

**MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
June 12, 2007**

***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, Paul Piquet and Randy Corn. Also present were Town Manager Michael Boaz, Public Works Director Riley Hatch, Building Inspector Keith Cook, and Town Attorney David Paletta. There were a number of interested parties in the audience.

***Invocation*** – Charlie Burleson opened the meeting with a prayer.

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

1. ***Adoption of Agenda*** –The Town Manager asked the Council to add to New Business Item F: Amendment to the Personnel Ordinance, G: Amendment to the Water/Sewer Use Ordinance, H: Town Vehicle Replacement, and I: Private Drive Naming. The Agenda was adopted as amended.
2. ***Approval of the Minutes of May 8, 2007 Regular Meeting and May 14, 21, and 30, 2007 Budget Workshops*** – On a motion by Mr. Chamberlin, seconded by Mr. Piquet the Board voted 5-0 to approve the minutes as presented.
3. ***Public Comment*** –
  - A. Ms. Mary Frisbee asked that the Council consider adding a provision to the Town's Planning and Zoning Ordinance that requires that a site plan, building plan, and landscaping plan be submitted for all development projects.
  - B. Mr. Steve Underwood asked the Council why only his and Charlie Burleson's property were being considered for annexation.
4. ***Old Business*** –
  - A. ***Fall Creek VFD Recreation Center Rate-*** The Town Manager informed the Council that the Fall Creek VFD members had asked to be allowed to use Buckeye Recreation Center at the in town rate because of the mutual aid agreement between the two fire departments. Mr. Corn suggested that the Council should approve this, but should extend it to the Banner Elk VFD and possibly the Banner Elk Police Department. On a motion by Mr. Chamberlin, seconded by Mr. Piquet the Council voted 4-1 to allow the Fall Creek VFD members to join and use the Buckeye Recreation Center at the in town rate. Mr. Corn voted nay.
  - B. ***Adoption of Fiscal Year 2007-2008 Budget-***On a motion by Mr. Piquet, seconded by Mr. Adams the Council voted 5-0 to approve the FY 2007-2008 budget ordinance.

**C. *Bob Detchon Property-*** Attorney Paletta and Manager Boaz updated the Council on the situation with the piece of property owned by Mr. Detchon. The Council, at its May 8 meeting had agreed to sell the property back to Mr. Detchon for the payment of road assessments, taxes, penalties and interest. Mr. Detchon countered that he is not responsible for the penalties and interest because he was never notified of the assessment. Attorney Paletta reported to the Council that taxes had been paid on the value of the whole property, both the Watauga and Avery County portions, and so no taxes were due. Mr. Chamberlin made a motion that the Council accept the offer of just payment of the road assessments or \$1936.35 for the property. The motion died due to lack of a second. Mr. Piquet made a motion that the Town stick with its first offer and make no changes, the motion died due to lack of a second. Following more discussion, Mr. Corn moves and Mr. Adams seconds that the Town sell the property back to Mr. Detchon for \$2401.08. The motion carries 4-1 with Mr. Chamberlin voting in the negative.

**5. *New Business –***

- A. *YMCA Presentation-***Ms. Kim McLaughlin made a presentation concerning the drive by Avery County YMCA to raise funds for the Indoor Aquatics Center.
- B. *Appoint Alternate to the RTCC-***On a motion by Mr. Corn, seconded by Mr. Adams, the Council voted 5-0 to appoint Bobby Dziejewski as the alternate to the RTCC.
- C. *Rezoning Requests-*** On a motion by Mr. Chamberlin, seconded by Mr. Piquet the Council voted 5-0 to hold a public hearing on the two rezoning requests at its July 10 meeting.
- D. *Pond Creek Wastewater Treatment Plant Upgrade Change order-*** Manager Boaz presented the Council with change order #5 for this project. It would authorize the purchase and installation of a new automatic bar screen at the Pond Creek WWTP. This new bar screen was required by the local DENR office and will cost \$61,951. The project had a contingency of \$89,000 and this change order combined with all others would leave \$14,308 in contingency unspent. On a motion by Mr. Corn, seconded by Mr. Chamberlin the Council voted 5-0 to approve the change order pending the final review of the proposed bar screen by the operator and the engineers.
- E. *Zoning Ordinance Amendment-***The proposed amendment would spell out the Town's setback requirements much more clearly than the current ordinance. Council asked staff to review the proposed ordinance and suggest changes that would insure that there was adequate space between the roadways and structures. On a motion by Mr. Corn, seconded by Mr. Piquet the Council voted 5-0 to set a public hearing on the proposed amendment for July 10 at 2 PM.
- F. *Personnel Ordinance Amendment-***Manager Boaz informed the Council that the Town had not been enforcing the provision of its ordinance that required that holiday time be used within three months of its being earned. This had allowed several employees to build up large balances of holiday time. Manager Boaz had instituted a policy that required holiday time to be used before vacation, sick leave, or comp time. An employee had complained because he had been counting on being paid for this time at separation. Manager Boaz asked the Council to approve an amendment capping the number of hours of holiday that

an employee could be paid for at separation at 75 hours. The Council tabled action on the proposed amendment until the July 10 meeting.

- G. *Water/Sewer Use Ordinance Amendment***-Manager Boaz reported to the Council that the current W/SUO required that a homeowner who's meter was removed for nonpayment pay the current tap fee and any past due charges before service would be reconnected. It does not address what happens if a house is sold after the meter had been removed. Manager Boaz proposed that the ordinance be amended to read that removal of a meter shall also be shutting off the meter at the Town's buried cut-off and that if a meter is removed and then the home is sold, the new owner must pay the current water tap fee before service is reconnected. On a motion by Mr. Piquet, seconded by Mr. Corn the Council voted 5-0 to approve the proposed amendment.
- H. *Vehicle Maintenance Issue***-Manager Boaz reported to the Council that the Explorer that was being used by the Inspections department was in need of repair. Fleet Maintenance feels that the vehicle needs a new transfer case and quite possibly a new rear end. The cost for these repairs was estimated at \$2000. Manager Boaz requested approval to purchase a new vehicle to replace the Explorer and presented the Council with a budget transfer report for their consideration. The Council agreed that a new vehicle should be purchased.
- I. *Naming of Private Drive***-The Town has received a request to name a private drive. There are several different suggestions for the name of the drive. Mr. Piquet said that he did not want to name the road anything that was similar to a road name already in use. Mr. Chamberlin agreed that Hemlock Lane was unacceptable, but something with Wild Daisy would be acceptable because the road to be named is off of Wild Daisy. On a motion by Mr. Corn, seconded by Mr. Chamberlin the Council voted 5-0 to name the private drive Wild Daisy Court.

## **6. *Staff/Consultant Reports***

- A. *Town Manager's Report – Michael Boaz*** – Mr. Boaz reported the following:
- i. The paving of Welding Weg has been completed. The road striping crew has also begun their work. As a part of the paving contract they will stripe Tamarack and Welding Weg. We have contracted with the same company to do other striping and they will be here on June 23 to do 15 miles of striping. That should get most of the Town's paved roads striped.
  - ii. I have spoken with Steve Underwood regarding the possibility of his requesting voluntary annexation. He has a couple of additional items he would like the Council to agree to. First, he would like the Council to agree that he doesn't have to connect to the water/sewer system until his system fails. In addition, he would like to keep his sign up for longer than one year. He would like to turn the sign off on the day the Club closes and turn it back on the day the slopes open. He would then turn it off on the day the slopes close and turn it back on again on June 1. The sign would be turned off on the day the club closes and would come back on the day the slopes open and would remain on until the slopes close when it would be turned off for good. There is a chance that he will

- construct new wooden signs and if so he would turn the electronic sign off earlier.
- iii. I have also spoken with Charlie and made him the same offer that I originally made Mr. Underwood. I have not yet heard back from Charlie.
  - iv. I have preliminary plans from Mark Lacy for the water line improvements and the pressure reducing stations. I have given a copy of these to David so that he can begin to draft the easements that will be required. Mark is going to finalize the plans and then submit them to the State for approval. We should get permits back in July. If all goes as planned, we will be able to begin construction on the water lines and PRS in September. Obviously, we will have to work with the contractor selected to stage the work so that it does not interfere with the resort's snow making activities. Mark hopes to have a cost estimate in the next couple of days so that we can begin the process of borrowing the money. We will have to get LGC approval and so this might take several months to get approved.
  - v. Cathy has preliminary results for the compensation study that she has been working on. She also has preliminary results for the analysis of fringe benefits that was discussed at the last budget work session. I have included her memos about both studies in your packet. She will present her final results at the July meeting.
  - vi. I have called DMP several times to get an update on the Lake Coffey Project, but I have not yet received any information from them. Ed will be at the meeting and can provide an update at that time.
  - vii. Pond Creek is proceeding well. The initial pour for the UV building has been done and the final pour for the digester has been completed. The final pours for the clarifier are under way and should be completed in the next few weeks. The contractor will begin yard piping in the near future.
  - viii. The Mayor reported to the Council that the TDA had removed the flower maintenance money from its budget. The Mayor also reported that Calder Smoot had asked that the Council fund the flower maintenance for the remainder of the summer. The Council agreed and asked the Manager and Finance Officer to find a place in the budget to pay for the flower maintenance.

7. ***Closed Session Pursuant to NCGS 143-318.11(3), (6)***-On a motion by Mr. Piquet, seconded by Mr. Corn the Council voted 5-0 to go into closed session to discuss matters related to Attorney Client Privilege and Personnel at 4:00 PM. On a motion by Mr. Adams, seconded by Mr. Chamberlin the Council voted to come out of closed session at 5:00 PM. No action was taken in closed session.
8. ***Adjourn*** – Having no other business to discuss the Council adjourned upon a motion by Mr. Corn at 5:00 p.m. Mr. Piquet seconded the motion and it passed unanimously.

Minutes approved by Town Council on July 10<sup>th</sup>, 2007

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Mayor

ATTEST:

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Town Clerk