

BANNER ELK TOWN COUNCIL
November 8th, 2010
MINUTES

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

Council Members present: Mayor Pro-Tem Lyerly, Mr. Tufts, Mr. Hahn and Ms. Draughon. Mr. Phillips was absent.

Staff present: Town Manager Rick Owen, Chief of Police Bill Burleson, Finance Officer/Town Clerk Steven Smith.

Others present: Mari-Liis Smyth of the Avery Post, Jamie Shell of the Avery Journal, Bill Dicks, Penny & Charlie B. VonCanon, Larry Cotton, Ted Silver, Allen Bolick and Dr. Crystal.

Call Meeting to Order

At 7:00pm Mayor Pro Tempore Lyerly called the regular monthly meeting for November 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 October 2010 Minutes

Mayor Pro Tempore Lyerly asked Council for a motion to approve the October 2010 minutes. Councilmember Hahn motioned to approve the minutes as written. Councilmember Tufts provided a second. Mayor Pro-Tem Lyerly asked if there was any discussion on the matter and being none called for the vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The minutes passed, four in favor and none opposed.

Approval of the Stated Agenda

Mayor Pro Tempore Lyerly asked Council for a motion to approve the stated agenda. Ms. Draughon motioned to approve the stated agenda. Mr. Hahn seconded the motion. Mayor Pro-Tem Lyerly asked if there was any discussion on the matter and being none called for the vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The agenda passed 4 in favor and none opposed.

Citizens Concerns

There were no comments made.

Discussion of Mayoral Vacancy

Mayor Pro Tempore Lyerly stated that Council was in agreement that the position of Mayor would remain vacant until the next election. Mrs. Lyerly went on to state that as Mayor Pro Tempore she would handle the duties of Mayor until that time when someone would fill the office by election.

LMC Recycling Presentation

Dr. Crystal of Lees McRae College made a presentation to Council on the subject of recycling. Dr. Crystal stated that the Town had made great progress on the matter of recycling and that with the changes made within the administration she wanted to make sure that the progress would continue. Dr. Crystal mentioned that there are several projects on the table that had been left up to the former town manager that she wanted to make sure would continue. She also mentioned that with next week being National Recycle Week, it seemed like a good time to come and address the Council. Dr. Crystal stated that plastics #1 and #2 can not be put into the trash, that these must be recycled. Dr. Crystal decried the lack of signage at the Banner Elk Recycling Center. Dr. Crystal informed the Council that her services are available to the Town as well as the services of the thirty to forty students in her classes each semester. Dr. Crystal stated that her goal is to see recycling working and working efficiently and effectively in the Town of Banner Elk. Council took no formal action on the matter.

Approve National Recycling Day Proclamation

Mayor Pro-Tem Lyerly introduced the matter of the National Recycling Day Proclamation. National Recycling Day is November 15th. Mayor Pro-Tem Lyerly asked for a motion of agreement to the proclamation. Mr. Tufts so moved. Mr. Hahn seconded the motion. Mayor Pro-Tem Lyerly asked for discussion and being none called for the vote to accept the proclamation. Mr. Tufts, Ms. Draughon, Mrs. Lyerly and Mr. Hahn all were in favor of the proclamation. There were none opposed.

Report from Ted Silver, Bicycle Committee

Mr. Silver updated the Council on the last meeting of the Bicycle Pedestrian Committee. Mr. Silvers updated Council on the grant received and the upcoming meeting in regard to the grant. Mr. Silvers also gave updates on the bridge over the Mill Pond, booth at the Woolly Worm and Safe Routes to School.

Announcement of Open House & Tree Lighting Date

Mayor Pro-Tem Lyerly announced that the Open House and Tree Lighting will be Thursday December 9th at 5:00pm.

Call for Public Hearing Solid Waste Management

Mayor Pro-Tem Lyerly introduced the item. Mr. Owen explained that we have some house cleaning to be done on the solid waste ordinance and the adoption of the Avery County Solid Waste Ordinance will need to be passed. Mr. Hahn motioned to set the date of December 13th, 2010 the next regular meeting of the Town Council as the date of Public Hearing on the matter. Time of the public hearing to be 7:05pm. Ms. Draughon seconded the motion. Mayor Pro-Tem Lyerly asked if there was any discussion on the matter and being none called for the vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

Call for Public Hearing amending Zoning Ordinance on Signs

Mr. Hahn motioned to set the date of December 13th, 2010 the next regular meeting of the Town Council as the date of the Public Hearing on the matter. Time of the public hearing to be 7:15pm. Mr. Tufts seconded the motion. Mayor Pro-Tem Lyerly asked if there was any discussion on the matter and being none called for the vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

Call for Public Hearing to amend Water & Sewer Ordinance

Mr. Hahn motioned to set the date of December 13th, 2010 the next regular meeting of the Town Council as the date of the Public Hearing on the matter. Time of the public hearing to be 7:20pm. Mr. Tufts seconded the motion. Mayor Pro-Tem Lyerly asked if there was any discussion on the matter and being none called for the vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

Budget Amendment for Shawneehaw Creek Restoration

Mayor Pro Tem Lyerly introduced the matter of a budget amendment for the fiscal year ending June 30th, 2011. Ms. Lyerly asked Council for a motion. The amendment as presented by the finance officer is to increase Capital Reserve spending by \$130,000.00. Mr. Hahn motioned to approve the budget amendment for the Town's matching funds for the Shawneehaw Stream Restoration project currently under construction. Ms. Draughon seconded the motion. Ms. Lyerly called for discussion of the matter. Being none Ms. Lyerly called for a vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

Appoint Planning Board Member

Mayor Pro Tem Lyerly introduced the candidates willing to serve on the planning board. Council reviewed the applications of the candidates. Ms. Draughon motioned to appoint Mr. Ray "Allen" Bolick to the Banner Elk Planning Board. Mr. Tufts provided a second to the motion of Ms. Draughon. Ms. Lyerly called for discussion of the matter. Being none Ms. Lyerly called for a vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

Manager's Update

Town Manager Owen updated Council on a number of current issues. The issues included: Shawneehaw Stream Restoration, the idea of an events coordinator, centennial planning, contract for sewer service, ABC Store financial statements, Town's website, new elementary school, resignation of a Board of Adjustments member and snowflakes.

Council agreed that the staff should purchase ten more snowflakes. Also discussed was the street lamp at Fortners insurance parking lot.

Closed Session pursuant to NCGS 143-318.11(a) Personnel Matters; NCGS 143-318.11(a)(5) Attorney Client Privilege

Mr. Hahn motioned to go into closed session pursuant to NCGS 143-318.11(a) Personnel Matters; NCGS 143-318.11(a)(5) Attorney Client Privilege. Ms. Draughon seconded the motion. Ms. Lyerly called for discussion of the matter. Being none Ms. Lyerly called for a vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed.

In closed session Council discussed matters pertaining to personnel.

Return to Open Session

Mr. Hahn motioned to return to open session. Mr. Tufts seconded the motion. Mayor Pro Tem Lyerly called for discussion of the matter. Being none Ms. Lyerly called for a vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed

Other Business

Mr. Owen asked Council to consider filling the vacant seat on the Tourism and Development Authority. Council reviewed the candidates for the position. Mr. Tufts motioned to appoint Ms. Casey Crabtree to the vacancy, Ms. Draughon seconded the motion. Ms. Lyerly called for discussion of the matter. Being none Ms. Lyerly called for a vote. Mrs. Lyerly, Ms. Draughon, Mr. Tufts and Mr. Hahn all approved. The motion passed four in favor and none opposed

Adjourn

Ms. Draughon motioned to adjourn the November meeting of the Town Council at 8:52pm. Mr. Hahn seconded the motion. Mayor Pro Tempore Lyerly asked for further discussion and being none called for a vote. 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

December 13th, 2010
Approved