

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 10, 2009

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 Interim Town Manager Joe Perry, Town Attorney David Paletta, Public Works Director Riley Hatch, Tax Administrator Missy Norwood, and Assistant Police Chief Dana Crawford. 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 following items were added to the agenda: Old Business; Code Book Update and Buckeye Lake Protection Ordinance. New Business; Aisling Broadcasting Lease. The Agenda was approved as amended.

V. Approval of the Minutes – Councilman Chamberlin moved to approve the January 13, 2009 Regular Minutes with the start time correction. Councilman Holcombe seconded the motion and it passed unanimously.

VI. Public Comment – There were no comments from the public.

VII. Old Business –

1. Easement Request – Mayor Owen reported that the Town had received a counter Offer from Mr. John Sams on the 211 sq. ft. of property, located at 138 Hawthorne Road, necessary to correct the setback violation Mr. Sams found when preparing to construct a garage for the property owners. Mr. Perry indicated that in the past the Council had set a sale price for property of this nature at \$200,000 per acre and he had told Mr. Sams that his attendance at the meeting would not be necessary; Mr. Sams was in Raleigh today. Councilman Corn stated that the amount was correct. Mr. Sams property was not measured from corner to corner and the \$1,000 Mr. Sams had countered would not cover the Towns cost. Councilman Corn was not inclined to accept the offer. Councilman Holcombe agreed. The Council did not take any action on the issue.

2. Appointment to the Recreation Committee – Mayor Owen indicated that the terms of the Recreation Committee members had been set for 1 year when the Committee had been formed last year. All the members' terms had expired in December '08. The Council had appointed Nancy Owen to the committee at the last meeting to take the place of Tracy Simms who had resigned. Ms. Simms resignation had coincided with her end of term. After a brief discussion, The Council agreed to reappoint Fred Pfohl, Gil Adams, Jim Brooks, Calder Smoot and Barbara Piquet to the Recreation Committee. Councilman Holcombe recommended, and the council agreed, that the Committee go to the standard 3, 2, 1 staggered year terms and have the Committee designate the expiration terms of the members.

3. ***Buckeye Lake Protection Ordinance*** – Mr. Paletta reported that he had reworded Section 2. #6 referencing no animals caged or housed within 200’ of Buckeye Lake or any stream that drains into Buckeye Lake. Councilman Holcombe moved to approve the changes as presented. Councilman Chamberlin seconded the motion and it passed unanimously. Mr. Paletta indicated that the Ordinance became effective the day of adoption bringing, the Town into compliance with the regulations set forth by DENR. Mayor Owen asked that Mr. Perry notify Genesis Wildlife Sanctuary about the new regulations and indicated that he or Councilman Holcombe would go with Mr. Perry. The motion passed unanimously.

4. ***Water & Sewer Ordinance*** – Mr. Paletta reported that he would be sending information to the company updating Ordinances and asked the Council if they had any recommendations on the Water & Sewer Ordinance previously provided. Councilman Chamberlin asked that each page have a date when an ordinance is amended. Mr. Paletta asked about having the company do updates, noting that the charge was \$20 per page. Councilman Corn asked if the charge was for each amended ordinance or per page of the amendments. Mr. Paletta indicated that he would clarify the charges and report back to the Council. Councilman Chamberlin indicated that he would like to keep updates in-house.

VIII. *New Business* –

1. ***Resolution 09-01-01*** – Mayor Owen indicated that Resolution 09-01-01 was a requirement in the Town’s grant application for a pedestrian walk-way. Councilman Chamberlin moved to approve resolution 09-01-01 Resolution Concerning Adoption of the Town of Beech Mountain 201 Facilities Plan. Councilman Holcombe seconded the motion and it passed unanimously.

2. ***Budget Amendment*** – Councilman Holcombe moved to approve the Budget Amendment in the amount of \$3,000 to the General Fund to help cover the \$25,500 given to the Tourism Development Authority for advertising. Mayor Owen seconded the motion and it passed unanimously.

3. ***Recreation Committee*** – Mr. Jelinski presented the Council with a comparison on the proposed playground at the Buckeye Recreation area. Mr. Jelinski noted that the total cost through Leathers & Associates was \$104,218. The Beanstalk Journeys proposed a playground with construction cost of \$60,500, a smaller version from the one at Eagles Nest. However, the Town has paid Leathers & Associates \$16,000 for their playground design. After a lengthy discussion, the Council asked that Mr. Jelinski verify that the Town does indeed own the plans, obtain a copy of the plans, and find out if the Town has a signed contract for the playground with Leathers & Associates. Jim Brooks asked that the Council consider giving the Recreation Center a loan, on the race ‘A Cool Five’ that was expected to raise more than \$15,000, for the construction of the playground. The Council will consider the request from the Recreation Committee. Councilman Holcombe moved to approve the Recreation Center Committee’s request to use Beanstalk Journeys for the proposed playground. Councilman Corn seconded the motion and it passed unanimously.

4. ***Audit Contract with Bryce Holder, CPA*** – Mayor Owen noted that the Town had received a contract with the Bryce Holder, CPA, noting that firm had been auditing the

Town's records for a number of years. The cost of the services had increased \$750 from last year. After a brief discussion, noting that the Town had a new Finance Officer, it was agreed that the Town would retain the same firm. Councilman Corn moved to approve the contract with Bryce Holder, CPA for the fiscal year 7-1-08 through 6-30-09. Councilman Holcombe seconded the motion and it passed unanimously.

5. *Aisling Broadcasting Contract* – Tony diSanti, the Attorney representing the interest of High Country Adventures, LLC, presented a Memorandum of Lease. Mr. diSanti indicated that the Town was currently leasing the property to Aisling Broadcasting, LLC. Mr. diSanti's client was interested in the purchase of Aisling Broadcasting and continuing with the lease that the Town has with them. Councilman Chamberlin noted that the lease had mentioned the removal of an old tower. Mr. Hatch indicated that the 'tower' was actually a telephone pole that the Town could possibly use. After a lengthy discussion, Councilman Corn moved to approve the Memorandum of Lease with the exception of the tower removal being at the Town's discretion. Councilman Holcombe seconded the motion and it passed unanimously.

IX. *Interim Town Manager Report* – Mr. Perry reported that a letter of intent had been sent to request Federal Economic Stimulus Funds to help finance the water and sewer project phase two, from the North Carolina Public Water Supply Section. Additionally, Mark Lacey, with Hobbs, Upchurch Engineering and I will meet with a Representative of the USDA to request funding for the sewer portion of the projects. Mr. Perry also indicated that the High Country and Land of Sky Councils of Government were sponsoring a workshop to furnish information on the stimulus package. The work shop will be on February 19th in Asheville. Mr. Perry reported that he and the Finance Officer would be attending. The Phase I construction is almost complete; the generator at the water plant will be installed soon. Phase II 8,500 lf. of duct water line has been replaced. Councilman Corn indicated that the building at the Recycling Center had been under construction for more than a year. Mr. Hatch responded that the building should be completed by the end of the week, noting that a volunteer had built the building. Councilman Corn asked about the Greenbrier, Lakeledge Road sewer analysis to which Mr. Perry noted that it should be completed sometime in March.

X. *Approval of Water & Sewer Ordinance changes* – Mayor Owen reported that the staff had asked that the due date of the water and sewer bills be moved to the 23rd of the month. It is currently due on the 20th, not allowing sufficient time for bills being forwarded. Mayor Owen did note that the bills were sent out on a quarterly basis. After a lengthy discussion, the Council agreed to change the billing due date to the 30th of the month. Mr. Paletta indicated that Section 12 – 5 of the Ordinance was to deal with new homeowners not being responsible for the seller's utility debt to the Town. After a brief discussion, Councilman Adams moved to set the due date for utility bills to the 30th of the month and the reconnect fee for utility service at \$500. Mayor Owen seconded the motion. Mr. Paletta indicated that the changes were effective immediately. The motion passed unanimously.

XI. *Closed Session NC GS 143-318.11(a) (3)* – Mayor Owen moved to go into closed session at 3:40 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of closed session at 4:10 p.m. No action was taken.

XII. *Other Business* – The Council had no other business to discuss.

XIII. Recessed – Councilman Holcombe moved to recess the meeting at 5:05 p.m. until February 17, 2009 at 2:00 p.m. in the Town Hall Council Chambers. Councilman Chamberlin seconded the motion and it passed unanimously.

XIV. Reconvened – Mayor Owen reconvened the Regular Meeting of February 10, 2009 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. Interim Town Manager Joe Perry was also present.

XV. Closed Session NC GS 143-318.11(a) (3) – Mayor Owen moved to go into Closed Session at 2:03 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of closed session at 3:55 p.m. Councilman Chamberlin moved to schedule interviews for Town Manager on February 26th, March 3rd, 5th and 12th from 3:00 p.m. to 5:00 p.m. Mr. Perry was directed to give the interviewees a tour of the Town. Councilman Corn seconded the motion and it passed unanimously.

XVI. Adjourned – Mayor Owen moved to adjourn the meeting at 4:10 p.m. Councilman Chamberlin seconded the motion and it passed unanimously.

Minutes approved by Town Council on March 10, 2009.

Mayor

ATTEST:

Town Clerk