

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**January 22, 2007**

***I. CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:05 p.m. in the Town Hall Council Chambers. Mayor Owen noted that the January 9, 2007 meeting had been postponed due to weather conditions. Other Council Members present were Gil Adams, Pete Chamberlin, Randy Corn and Paul Piquet. Also present were Town Manager Michael Boaz, Town Attorney David Paletta, Public Works Director Riley Hatch, Building Inspector Keith Cook, and Assistant Building Inspector Bobby Dziewulski. There were a number of interested individuals in the audience.

***II. Invocation*** – Charlie Burleson opened the meeting with a scripture reading and prayer.

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

***IV. Adoption of Agenda*** – Mayor Owen removed item a) Extra Territorial Jurisdiction Resolution, from VIII Old Business. A straw-poll of the Council indicated the Resolution would not pass. Mayor Owen noted that the individuals in attendance wishing to address the issue would be permitted to voice their opinions.

***V. Public Hearings*** –

***a. Zoning of Jackalope's/Archer's Inn*** – Mayor Owen opened the Public Hearing on the Zoning of Jackalope's View/Archers Inn at 2:09 p.m. Hearing no comments from the public, Mr. Chamberlin moved to close the Public Hearing at 2:10 p.m. Mr. Corn seconded the motion and it passed unanimously.

***b. Surveyors Required to Set Corners for Construction*** – Mayor Owen opened the Public Hearing on the proposed requirement for Registered Land Surveyors to set corners for construction at 2:10 p.m. Hearing no comments from the public, Mr. Chamberlin moved to close the Public Hearing at 2:11 p.m. Mr. Corn seconded the motion and it passed unanimously.

***VI. Approval of Minutes*** – Mr. Corn asked that the word 'annual' be added to the Regular Minutes of December 11, 2006. Mr. Piquet moved to approve the Regular minutes of December 11, 2006 as amended. Mr. Chamberlin seconded the motion and it passed unanimously.

***VII. Public Comment*** – Mr. Bill Elder of 832 Elderberry Ridge Road, Mrs. Mary Frisbie of 310 Elderberry Ridge Road, Mr. Charles McGuire of 6455 Beech Mountain Road, Mr. Boyd McCloud of 761 Old Beech Mountain Road, and Mr. Charles Ulery of 3560 Beech Mountain Road, all expressed their appreciation for the ETJ Resolution being removed from the agenda and indicated their continued desire for the Town of Beech Mountain not to seek Extra Territorial Jurisdiction.

***VIII. Old Business –***

***a. Extra Territorial Jurisdiction Resolution*** – Please note that the following proposed resolution was removed from the agenda. **Town of Beech Mountain Resolution Requesting ETJ Power from the NC General Assembly. Resolution No. 01-01-07**

**WHEREAS**, there is a large amount of growth occurring just outside the corporate limits of the Town of Beech Mountain, and;

**WEHREAS**, the Town of Beech Mountain wants to protect the bucolic nature of the Town, and;

**WHEREAS**, the Town Council feels the best way to protect the Town's bucolic nature is to have some control over the growth occurring outside its corporate limits, and;

**WHEREAS**, the General Assembly chose not to give the Town ETJ powers when it incorporated the Town in 1981, and;

**WHEREAS**, an act of the General Assembly is required to amend the Town's Charter in order to give the Town ETJ power.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Beech Mountain Town Council requests that the General Assembly amend the Town's Charter in order to allow the Town to exercise ETJ powers within one mile of its corporate limits.

Adopted, this the \_\_\_\_ day of January, 2007.

SIGNED: \_\_\_\_\_  
Richard H. Owen, Mayor

ATTEST: \_\_\_\_\_  
Reba Greene, Town Clerk

***b. Conditional Use Overlay District*** – Mr. Corn moved to set a Public Hearing on the proposed amendment to the Zoning Ordinance adding the Conditional Use Overlay District for February 5, 2007 at 2:00 p.m. in the Town Hall Council Chambers. Mr. Piquet seconded the motion and it passed unanimously.

***c. Amendment to Council Rules of Procedure*** – Mr. Piquet moved to approve the recommended changes to Title II Chapter 22 Procedures of Governing Body. Mr. Corn seconded the motion and it passed unanimously.

***d. Zoning of Archers Inn/Jackalope's View*** – Mr. Chamberlin moved to approve the zoning of Archers Inn/Jackalope's View to CS-1. Mr. Piquet seconded the motion and it passed unanimously.

***e. Board of Adjustment*** – Mr. Piquet moved to appoint Mr. Mike Shaw to the Board of Adjustment. Mr. Chamberlin seconded the motion and it passed unanimously. Mr. Boaz asked that the Council recommend a 3<sup>rd</sup> Alternate to the Board of Adjustment at the February 5, 2007 meeting.

**IX. New Business -**

**a. Lake Coffey Dam** – Mr. Boaz reported that the NC DENR had inspected Lake Coffey Dam and found several deficiencies. The engineering firm of Davis Martin Powell submitted a proposal for preparation of Phase I Emergency Action Plan and Inundation Map for a total fee of \$13,000. Phase 2 Technical Services to address add needs including a detailed hydraulic analysis of the proposed conditions, detailed repair plans for the embankment and plans for proposed concrete chute spillway and stilling basin at a total fee of \$15,000. Mr. Piquet moved to approve the above engineering services and a project ordinance totaling \$28,000. Mr. Chamberlin seconded the motion and it unanimously.

**b. Phase I Water Distribution System Upgrades Project Ordinance** – Mr. Chamberlin moved to approve the Phase I Water Distribution system Improvements Capital Project Ordinance with total appropriations of \$80,000. Mr. Piquet seconded the motion and it passed unanimously.

**c. Resolution 01-02-07** – Mr. Boaz presented the Council with a resolution in support of Spay Day USA on February 27, 2007. Mr. Piquet moved to approve Resolution 01-02-07. Mr. Chamberlin seconded the motion and it passed unanimously.

**TOWN OF BEECH MOUNTAIN**

**Resolution No. 01-02-07**

**WHEREAS**, cats and dogs provide companionship to and share the homes of over 63,000,000 individuals in the United States, and;

**WHEREAS**, humane societies and shelters have to euthanize approximately four million cats and dogs each year, although many of them are healthy and adoptable, due to a lack of critical resources such as money, space, and good adoptive homes, and;

**WHEREAS**, the problem of pet overpopulation costs the taxpayers of this country millions of dollars annually through animal control programs aimed at coping with the millions of homeless cats and dogs, and;

**WHEREAS**, spaying and neutering cats and dogs has been shown to drastically reduce cat and dog overpopulations, and;

**WHEREAS**, veterinarians, humane societies, national and local animal protection organizations, and private citizens have joined together to advocate the spaying and neutering of companion animals on “Spay Day 2007.”

**NOW, THEREFORE, BE IT RESOLVED**, by the Town of Beech Mountain Town Council that February 27, 2007, is designated “Spay Day USA.” The Town Council asks that the citizens of the Town of Beech Mountain observe this day by spaying or neutering their own pets or sponsoring the spaying or neutering of someone else’s pet.

Adopted this the 9<sup>th</sup> day of January, 2007

Signed:

Attest:

Richard H. Owen, Mayor

Reba Greene, Town Clerk

SEAL

**X. Town Manager's Report – Michael Boaz** – Mr. Boaz reported: a) the engineering firm of Hobbs Upchurch & Associates did not complete the surveying for the new water line prior to BMRI starting to make snow. It cannot be finished until spring and the Town may not be able to finish construction before the end of the year. Locations for the pressure reducing stations have been selected. b) Mr. Boaz reported that he has signed change order #3 for the Pond Creek Waste Water Treatment Plant Upgrade increasing the total project by \$4,111.80. c) Mr. Boaz reported that Mr. Woody McLure had made a bid deposit for the home he is building to be in compliance with the Town's ordinance. After much discussion, the Council agreed not to accept the bid and also agreed to postpone a decision until Mr. McLure had resolved the encroachment issues with the Beech Mountain Club. d) Mr. Boaz indicated that a representative with the Police Athletic League Program, Rick Parker, would be hosting a group of 20 kids on Beech Mountain for the month of June '07. Mr. Parker has requested that the fee for use of the Recreation Center, \$800, be waived. After a brief discussion, the Council agreed that the request be denied. e) Mr. Boaz reported that Dr. Berman of Ash Lane had contacted him with regards to the paving of the road. The Council asked that Mr. Boaz and Mr. Hatch determine the cost of replacing the water and sewer lines, engineering cost and paving and report back to Mr. Berman.

**XI. Strategic Planning Presentation** –Bobby Dziewulski, Assistant Building Inspector, presented the Council with a presentation on Strategic Planning. The Council asked Mr. Dziewulski to prepare a survey that could be presented to the Town residence asking for their input regarding issues the Town faces in order to create a strategic plan for the future.

**XII. Other Business** – Mr. Boaz requested that the Council set a date for the annual Planning Retreat. After a brief discussion, the Council agreed to hold the meeting on Monday, April 30, 2007 from 9:00 a.m. to 3:00 p.m. at the Council of Government office in Boone.

**XIII. Adjourn** – The Council adjourned upon a motion by Mr. Piquet at 3:55 p.m. Mr. Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on \_\_\_\_\_, 2007.

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Mayor

ATTEST:

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Town Clerk