

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 11, 2008

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 Town Manager Michael Boaz, Town Attorney David Paletta, Public Works Director Riley Hatch, Building Inspector Keith Cook, Interim Planning Director Bobby Dziejewski and intern Jacob Moog. 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 – The Agenda was accepted as presented to the Council.

V. Approval of the Minutes of February 13, 2008 Regular Meeting – Mr. Adams noted that Wittmann was misspelled. Mr. Chamberlin moved to approve the February 13, 2008 Regular Meeting minutes as amended. Mr. Holcombe seconded the motion and it passed unanimously.

VI. Public Hearings –

1. Sign Ordinance – Mr. Chamberlin moved to open the Public Hearings at 2:10 p.m. Mr. Corn seconded the motion and it passed unanimously. Mayor Owen indicated that the Public Hearing regarding the Sign Ordinance referred to the placement of signs, color of all signs (to be identified using the Pantone Color Chart), size of all signs and construction materials. Mayor Owen recognized that the majority of the audience had issues with for sale signs. A number of individuals commented on the signs and the Beech Mountain POA's Restrictions. Mr. Paletta gave a brief summary explaining that the Town could not prohibit free speech, thus enforcement of the POA Restrictions adopted prior to Beech Mountain becoming an incorporated municipality. It was noted that individuals had the right to sue their neighbors if they felt they had inappropriately put up a sign that the Restrictions recommended against, but the Town could not assist in such legal actions.

2. Water & Sewer Use Ordinance – Mayor Owen indicated that the Water & Sewer Use Ordinance requires that all homes have an owner's cutoff. The amendment would require that the cutoff be placed in a location approved by Town staff and immediately outside the Town's meter box. The audience asked for some clarification on the Amendment to which Mayor Owen noted that the cost would be between \$200 and \$300 and homes would have 6 months to come into compliance once notified by the Town. Mr. Chamberlin moved to close the Public Hearing at 2:20 a.m.

VII. Public Comment –

Clif Surrency, Your Mountain Realty, addressed the council with regards to the signs reiterating his concerns previously stated. Lee Wittmann, 102 Rainbows End, addressed the Council with ongoing complaints and noted that the Town had taken care of some of the concerns about cleaning up his neighborhood. Mr. Wittmann indicated that the brush and debris left by Mountain Electric was a fire hazard and should be burned now that the burning ban had been lifted in the state. Mrs. Cindy Porter, Emerald Mtn. Sales Office, asked when the flashing sign at Mr. Underwood's would be removed. Mayor Owen commented that the owner had 18 months starting on April 1, 2008. Vern Holland, Holland Realty, indicated that the Deed Restriction could be enforced by individuals by filing law suits.

IX. Old Business –

a. Sign Ordinance Amendment – The Sign Ordinance Amendment was tabled, Council requested more details, i.e. colors Planning Board recommended for signage

b. Water & Sewer Use Ordinance Amendment – The proposed amendment to the Water and Sewer Use Ordinance was tabled until the upcoming Planning Retreat on March 27th and 28th.

c. Wild Daisy Court – Mayor Owen reported that the Council that the cul-de-sac had been moved to the far side of lot #202. After much discussion, Mr. Corn moved to approve the acceptance of Wild Daisy Court as a Town road after it has been brought up to Town standards and approved by the Public Works Director. An as built survey will also be required showing the appropriate easement. Mr. Holcombe seconded the motion and it passed unanimously.

X. New Business –

a. Personnel Policy Amendment – Mr. Boaz reported that the amendment would give the Town employees until November 1st of each year to use holiday. Mr. Chamberlin moved to approve the revision to the Personnel Policy. Mr. Holcombe seconded the motion and it passed unanimously.

b. Ski Pass Amendment – Mr. Boaz reported that the amendment to the Ski Pass Ordinance would make changes to Section 1 and Section 2 of The Ordinance. Skiing without a valid pass would be prohibited. After a brief discussion, Mr. Chamberlin moved to approve the Amendment. Mr. Holcombe seconded the motion and it passed unanimously.

c. Agreement with Management Trainer – Mr. Boaz reported that an agreement with Dr. Dragan Stefanovic, a professor at ASU, for management training for the supervisory level staff. The Agreement indicated that the Town will pay Dr. Stefanovic \$1,000 per day for his services. Mr. Boaz noted that Mr. Paletta had reviewed the Agreement. Mr. Corn

moved to approve the Agreement with Dr. Stefanovic as presented Mr. Holcombe seconded the motion and it passed unanimously

d Set Public Hearing – Mr. Boaz explained that a Public Hearing was required for the proposed amendments to the dumpsters at construction sites and for the parking pad requirements Mr. Chamberlin moved to hold the Public Hearings starting at 2:00 p.m. on April 8, 2008 in the Town Hall Council Chambers. Mr. Holcombe seconded the motion and it passed unanimously

e John Deer Trackhoe – Mr. Boaz reported that the Town has placed a bid on a 2005 John Deere Trackhoe from the Town of Banner Elk in the amount of \$88,000 Mr. Corn moved to approve to the bid, asking that the trailer be included Mr. Holcombe seconded the motion and it passed unanimously. During the break Mr. Boaz confirmed that the bid was for the Trackhoe and trailer

f Tree Ordinance – Mayor Owen indicated that the Tree Ordinance discussion allowing the Town to apply for a Grant to have an Arborist work with the Town, would be tabled until the March 19, 2008 continuation of the March 11th meeting.

g Presentation – Mr. Chamberlin moved to approve the Resolution 08-03-01 for Mr. Piquet's services. Mr. Corn seconded the motion and it passed unanimously. Paul Piquet was presented a plaque in appreciation of his service to the Town as a Council member.

h Tax Releases – Mr. Holcombe moved to approve the Tax Releases as presented. Mr. Chamberlin seconded the motion and it passed unanimously

i Budget Amendment – Mr. Corn moved to approve the Budget Amendment in the Amount of \$100,000 Mr. Holcombe seconded the motion and it passed unanimously.

j B.M.R.I. Water/Sewer Bill Adjustment Request – Mr. Boaz reported that the Ski Beech, B.M.R.I. had requested a decrease in their utility bill by \$1,526. The leak must be verified, according to the Town's ordinance, and this had not been accomplished. After a brief discussion the Council asked to see further information on the request.

k Budget Transfer Report – Mr. Boaz reported that a budget transfer had been made in the amount of \$20,960. No action was required by the Council.

XI. Town Manager's Report – Michael Boaz – Mr. Boaz reported; 1) a new chipper was needed and the Town had the funds to purchase it at a cost of \$30,000. 2) The Town of Banner Elk has a new Town Manager, John Mejaski. 3) Davis, Martin and Powell are working on the plans for the improvements to Lake Coffey Dam. 4) The bid for the Distribution System improvements will be held on March 18, 2008 in the Town Hall Council Chambers. 5) The owner of PA-359 had approached the Town with a request to sell it back to the Town. The property had been taken in foreclosure for road assessments and the owner had purchased it back from the Town. After a brief discussion the Council indicated that they were not interested in purchasing the property.

XII. Closed Session Pursuant to NCGS 143-318.11 (c) 6 – On a motion by Mr. Holcombe, seconded by Mr. Corn, the Council voted to go into closed session at 4:10 p.m. to discuss matters related to Personnel. Mr. Chamberlin moved to come out of closed session at 5:30 p.m. Mr. Holcombe seconded the motion and it passed unanimously. No action was taken.

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

XIV. Recessed – Mr. Corn moved to recess the meeting until March 19, 2008 at 9:00 a.m. Mr. Adams seconded the motion and it passed unanimously.

XV. Reconvened – Mayor Owen reconvened the March 11, 2008 meeting on March 19, 2008 at 9:00 a.m. in the Town Hall Council Chambers. Other Council Members present were Randy Corn and Alan Holcombe. Town Manager Michael Boaz was also present.

XVI. Bid Opening – Mr. Boaz reported that Eggers Construction had presented the lowest bid for the Phase I Water Project. Mr. Corn moved to award the bid for the Phase I Water Project to Eggers Construction for \$332,910.25. Mr. Holcombe seconded the motion and it passed unanimously.


XVII. Other –

a. B.M.R.I. Water/Sewer Bill Adjustment Request – Mr. Boaz presented the Council with a letter from John R. Costin, President of Ski Beech, B M R I, asking for a 25% reduction in the most recent utility bill, February '08, in the amount of \$12,753. After a brief discussion, Mr. Holcombe moved to reduce the utility bill by 25%. Mr. Corn seconded the motion and it passed unanimously.

b. Resolution 08-03-02 Approving Financing Terms – Mr. Boaz briefed the Council on the Resolution for Phase I of the water line improvements in an amount not to exceed \$350,000 through BB&T at an annual interest rate not to exceed 3.19%. Mr. Boaz noted that the financing terms were not to exceed 10 years from the closing date. Mr. Corn moved to approve Resolution 08-03-02 approving Financing. Mr. Holcombe seconded the motion and it passed unanimously.

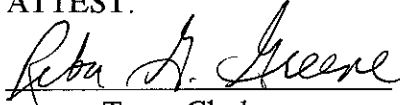
XVIII. Adjourned – Having no other business to come before the Council, Mr. Corn moved to adjourn the meeting at 9:10 a.m. Mr. Holcombe seconded the motion and it passed unanimously.

Minutes approved by Town Council on April 8, 2008



Mayor

ATTEST:



Town Clerk

**SPECIAL MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Annual Planning Retreat
March 27 & 28, 2008**

I. Call To Order – Mayor Rick Owen called the special meeting of the Beech Mountain Town Council Planning Retreat to order at 9:10 a. m. at the Recreation Center meeting room. Other Council Members present were Gil Adams, Randy Corn and Alan Holcombe. Also present were Town Manager Michael Boaz, Public Works Director Riley Hatch, Interim Planning Director Bobby Dziejewski and intern Jacob Moog.

II. Adoption of Agenda – The Council accepted the Agenda as presented.

III. Fire Department Discussion –

a. Presentation from Ed Burchins, Springsted, Inc. – Mr. Burchins, Senior Vice President of Springsted, a public sector advisor group, began his presentation with the Volunteer Fire Department. Mr. Burchins noted the difficulties that a volunteer department faces on a regular basis and how a study of the department could find solutions that are not recognized by individuals dealing on a day to day basis did not see. The feasibility study would assess the transition of the volunteer department to a paid department. Mr. Corn noted that the equipment maintenance was the largest problem the Town's volunteers had to deal with.

b. Presentation from Ms. Dale Johnson-Raney – Ms. Johnson-Raney, Vice President of Springsted, indicated that the proposed study would include, in addition to the feasibility study for the fire department, an organizational analysis for Public Works and classification and compensation study. Ms. Johnson-Raney noted that the group would collect data, look at the job descriptions and make recommendations with all the Town's departments. Mr. Holcombe asked about the Town's compliance with the OSHA rules and regulations. Mr. Boaz indicated that the Town had monthly safety training sessions for all employees and compliance with OSHA was not an issue. The Council will review the proposal.

c. Evolution of the Beech Mountain Fire Dept. – Randy Corn – Mr. Corn, representing the BMFD, presented an extensive evaluation of the fire department which indicated that the expenses for the department were not adequate. The officers of the department had recommended that the Town pay a firefighter/EMT with additional staffing in the future. Mr. Corn indicated that the proposed employee would have the responsibility of checking the hydrants, truck maintenance and keep the air bottles filled. Mr. Corn noted that the Town's fire department was one of the best trained in the area and in 2005 the rating for insurance had dropped from a 7 to 6, resulting in a substantial savings for home owners. After a brief discussion, the Council agreed to read over Mr. Corn's report. A brief discussion followed and the Council asked that Mr. Boaz do some research on the fire tax issue.

IV. Staffing Issues –

a. Information Technology Director/Chief Information Officer – Mr. Boaz addressed the Town's need for an IT Director. Mr. Boaz noted that a proposed salary for the position was approximately \$84,460 for salary and benefits. Mr. Boaz proposed that part of the expense would be reimbursed by the E-911 system for maintenance, the Beech Mountain Club and few other offices in the Town that use an IT person. The Council recognized a need for the position, there were some concerns over the 'renting out' of the IT Director.

b. Right of Way Crew – Mr. Boaz indicated that the appearance of the road had been a major concern for some citizens and the Town's Public Works department did not have adequate staff to maintain roads on a continual basis. The ROW crew working in the past had only put in 6 months out of the year. The proposal was to hire 3 full time employees responsible for clearing limbs and debris from the sides of the roads, help maintain culverts, mowing sides of the road, trimming the trees along the roadways. Further changes would be made if the proposal were deemed appropriate. The Council agreed that a ROW crew would be an asset to the Town and improve services.

c. Building/Grounds Maintenance – Mr. Boaz described the need to hire a full time maintenance person to maintain the 6 buildings and assist in grounds maintenance. Mayor Owen recognized a need for the position and expressed a desire for supervisors to maximize current employees work time.

V. Financial Forecast/Capital Improvement Plan – Mr. Dziewulski presented the Council with a 10 Year Financial Plan that forecast projects the Town's revenue and operating expenses for each department. It also predicts the capital projects that the Town will have to undertake in the next 10 years including equipment and infrastructure repairs. Mr. Dziewulski indicated that the Town's revenue was not large enough to fund all the necessary projects. Options for financing were to assess the property owners, an increase in the tax rate and/or increasing the water and sewer service.

Mr. Boaz indicated the CIP would include funds for a new motor grader, a building to store salt to treat the paved roads and a truck with an interchangeable bed. Mr. Boaz also suggested that the Town look into purchasing a road striping machine, noting the cost and difficulty of finding a company available to work in this area. Mr. Boaz also indicated that the Recreation Department was in need of a new truck.

VI. Water Meter Discussion – Mr. Boaz indicated that the Town had looked into replacing the current water meters with a more accurate system. Mr. Boaz noted that there were a number of meters currently in use that could not be read and the homeowners were always charged the minimum usage. The proposed system would be radio read and billing would be back on a monthly basis. Mr. Boaz indicated that it would cost the Town \$760,000 to install 1900 meters. The project would be bid out by a private contractor.

VII. Adjourn for the Day – The Council adjourned at 4:00 p.m. until March 28th at 9:00 a.m.

VIII. Reconvene – Mayor Rick Owen reconvened the special meeting of the Beech Mountain Town Council Planning Retreat to order at 9:00 a.m. at the Recreation Center meeting room. Other Council Members present were Gil Adams, Randy Corn and Alan Holcombe. Also present were Town Manager Michael Boaz, Public Works Director Riley Hatch, Interim Planning Director Bobby Dziewulski and intern Jacob Moog.

IX. Presentation by Dr. Dragan Stefanovic – Dr. Dragan Stefanovic, Associate Professor at Appalachian State University, addressed the Council with regards to his work with the managers training. Dr. Stefanovic reported that he had met with Mr. Hatch and Councilman Corn and asked that a schedule be set up for interviews with the other employees. Dr. Stefanovic noted that he would set up seminars in late May, first of June.

X. 2008/2009 Resurfacing Project – Mr. Boaz indicated that the Resurfacing Project would be for North Pinnacle Ridge Road. An engineering firm would have to be selected and after some discussion, it was agreed to use Davis, Martin & Powell and have the project ready to bid by July 1, 2008.

XI. Other Business –

a. Distribution System Phase II Improvements – Mr. Boaz presented the cost estimates from Hobbs, Upchurch & Associates, P.A. for the water and sewer improvements. The estimated cost of \$5,760,365. Mr. Corn asked that the Greenbrier project be placed 1st on the list.

b. LGC Applications – Mr. Boaz reported that the Town had to get LGC approval for the loan applications for the water and sewer improvements. After a lengthy discussion, the Council asked that the applications for the water and sewer improvements and the generator be combined into one application.

c. Space Needs Study – Mr. Boaz reported that the Town hall did not have enough office space or storage space and asked for recommendations how to best deal with the issue. One proposal was to move the Council Chambers to the Recreation Building and make offices along with keeping a smaller meeting space. Adding onto the second floor was also discussed. Mr. Boaz was instructed to contact an architect for a quote on doing some renovations.

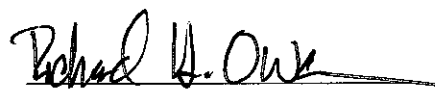
d. Recreation Center Hours of Operation – Mayor Owen and Mr. Corn indicated that a regular schedule would be preferred and recommended 8:30 a.m. to 8:30 p.m. Monday through Saturday with a 12:0 to 6:00 p.m. schedule on Sunday. Mr. Boaz noted that another part time employee would have to be hired to meet the demands of such a schedule. Cost was estimated to be \$7,500. The Council agreed on a set schedule.

e. Board of Adjustment – Mr. Boaz reported that positions remained on the committee and asked for recommendations. Mr. Holcombe indicated that he would like to see Paul Piquet on the committee due to his experience. Mike Shaw was also discussed. A recommendation will be made at the April 8, 2008 Town Council Meeting. Mr. Dziewulski indicated that the Board of Adjustment would be meeting on Tuesday, April 1st.

XII. Closed Session Pursuant to NCGS 143-318.11 (c) 6 – On a motion by Mr. Holcombe, seconded by Mr. Corn, the Council voted to go into closed session at 10:00 a.m. to discuss matters related to Personnel. Mr. Corn moved to come out of closed session at 10:45 a.m. Mr. Holcombe seconded the motion and it passed unanimously. No action was taken.

XIII. Adjourned – Having no other business to come before the Council, Mr. Holcombe 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 April 8, 2008



Mayor

ATTEST:



Town Clerk