Steve Smith.

Others present: Mari-Liis Smyth of the Avery Post, Charles and Penny VonCanon, Kevin Holden of the Avery Journal, Toni Cook, Bob Littleton, Rick Foster, Horace Brumit, SM Brumit, Donna Dicks and Bill Dicks, Frankie Needham, Doug Jennings, David Jennings.

Call Meeting to Order

Mayor Tate called the regular monthly meeting for March 2010 to order at 7:00pm.

Pledge of Allegiance

Mayor Tate led those in attendance in the Pledge of Allegiance.

Invocation

Councilmember Tufts opened with prayer.

Approval of the Minutes

Mayor Tate asked Councilmembers for a motion to approve the minutes of the February 2010 meeting of the Town Council. Councilmember Draughon questioned whether or not Mr. Cantadore made a particular statement concerning the old school house being a community center. It was decided by Council that the statement attributed to Mr. Cantadore was correct. Ms. Draughon also pointed out that Martin Starnes was misspelled. Ms. Draughon motioned to approve the minutes with the corrections. Mrs. Lyerly seconded Ms. Draughon's motion. Mayor Tate called for a vote of the Council. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. Mayor Tate also asked for a motion to approve the minutes from the February 22nd, 2010 Public Hearing concerning the expansion of the ETJ. Ms. Draughon pointed out that the time the public hearing closed was not complete. Mr. Tufts motioned to approve the minutes as corrected. Ms. Draughon seconded the motion. Mayor Tate called for a vote of the Council. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved.

Approve the Stated Agenda

Mayor Tate asked Council for a motion to approve the agenda. Mayor Tate also asked that the motion include moving agenda item number eight to number one. Mrs. Lyerly motioned to approve the agenda with the requested change. Ms. Draughon seconded the motion. Mayor Tate called for a vote of the Council. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved.

Citizens Concerns

There were no concerns expressed by the citizens.

Renew Lease Agreement with Attic Design, LLC

Mayor Tate introduced the agenda item to Council and asked for a motion. Mrs. Lyerly motioned to approve the one year lease to Attic Design. Mr. Tufts seconded the motion. Mayor Tate asked if there was any discussion of the matter. Mrs. Lyerly asked if any terms of lease have been changed. The town manager stated that the terms of the lease remain the same. Mayor Tate called for a vote. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved.

Update Water/Sewer Adjustment Ordinance

The town manager explained to Council that there is a need to change the bill adjustment for water leaks. Mr. Mejaski stated that he had researched the matter as to how other systems adjust for leaks. He explained that there are three common methods. The first is no adjustment, a half price adjustment and sixty percent of the lowest tier. Mr. Mejaski stated that he felt the simplest way to go would be the half price adjustment and move away from the current practice. Mr. Mejaski asked Council to set a date for public hearing in order for the citizens to voice their opinion on the proposed new method of adjusting for water leaks. Mrs. Lyerly motioned to set the date of April 12th, 2010 at 7:00pm as the date for the public hearing. Mr. Tufts seconded the motion and Mayor Tate called for a vote of the Council. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved.

Resolution Creating Bicycle/Pedestrian Advisory Committee

Mayor Tate introduced the matter to Council. Mr. Mejaski gave an update on the last meeting of the committee. Mr. Mejaski stated that members were given two functional roles. Some members would be working on matters related to State and DOT matters and others would be assigned to local matters such as events to get the word out that Banner Elk is a bicycle/pedestrian friendly area. Mr. Mejaski stated that the committee felt that a resolution was necessary to set them up as an advisory committee to the Council. Mayor Tate asked for a motion to approve the resolution. Mr. Tufts motioned to approve the resolution as presented. Ms. Draughon provided a second to Mr. Tufts motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Financial Update on Snow Removal

Mr. Mejaski stated that he had planned to spend a bit of time going over increased cost due to the exceptional snow we had this winter. However, a component of that would be money the Town is due to receive from the Federal government in the form of FEMA assistance and those amounts which had been expected are still not available. The

FEMA funds were made available to the Town due to Avery County being declared a disaster area because of the ice storm on Christmas Eve. Mr. Mejaski stated that about fifty thousand was spent to date on snow removal. There was no formal action on the matter by Council.

Set Date for Public Hearing on Amendment to Modify Ordinance 30.11 Duty to Vote

Mr. Mejaski stated that he had been requested to come up with an attendance policy for Council and that this could be either an ordinance or policy. Mr. Mejaski stated that Councilmembers would be given one absence per year and that there would be no stipend received after having a second absence. Mayor Tate asked if a public hearing was needed on this matter. Mr. Mejaski stated that only if Council decides to make it an ordinance. Mr. Tufts stated that he felt this to be the right thing to have in the ordinance but that he would like to hear the opinion of the Town Attorney on the matter. Mrs. Garrett stated that either way the affect is the same, as a policy however it would create a bit more privacy to the matter in that it would be dealt with as an internal staff matter rather than a public matter that a violation of an ordinance would create. Mayor Tate asked Council for a motion. Mrs. Lyerly motioned to approve the policy that Councilmembers be given one excused absence per year and that no stipend be paid to Councilmembers whom miss a meeting beyond the one excused absence. Ms. Draughon seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Set Date for Public Hearing on Zoning Ordinance Changes

Mr. Mejaski asked Ms. Buchanan to explain the changes. Ms. Buchanan stated that the first change dealt with the storm water ordinance and that this would put the burden on the property owners of a subdivision to maintain storm water systems. The second change to the zoning ordinance is placing sign approvals with the staff. Mr. Tufts motioned to set the date of April 12th, 2010 the next regular meeting of the Council as the date for public hearing on the matter of changes to the zoning ordinance. Mrs. Lyerly seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Appoint Joel Owen to Planning Board

Ms. Buchanan stated that she asked Mr. Owen to serve on the Planning Board in order to fill a vacancy. Ms. Buchanan stated that Mr. Owen was in agreement to serving. Ms. Lyerly motioned to appoint Mr. Owen to the Planning Board. Ms. Draughon seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Approval to Advertise Delinquent Taxes

Mayor Tate asked for a motion to approve the advertisement of delinquent taxes. Mrs. Lyerly motioned to approve the advertisement of delinquent taxes. Mr. Tufts seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

At this point in the meeting Mrs. Lyerly motioned to approve the reappointment of Mr. Buster Burlison, Dan Hemp, Ann Swinkola and Penny VonCanon to the Planning Board. Mr. Tufts seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Release of Property Taxes

Ms. Draughon motioned to release the overpayment of property taxes as listed. Mrs. Lyerly seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Manager's Update

Mr. Mejaski gave Council a detailed and lengthy update on matters of concern. During this update Mrs. Lyerly motioned to approve twenty five hundred dollars for the town manager to purchase promotional items such as water bottles, key chains and lawn chairs that would have the Town logo on them. Mr. Tufts seconded the motion. Mayor Tate asked for further discussion of the matter. Being none Mayor Tate called for a vote on the matter. Ms. Draughon, Mrs. Lyerly, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Closed Session

Mrs. Lyerly motioned to go into closed session pursuant to N.C.G.S. 143-318.11(a)(5) legal matters discussed with the Town Attorney.

Return from Closed Session to Open Session

Council returned from closed session.

Adjourn

At 9:02pm Mr. Phillips motioned to adjourn the March 2010 meeting of the Town Council. Mr. Tufts seconded the motion. Mayor Tate called for a vote of approval. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Phillips all approved. There were none opposed.

Mayor Deka Tate

Steven R. Smith Clerk/Finance Officer

April 12th, 2010
Approved