

**MINUTES
BEECH MOUNTAIN TOWN COUNCIL
November 13, 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, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Riley Hatch, and Assistant Building Inspector Bobby Dziewulski. 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 accepted with the addition of IX. item g Storm water runoff study.

V. Approval of the Minutes of October 9, 2007 Regular Meeting – Mr. Chamberlin moved to approve the minutes of the October 9, 2007 meeting as amended. Mr. Piquet seconded the motion and it passed unanimously.

VI. Public Hearing–

a. Zoning Ordinance Amendment – Mayor Owen opened the Public Hearing at 2:04 p.m. Hearing no comments from the public, Mr. Chamberlin moved to close the Public Hearing at 2:07 p.m. Mr. Piquet seconded the motion and it passed unanimously.

VII. Public Comment -

a. Don Cameron, 104 Red Oak Road, asked the Council to be aware of the debris left by clearing power line right of ways.

VIII. Old Business –

a. Zoning Ordinance Amendment –

1. Construction Progress – Mr. Boaz explained that the amendment would define construction progress as calling for an inspection. If six (6) months pass between calls for inspection, the building permit becomes invalid. The Town Manager can grant an extension of up to six (6) months if warranted. After a brief discussion, Mr. Corn moved to approve the Amendment regarding Construction Progress with the period of time passing being six (6) months and a fine of \$100 per day penalty. Mr. Chamberlin seconded the motion and it passed unanimously.

2. Regulatory Codes – Mr. Boaz reported that this amendment addresses construction progress in the regulatory codes section. It mirrors the zoning ordinance. Mr. Chamberlin moved to approve the Amendment to the Regulatory Codes as presented. Mr. Piquet seconded the motion and it passed unanimously.

3. Removal of Debris – Mr. Boaz indicated that this amendment would require that property owners removed any debris from tree removal associated with the construction sites within four (4) weeks of the trees being cut. After a lengthy discussion, Mr. Corn moved to approve the amendment with the verbiage indicating where trees are cut either on Town right of way or neighboring private property to facilitate utility installation, utility repairs, or any other lawful purpose the property owner for whose benefit the trees are removed shall be responsible for cleanup. The maximum time frame being 8 weeks from the day the cutting begins. Mr. Chamberlin seconded the motion and it passed unanimously.

b. Annexation Request – Mr. Boaz reported that he and Mr. Underwood had prepared an agreement for the annexation of his property located at 3363 Beech Mountain Pkwy. The Council reviewed the agreement and asked that Mr. Powell and Mr. Hatch go walk the property for the location of the service lines, which they did, and were able to locate the easement in question. After further discussion, Mr. Dziejewski was asked to retype the agreement making changes as requested. Mr. Chamberlin moved to approve the agreement as amended. Mr. Piquet seconded the motion and it pass unanimously.

IX. New Business –

a. Ordinance Amendments –

1. Water & Sewer Use Ordinance – Mr. Boaz indicated that the amendment to the Ordinance would eliminate the need for a notice of violation in order to levy a penalty. Mr. Chamberlin moved to approve the Ordinance Amendment as presented. Mr. Piquet seconded the motion and it passed unanimously.

2. Parks Ordinance – Mr. Boaz reported that the Recreation Center Advisory Committee quorum be redefined as 2, noting that there were only 3 members on the Committee. Mr. Chamberlin moved to approve the Park Ordinance Amendment. Mr. Piquet seconded the motion and it passed unanimously.

b. Budget Amendment –

1. Water & Sewer Fund – Mr. Boaz indicated that the amendment to the W & S Fund would provide funds necessary to finish paying for the sludge removal as well as an additional \$12,500 in construction administration payment to Davis, Martin & Powell. After much discussion, Mr. Adams moved to approve the amendment as presented. Mr. Piquet seconded the motion. The motion

carried 3 to 2 with Mayor Owen, Mr. Adams and Mr. Piquet voting yea. Mr. Chamberlin and Mr. Corn voted nay.

2. Pond Creek Waste Water Treatment Plant – Mr. Boaz reported that budget amendment also dealt with the sludge removal and administration payments. Mr. Adams moved to approve the amendment as presented. Mr. Piquet seconded the motion. The motion carried 3 to 2 with Mayor Owen, Mr. Adams and Mr. Piquet voting yea. Mr. Chamberlin and Mr. Corn voted nay.

3. General Fund – Mr. Boaz explained to the Council that the amendment would cover necessary funds for recreation and landscaping at the Recreation Center as well as compensation changes to his salary and that of the salary of the temporary help to assist in the tax department due to Ms. Norwood's medical absence. Mr. Chamberlin moved to approve the Amendment as presented. Mr. Piquet seconded the motion and it passed unanimously.

4. E-911 – Mr. Chamberlin moved to approve the amendment to cover the CAD Software upgrade to the E-911 system. Mr. Piquet seconded the motion and it passed unanimously.

c. Set Public Hearing –

1. Sign Ordinance – Mr. Chamberlin moved to set the Public Hearing for 6:00 p.m. on December 11, 2007 in the Town Hall Council Chambers. Mr. Corn seconded the motion and it passed unanimously.

2. Sanmartino CUO Rezoning – Mr. Corn moved to set the Public Hearing for 6:00 p.m. on December 11, 2007 in the Town Hall Council Chambers. Mr. Chamberlin seconded the motion and it passed unanimously.

3. Subdivision Ordinance – Mr. Chamberlin moved to set the Public Hearing for 6:00 p.m. on December 11, 2007 in the Town Hall Council Chambers. Mr. Corn seconded the motion and it passed unanimously.

d. Tax Releases – Mr. Boaz explained to the Council that the tax releases to be approved were due to computer errors and over billings. Mr. Chamberlin moved to approve the Releases as presented. Mr. Piquet seconded the motion and it passed unanimously.

e. Playground Capital Project Ordinance – Mr. Boaz indicated that the Town has to open an account for the monies received from donations and the sale of pickets for the playground at Buckeye Lake. Mr. Chamberlin moved to approve the Capital Project Ordinance. Mr. Adams seconded the motion and it passed unanimously.

f. Separation Allowance Resolution – Mr. Chamberlin moved to approve the Resolution regarding Separation Allowance for law enforcement employees

when they retire. Mr. Adams seconded the motion. The motion carried 4 to 1 with Mayor Owen, Mr. Adams, Mr. Corn and Mr. Chamberlin voting yea. Mr. Piquet voted nay.

g. Storm water runoff study - to be discussed at a later date.

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

a. Craig had requested to extend the Falls Hiking Trail. The Town will contact the property owners to ask for an easement. After a lengthy discussion, the Council agreed to refer the issue to the Planning Board for a recommendation. b. A Councilman has requested a subdivision ordinance to permit the subdividing of a lot into less than the required 15,000 sq. ft for the purpose of creating a membership lot. c. The Pond Creek Waste Water Treatment Plant project is coming to an end. Davis, Martin, Powell will do a final walk through this week. d. A property owner has requested that the Town work with the NC Fish and Wildlife to reduce the deer population on the mountain. Mr. Boaz noted that he had indicated that he would let the Council know of the issue and had indicated that it was unlikely that the Town would do anything. e. The Town now has on line bill paying. f. Water is flowing over the Buckeye Lake spillway; however I do not recommend that the Town lift the water restrictions until the State wide drought has moderated. g. The Beech Mountain Club is filling their new pool; it could not be left for the winter without water in it. H. School for new council members will be held in Ashville on March 5th through 7th.

XI. Closed Session Pursuant to NCGS 143-318.11 (c)(6) – On a motion by Mr. Piquet, seconded by Mr. Chamberlin, the Council voted to go into closed session at 4:30 p.m. to discuss matters related to Personnel. Mr. Chamberlin moved to come out of closed session at 5:00 p.m. Mr. Piquet seconded the motion and it passed unanimously. No action was taken.

XII. Other Business – Mr. Paletta gave the Council a report on the Slopes Subdivision. The issue will be discussed at a later date.

XIII. Adjourned – Mr. Corn moved to adjourn the meeting at 5:05 p.m. Mr. Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on _____, 2007

Mayor

ATTEST:

Town Clerk