

**BANNER ELK TOWN COUNCIL**  
**September 13th, 2010**  
**MINUTES**

The Banner Elk Town Council met Monday September 13<sup>th</sup>, 2010 at the Banner Elk Town Hall for the regular scheduled meeting of the Town Council.

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

Staff present: Chief of Police Bill Burluson, Cheryl Buchanan, Town Attorney Chelsea Garrett, Town Clerk Steven Smith.

Others present: Mari-Liis Smyth of the Avery Post, Kevin Holden of the Avery Journal, Bill & Donna Dicks, Penny VonCanon, Mike Halus, Joel Shipley, Holly Palm, Larry Cotton, Derek Goddard and three exchange students being guest of Donna Dicks.

**Call Meeting to Order**

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

**Pledge of Allegiance**

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

**Invocation**

Mayor Tate opened with prayer.

**Public Hearing – Annexation of the New Banner Elk Elementary School**

There were no comments from those citizens in attendance. Council members held a short discussion for review and as to the details of annexation.

**Approval of the Minutes of the August 9<sup>th</sup> , 2010**

Mayor Tate asked Council for a motion to approve the minutes of the August 2010 meeting of the Town Council. Mr. Tufts stated that he was not in attendance for the entire meeting yet the minutes show that he voted on all the agenda items. Mr. Tufts asked that the minutes accurately reflect this fact. Councilmember Draughon motioned to approve the minutes as corrected. Councilmember Tufts seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Approve the Stated Agenda**

Mayor Tate asked for a motion to approve the agenda. Mr. Phillips motioned to approve the stated agenda. Mrs. Lyerly seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Citizens Concerns**

There were no comments made

### **Resolution Proclaiming Constitution Week**

Mayor Tate introduced a resolution to the Council proclaiming the week of September 17<sup>th</sup>, 2010 as Constitution Week. Mayor Tate read the resolution to Council and asked Council for discussion of the matter. Mr. Hahn stated that this is truly a great document and that we as a country should remember the ideas and strive to hold on to them. Mayor Tate asked for a motion to adopt the resolution. Mrs. Lyerly made a motion to adopt the resolution. Mr. Hahn seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

### **Update and Review Shawneehaw Creek Restoration & Storm Water Mini-Grant, Presented by Mr. Derek Goddard**

Mr. Derek Goddard addressed the Council concerning the Shawneehaw Creek Restoration and Storm Water Mini Grant. Mr. Goddard gave a brief history of the projects and a time table for completion of each project. Mr. Goddard stated that construction would begin October 6<sup>th</sup> on the stream restoration and would be completed by late October with final documents to be submit to the Clean Water Management Trust Fund by late November. Mr. Goddard also gave Council a timeline on the Storm Water Mini Grant. Mr. Goddard intends to complete the feasibility study on the Mini Grant by the end of January 2011. Mayor Tate thanked Mr. Goddard for the over and above favorites on these projects. Council took no formal action.

### **Bicycle Committee meeting update**

Mr. Doug Owen addressed Council as a member of the Bicycle Committee in the absence of the Chairman of the Committee. Mr. Owen gave a summary of the previous meeting of the committee. Mr. Owen also gave a update on several biking events held recently in the area. Council took no formal action on this matter.

### **Dr. Murray Miller Mountain Ambulance Foundation**

Dr. Miller was not present for the Council meeting. Mayor Tate opened the floor for discussion on the matter. Discussion was held concerning some of the needs that may exists and to how best to meet those needs for the local ambulance station. Mr. Tufts asked the finance officer if funds were budgeted for the Ambulance Foundation. Mr. Smith stated he did not think so. It was later determined that funds had been budgeted for this purpose. Council took no formal action.

### **Holly Palm Proposal of Events Coordinator Position**

Ms. Holly Palm addressed Council concerning the need for the Town to hire an Events Coordinator. Ms. Palm outlined the need and her desire to perform the function for the Town. Ms. Palm went over her qualifications for the position. Council took no formal action on the matter.

### **Master Recreation Plan 2010**

Interim Town Manager Smith stated that the plan has been completed and that once Council formally adopts the plan the process of acquiring the grant funding needed to implement the plan can begin. Mr. Tufts motion to adopt the plan as presented. Ms. Draughon gave a second. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Annexation of New Elementary School Property**

Mayor Tate called for a motion to approve the ordinance to annex the property on which the New Banner Elk Elementary is being built. Mr. Hahn motioned to approve the ordinance of annexation. Ms. Draughon provided a second to the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Tax Release**

A tax bill in the amount \$263.07, identified as bill # 422, account # 45533 was presented by the tax collector to Council for approval to release. Mayor Tate asked Council for a motion to release tax bill # 422. Mr. Hahn motioned the same. Ms. Draughon seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Interim Manager's Update**

The interim town manager updated Council on matters of concern including LMC's inaugural ball, ethics policy, public works uniforms and DOT issues.

**Closed Session**

Mr. Hahn motioned to go into closed session pursuant to NCGS 143-318.11(A)(5) attorney client privilege legal matters and NCGS 143-318(A)(8) personnel matters. Ms. Draughon seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

**Adjourn**

Mr. Hahn motioned to adjourn the September meeting of the Town Council at 9:23pm. Mr. Phillips seconded the motion. Mayor Tate called for a vote. Ms. Draughon, Mr. Tufts, Mr. Hahn, Mrs. Lyerly and Mr. Phillips all approved.

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Mayor Deka Tate

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Steven R. Smith Finance Officer/Clerk

October 11<sup>th</sup>, 2010  
Approved