

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**January 13, 2009**

**I. CALL TO ORDER**

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Randy Corn and Alan Holcombe. Also present were Interim Town Manager Joe Perry, Town Attorney David Paletta, Public Works Director Riley Hatch, and Assistant Police Chief Dana Crawford. There were a number of interested parties in the audience.

**II. Invocation** – Charlie Burlison opened the meeting with a prayer.

**III. Pledge of Allegiance** – All present joined in the Pledge of Allegiance to the flag.

**IV. Adoption of Agenda** – Item 4, New Business was deleted. Mr. John Carini was added to ‘Persons to Address Council’. The Agenda was approved as amended.

**V. Approval of the Minutes** – Councilman Chamberlin moved to approve the December 9, 2008 Regular Minutes as presented. Councilman Holcombe seconded the motion and it passed unanimously.

**VI. Public Comment** –

- a. Renee Castiglione, 104 Wild Turkey Lane, indicated that the Tree Board had not been made aware that the Arborist Contract would be on the Agenda. Mrs. Castiglione then asked that the Council look into the lack of transportation services provided to the elderly in the Town in both Avery and Watauga Counties.
- b. Mr. John Carini, Fox Fire Properties, 1103 Beech Mtn. Pkwy., addressed the Council with a request for a reduction in a water bill at 208 Overbrook Knoll. Mr. Carini noted that he and his wife had not discussed the payment of the water bill, and neither he nor his wife were aware that the services had not been turned on in their name. The bill total was \$668.22 beginning January '08 continuing through December '08. The Town had charged the minimum usage fee with no penalty for late payment. Mr. Carini further noted that his company had lost a rental in the house due to the mud in the Town's water supply. Mr. Hatch agreed that there were issues with the flushing of the system. Mr. Hatch continued that the line had been flushed and a reading of the meter had taken place before and after the event. After much discussion, the Council agreed to take no action on the request.

**VII. Persons to Address the Council** –

1. **Clif Surrency** – Not in attendance.
2. **Mr. Charlie Burlison** – TDA Chairperson Charlie Burlison addressed the Council with a request for advertising funds totaling \$25,500. Mr. Burlison proposed that

the funds would be used for radio promotions in Charlotte, Greenville, and Raleigh, NC as well as Columbia, SC at a cost of \$11,100; a billboard sign on Highway 105 for \$7,000; extend the Public Relations contract with Craig Distl for 4 more months, through the fiscal year at a cost of \$4,400; and \$2,000 to help with Ski Beech's family events during Winterfest. Mrs. Castiglione indicated as a tax payer she approved the request. Mr. Fred Barth, Beech Mtn. Inn & Top of the Beech, noted that the funds were from the bed tax, not taxpayer's funds. After much discussion, Councilman Holcombe moved to approve a one-time donation for advertising in the amount of \$25,500. Mr. Perry and Finance Officer Sally Rominger were designated to decide the line item from which to take the funds. Councilman Chamberlin seconded the motion and it passed unanimously.

#### **VIII. Old Business –**

**1. Greenbriar Sewer Improvements** – Mr. Perry presented a quote from Hobbs, Upchurch & Associates, P.A. for review of the videos the public works staff had taken of the sewers lines on Greenbriar and Lakeledge Road, necessary for the repair work to be done. The estimated cost was \$4,000. Councilman Corn moved to have Hobbs, Upchurch & Associates review the videos at a cost not to exceed \$5,000. Councilman Holcombe seconded the motion and it passed unanimously.

#### **IX. New Business –**

**1. Arborist Contract** – Mayor Owen indicated that the Town had a proposed contract with Tony Hunter as an arborist. Mr. Hunter is licensed and the Tree Committee had recommended him for the work. The contract would cover the period from February 1, 2009 through August 31, 2009, with payments of \$1,000 at the end of each month for a total of \$7,000. Mrs. Castiglione expressed her concern over the cost of the contract noting that the tree inventory had already been done by a volunteer. Mrs. Castiglione also asked about the necessity of a brochure to which Mayor Owen indicated that it was one of the conditions in the grant. Mayor Owen suggested the Council give the contract to the Tree Board and let them discuss it with Mr. Hunter. Mr. Perry noted that the matching grant that the Town received for \$9,500 had stipulations, the work for the Board had to be done by a licensed arborist and the brochures were a requirement. Mr. Perry recommended that the Council approve the contract. Mr. Paletta indicated that he and Mr. Perry had prepared the contract using the state qualifications as a guide. Mayor Owen recommended that the Council approve the contract and have Mr. Perry ask Mr. Hunter if he was aware the Board already had an inventory of the trees. Councilman Adams moved to approve the contract as presented. Mayor Owen seconded the motion and it passed unanimously.

**2. Updated Code of Ordinances** – Mr. Paletta reported to the Council that he had been in contact with American Legal Publishing Corporation with regards to the Town's Code of Ordinances. Mr. Paletta indicated that no action needed to be taken at this time. Mr. Paletta indicated that the Ordinances had not been reviewed since they were adopted in 1980. Mr. Paletta indicated that he had stated for years that the Ordinances were in need of review, noting that it was usually done every 10 years. Mr. Paletta had reviewed the Ordinances the American Legal Publishing Corp. had sent and found corrections that needed to be made. Mr. Paletta asked the Council if they needed a cover page with the names of the

Council on it. The Council agreed they would like this. The update should be completed in a few months, at which time the Council would be required to adopt the Ordinances. American Legal had a service which updates the Ordinances on a regular basis, Mr. Paletta felt the quarterly service would suffice for the Town's needs and encouraged the Council to consider the service. Mr. Paletta also indicated they would also maintain the web page. Mr. Paletta asked that the Council review the information on the Water and Sewer Ordinance and e-mail him any changes.

**3. Budget –**

- a. Budget Amendment** – Councilman Holcombe moved to approve the Budget Amendment in the amount of \$232,000, loan proceeds for the delivery of the motor grader. Councilman Chamberlin seconded the motion and it passed unanimously.
- b. Budget Transfer** – Councilman Holcombe moved to approve the Budget Transfer in the amount of \$2,000 for a temporary building to be used at the sledding hill. Councilman Chamberlin seconded the motion and it passed unanimously.

**4. Building Setback Violations** – Mr. Paletta reported that he had drafted a form that would help eliminate the violations of the building setback regulations. The form would be signed by the property owner acknowledging that he/she has read Section 1120 of the Zoning Ordinance which references. After a brief discussion, the Council recommended the signature have to be notarized. Councilman Holcombe moved to approve the 'Acknowledgement of Survey Requirement' form with the addition of notarization of the homeowner's signature. Councilman Chamberlin seconded the motion and it passed unanimously. Mr. Miller asked about the requirement which would be in addition to a survey at the time of permit, survey on the foundation and the as-built survey indicating that is would be difficult to get it signed, notarized and back from the owner. Mr. Perry stated that the Utility Clerk, Jessica Heaton, was scheduled to take a notary class and that she should be the one in the office to notarize this form. Mr. Paletta recommended that one of the responsibilities for the new Town Manager should be doing spot inspections of our building department.

**5. Water and Sewer Use Ordinance** – Mr. Paletta asked the Council to review the changes in the Water and Sewer Use Ordinance. Noting a few of the areas as rewording of provisions, tampering with the equipment, Council restrictions and the appointment of a 'Cross-Connection Control coordinator'. Mr. Paletta asked that and changes or recommendations be discussed at the February 10, 2009 Council meeting.

**6. Buckeye Reservoir Ordinance** – Mr. Perry indicated that the enclosed Buckeye Lake Protection Ordinance was prepared at the request of the Division of Environmental Health. The Buckeye Creek Reservoir is classified as a Class 1 Drinking Water Reservoir, an Ordinance protecting the area must be passed by the Council. Councilman Corn moved to approve the Buckeye Lake Protection Ordinance with the addition of 'housing no animals within 200' of the Lake or Stream feeding into the Lake. Councilman Holcombe seconded the motion and it passed unanimously.

7. ***Committee Appointments*** –

- a. ***Planning Board*** – Councilman Holcombe moved to reappoint Brian Barnes and John Hoffman to the Planning Board. Councilman Adams seconded the motion and it passed unanimously.
- b. ***Board of Adjustment*** – Councilman Holcombe moved to reappoint Paul Piquet and Russ Reiman to the Board of Adjustment. Councilman Chamberlin seconded the motion and it passed unanimously.
- c. ***Board of Adjustment Alternates*** – Councilman Holcombe moved to reappoint Fred France and 1<sup>st</sup> Alternate and Bernie Knepka as 2<sup>nd</sup> Alternate to the Board of Adjustment. Councilman Chamberlin seconded the motion and it passed unanimously.
- d. ***Tourism Development Authority*** – Councilman Holcombe moved to reappoint Charlie Burluson as Chairperson to the TDA and Candi Catoe and Rick Miller to members of the TDA. Mayor Owen seconded the motion and it passed unanimously.
- e. ***Recreation Committee*** – Vice Chair Adams moved to appoint Nancy Owen to the Recreation Committee. Councilman Chamberlin seconded the motion and it passed unanimously.

X. ***John Sams PA-54*** – Mayor Owen indicated that John Sams, Mountain Elegance Homes, had approached the Town with an offer to purchase for 211 sq ft for \$968.49 in front of 140 Hawthorne Road, PA-54. Mr. Sams based his offer on the \$200,000 per acre or \$4.59 per sq ft previously used by the Council. Councilman Chamberlin moved to accept the Offer to Purchase. Mayor Owen seconded the motion. Councilman Corn stated that he felt the amount of land was inadequate as well as the amount and asked for expenses. Mayor Owen stated that the buyer paid expenses in such a transaction. Councilman Corn recommended a cost of \$2,500 with the property line from the left to the extreme right. Councilman Corn also asked about the right-of-way to which Mr. Paletta indicated that the Town would retain a right of way. Councilman Corn moved to reject the Offer to Purchase. Councilman Holcombe seconded the motion. Mayor Owen and Councilman Chamberlin rescinded their motion to accept the Offer to Purchase. The Offer to Purchase was unanimously rejected. Mayor Owen asked that the Council be given a true survey and noted that the Council would act favorably to an offer of \$2,500. Mr. Paletta asked for a copy of the Deed showing that the two lots had been combined into one. Mr. Perry will notify Mr. Sams of the Councils' decision.

XI. ***Closed Session*** – Councilman Chamberlin moved to go into Closed Session at 4:30 p.m. under G.S. 143-318.11(a) (6) to discuss personnel matters. Councilman Holcombe seconded the motion and it passed unanimously. Councilman Chamberlin moved to come out of closed session at 5:00 p.m. Councilman Holcombe seconded the motion and it passed unanimously. No action was taken.

*XII. Interim Town Manager Report* – Mr. Perry’s report was accepted as submitted.

*XIII. Other Business* – The Council had no other business to discuss.

*XIV. Adjourned* – Councilman Corn moved to adjourn the meeting at 5:05 p.m. Councilman Chamberlin seconded the motion and it passed unanimously.

Minutes approved by Town Council on February 10, 2009.

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Mayor

ATTEST:

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Town Clerk