

BANNER ELK TOWN COUNCIL
October 11th, 2010
MINUTES

The Banner Elk Town Council met Monday October 11th, 2010 at the Banner Elk Town Hall for the regular scheduled meeting of the Town Council.

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

Staff present: Town Manager Rick Owen, Chief of Police Bill Burleson, Town Attorney Chelsea Garrett, Town Clerk Steven Smith.

Others present: Mari-Liis Smyth of the Avery Post, Jamie Shell of the Avery Journal, Bill & Donna Dicks, Penny VonCanon, Mike Halus, Larry Cotton, Sara Brewer, Perry Yates and Alan Bolick.

Call Meeting to Order

At 7:00pm Mayor Pro Tempore Lyerly called the regular monthly meeting for October 2010 to order.

Pledge of Allegiance

Mayor Pro Tempore Lyerly led those in attendance in the Pledge of Allegiance.

Invocation

Councilmember Tufts opened with prayer.

Approval of the September 2010 Minutes and Special Meeting held September 23rd, 2010

Mayor Pro Tempore Lyerly asked Council for a motion to approve the minutes of the regular September 2010 meeting of the Town Council and the special meeting held September 23rd, 2010. Mr. Phillips motioned to approve both sets of minutes as written. Mr. Hahn seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion on the matter, being none Mayor Pro Tempore Lyerly called for a vote on the motion. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. Minutes approved 4 – 0.

Approval of the Stated Agenda

Mayor Pro Tempore Lyerly asked Council for a motion to approve the stated agenda. Mr. Phillips stated he would like to see Mrs. Brewer moved up in the order. Mr. Tufts stated that this moves everyone else down. Mr. Phillips motioned to move agenda item #6 to agenda item #3. Mr. Hahn seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The agenda was approved 4 – 0.

Citizens Concerns

Mr. Mike Halus invited everyone to Valley Country Fair in Valle Crucis.

Letter of resignation from Mayor Tate

Mayor Pro Tempore Lyerly read aloud a letter from Mayor Tate announcing her resignation as Mayor of Banner Elk. Mrs. Lyerly thanked DeKa for her many years of service to the Town of Banner Elk and also stated that it has been a very productive time for the Town.

Discussion of Mayoral Vacancy

Council members discussed the issue of appointing someone to the position of mayor. Mr. Tufts nominated Ms. Draughon. Mr. Hahn nominated Ms. Lyerly. Mr. Phillips nominated Mr. Tufts. After further discussion it was decided to table the matter.

ABC Store Annual Financial Audit, Sara Brewer

Mrs. Sara Brewer addressed the Council concerning the ABC store. Mrs. Brewer summarized the financial statements and the past years results. Council took no formal action on this item.

Out of Town Sewer Line Connection Request

Mr. Perry Yates partner in the New River Lumber Ace Hardware store addressed Council on the matter of obtaining sewer service from the Town to his out of town location. Mr. Yates stated that he understood the ordinance states he must annex the property and explained why that would be impossible at this point in time. He stated that the owner of the property Mr. John Greer is absolutely opposed to the idea of annexing any of his property into the Town of Banner Elk. Mr. Greer opposed the Ace Hardware property being annex but gave in. Mr. Yates stated he would not this time. Mr. Yates and partners would like to fix up the property and place a business there and without the sewer connection their efforts will end and the property will remain as is.

Town Manager Rick Owen proposed to Council a contract between the Town and Mr. Yates for the purpose of providing sewer service to the leaseholders of the property and not to the property itself. This would allow the Town to refuse service to the next owners if those owners are not Mr. Yates and his partners. Mr. Phillips motioned for the town manager to proceed with drafting a contract for sewer service between the partnership of Phil Templeton and Perry Yates and the Town of Banner Elk. Mr. Tufts seconded the motion made by Mr. Phillips. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The motion to grant sewer service was approved 4 – 0.

Avery County Chamber of Commerce Sue Freeman

Ms. Freeman was not present.

Report from Ted Silver, Bicycle Committee

Mr. Silver reported to Council on the recent meeting of the Bicycle Committee. Mr. Silver reported on regional efforts being made for biking lanes, bike safety and cycling awareness.

Call for Public Hearing amending Zoning Ordinance

Mr. Hahn motioned to set the date of November 8th as the date for Public Hearing concerning amending the Town's Zoning Ordinance. The hearing will be set for 7:05pm in the Council Chambers. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The motion to set a public hearing was approved 4 – 0.

Select Project from Master Recreation Plan

Mayor Pro Tempore Lyerly introduced the item for discussion. Town Manager Rick Owen explained to Council that with the adoption of the Master Recreation Plan the Town can now proceed to seek grants to implement the plan. Town staff Cheryl Buchanan in a memo had proposed the three options for projects that are within the plan. The options discussed were; extending walking track to the lower section of the park, extending the greenway out to the Best Western and the building of a velodrome. Mr. Hahn made a motion to extend the greenway and Mr. Phillips seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The motion was approved 4 – 0

Manager's Update

Town Manager Owen updated Council on a number of current issues.

Closed Session

Mr. Hahn motioned to go into closed session at the request of Mayor Pro Tempore Lyerly. Mr. Hahn's motioned to go into closed session in accordance with N.C.G.S. 143-318.11(a)(8) personnel matters and 143-318.11(a)(5) legal matters. Ms. Draughon seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The motion was approved 4 – 0.

Adjourn

Mr. Hahn motioned to adjourn the October meeting of the Town Council at 9:15pm. Mr. Phillips seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. Mr. Phillips, Mr. Hahn, Ms. Lyerly, Ms. Draughon and Mr. Tufts all approved. There were none against. The motion was approved 4 – 0

Mayor Pro Tempore Brenda Lyerly

Steven R. Smith Finance Officer/Clerk

November 8th, 2010
Approved