

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**August 14, 2007**

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

***II. Invocation*** – Charlie Burleson 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*** –The Agenda was adopted with the addition of Mr. Worthington under Public Comment and the removal of Colter Lot Donation under Old Business.

***V. Approval of the Minutes of July 10, 2007 Regular Meeting***– Upon a motion by Mr. Chamberlin, seconded by Mr. Piquet the minutes of July 10<sup>th</sup> were unanimously approved.

***VI. Public Hearing Fifer Property*** – Mayor Owen opened the Public Hearing at 2:05 p.m. on the CUO Rezoning of Ron Fifer's Property. Hearing no comments from the public, the hearing was closed at 2:06 p.m.

***VII. Persons Wishing to Address Council***

a. Mr. Richard Simeone, 100 Pine Ridge Road, addressed the Council with his concerns regarding the appearance of the recycling center. Mr. Simeone recommended the Town move the entrance to the side and conceal the site with fencing. Mr. Simeone further noted that the Kat's building was using unsightly materials to block their parking lot from use. The Council thanked Mr. Simeone for his opinions.

b. Ann Isles, representing the Beech Mountain Historical Society, informed the Council that the group was working on the Town's history and gave a brief outline of the goals including filing for non-profit status. Mrs. Isles noted the web site as <http://earthlink.net/tilbybeechhhp>.

***VIII. Public Comment*** –

a. Kenneth Worthington, 122 W. Blueberry Lane, addressed the Council with concerns of W. Blueberry being blocked during the assembly of modular homes. Mayor Owen, noting that the Council did not usually respond to comments received during Public Comment, stated

that prior notice was given and arrangements were made prior to blocking of the roads and transportation was provided for homeowners to get to their houses. Concern for medical emergencies was noted.

b. Mr. Jan Brooks, 317 N. Pinnacle Ridge Road, asked that the Council take note of the utility cuts in the roads that needed to be patched.

**IX. Old Business –**

**A. Rezoning of McLure Property** – Mr. Boaz presented the conditional use zoning overly proposal for the Woody McClure property located at 101 Golf Lane. After a brief discussion the Council asked that Mr. Boaz and Mr. Paletta refine the conditions and report back to the Council.

**B. Rezoning of Detchon Property** – Mr. Boaz noted that this is a piece of property that was foreclosed on by the Town for non-payment of road assessments. At the time of foreclosure, it was unclear who owned the property. The owner was discovered and wanted the property back. The Council has made an offer to the former owner. The property was rezoned as Memorial Park when it was acquired by the Town, the zoning needs to be R-2. Mr. Piquet moved to rezone the property to R-2. Mr. Corn seconded the motion and it pass unanimously.

**C. Holiday Time** – Mr. Boaz reported on the accumulation of holiday time. The Council agreed that a 6 month limit be placed on the use of the time. Mr. Chamberlin moved to pay the Town employees for the accumulated holiday time in the amount of \$29,099. Mr. Adams seconded the motion and it passed unanimously.

**D. Write Off Bad Debt** – Mr. Boaz noted that the Town had \$16,543.76 in uncollectible debt. The auditors had recommended the amount be written off. After a brief discussion Mr. Piquet moved to write off the bad debt. Mr. Chamberlin seconded the motion and it passed unanimously.

**X. New Business –**

**A. Repeal of Personnel Ordinance** – Mr. Boaz reported to the Council that he and Mr. Paletta were recommending that the Personnel Ordinance be repealed. Mr. Piquet expressed his opposition to the change from an Ordinance to a Policy.

**B. Adoption of Personnel Policy** – Mr. Boaz presented the Personnel Policy, which would replace the repealed Personnel Ordinance. A lengthy discussion followed with the Council recommending that Mr. Paletta work with Mr. Boaz on a number of issues and bring the Policy back to the Council for review.

**C. Rental Agreement with Banner Elk** – Mr. Boaz proposed the agreement with Banner Elk for the use of the Town's vac truck at a rate of \$200 per hour. After a brief discussion the Council asked that the contract be amended to reflect a 2 year limit.

Mr. Boaz was instructed to bring the agreement back to the Council at the September 11, 2007 meeting for further consideration.

**D. Budget Amendment** – On a motion by Mr. Piquet, seconded by Mr. Chamberlin the Council moved to approve the Budget Amendment.

**E. Rezoning of Fifer Lot** – Mr. Boaz reported that the Planning Board had recommended the property be rezoned to R-2. After a brief discussion, Mr. Paletta was asked to look over the recommendation and return it to the Council for consideration.

**XI. Town Manager's Report – Michael Boaz** – Mr. Boaz reported the following:

- A. The High Country Council of Governments will meet at the Recreation Center on Thursday, August 16<sup>th</sup> at 6:00 p.m. Mr. Ellis Hankins will be the key note speaker.
  - B. The NCLM will hold its annual meeting on October 14-16 in Fayetteville.
  - C. Pond Creek WWTP upgrade is progressing on schedule.
  - D. The Avery County portion of the tax bill will be ready to send out by the end of the month.
  - E. Mr. Hatch is working on getting a paving company to do patch work.
- Mrs. Cindy Porter asked that the Council consider the water run-off issue that Klonteska was causing to their development.

**XII. Closed Session Pursuant to NCGS 143-318.11 (6)** – On a motion by Mr. Piquet, seconded by Mr. Chamberlin the Council voted to go into closed session at 3:05 a.m. to discuss matters related to Personnel. On a motion by Mr. Adams, seconded by Mr. Piquet the Council voted to come out of closed session at 4:05 p.m. The Council repealed the Personal Ordinance on a motion by Mr. Corn, seconded by Mr. Adams. The motion passed 4 to 1 with Mayor Owen, Mr. Adams, Mr. Corn and Mr. Chamberlin voting yea and Mr. Piquet voting nay. Upon a motion by Mr. Corn, seconded by Mr. Adams the Council adopted the Personnel Policy. The motion passed 4 to 1 with Mayor Owen, Mr. Adams, Mr. Corn and Mr. Chamberlin voting yea and Mr. Piquet voting nay. Upon a motion by Mr. Corn, seconded by Mr. Piquet the Council unanimously agreed to the CUO rezoning of the McClure property. Upon a motion by Mr. Piquet, seconded by Mr. Corn the Council unanimously voted to approve the CUO rezoning of the Fifer property. Mr. Corn made a motion to pass Resolution 01-08-07 Authority to Enter Into Contracts. Mr. Piquet seconded the motion and it passed unanimously.

**XIII. Other Business** – There was no other business to come before the Council.

**XIV. Recessed** – Mr. Chamberlin moved to recess the August 14, 2007 Council meeting at until Thursday, August 16, 2007 at 9:00 a.m. Mr. Piquet seconded the motion and it passed unanimously.

**XV. Reconvened** – Mayor Owen called the reconvened August 14, 2007 meeting to order on August 16, 2007 at 9:00 a.m. Mr. Piquet made a motion to enter into closed session under

NCGS 143-318.11 (6) to discuss personnel matters. Mr. Adams seconded the motion and it passed unanimously.

**XVI. Recessed** – Mr. Chamberlin moved to come out of closed session at 10:30 a.m. with the meeting to be reconvened on August 21, 2007 at 9:00 a.m. Mr. Piquet seconded the motion and it passed unanimously. Mr. Piquet seconded the motion and it passed unanimously. No action was taken in closed session.

**XVII. Reconvened** – Mayor Owen called the reconvened August 14, 2007 meeting to order on August 21, 2007 at 9:00 a.m. Mr. Piquet made a motion to enter into closed session under NCGS 143-318.11 (6) to discuss personnel matters. Mr. Adams seconded the motion and it passed unanimously.

**XVIII. Recessed** – Mr. Chamberlin moved to come out of closed session at 10:40 a.m. with the meeting to be reconvened on August 28, 2007 at 9:00 a.m. Mr. Piquet seconded the motion and it passed unanimously. No action was taken in closed session.

**XIX. Reconvened** – Mayor Owen called the reconvened August 14, 2007 meeting to order on August 28, 2007 at 9:00 a.m. Mr. Piquet made a motion to enter into closed session under NCGS 143-318.11 (6) to discuss personnel matters. Mr. Adams seconded the motion and it passed unanimously.

**XX. Adjourned** – Mr. Chamberlin moved to come out of closed session at 10:45 a.m. Mr. Piquet seconded the motion and it passed unanimously. Mr. Piquet made a motion to increase the Town Managers salary by 2½% and increase the monthly car allowance to \$400.00. Mr. Chamberlin seconded the motion and it passed unanimously. Mr. Corn moved to adjourn the meeting at 10:50 a.m. Mr. Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on September 11, 2007

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Mayor

ATTEST:

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Town Clerk