

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
July 10, 2006

I. CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 6:03 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, Police Chief Jay Hefner, Public Works Director Riley Hatch, Building Inspector Keith Cook, and Intern Bobby Dziewulski. There were a number of interested parties in the audience.

II. Invocation – Charlie Burlison 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 – Four changes were made to the submitted agenda. The First change was to add **V. b.** Persons Wishing to Address the Council. Public Comment, **IX. c** New Business, Budget Amendment **IX. d.** Third, Manager Boaz voiced a need to change the amount of the loan for the wastewater treatment plant. **X. f.** Mr. Corn asked to add Recreation Center cleaning to the agenda. The agenda was adopted as amended.

V. a. Public Hearing- Addressing Ordinance – Mayor Owen opened the Public Hearing at 6:03 p.m. indicating that the purpose for the hearing was to gather input from the public concerning the numbering of houses on private drives. Private drives pose a problem during a 911 response. Mr. Chamberlain moved to close the Public Hearing at 6:05 p.m. Mr. Piquet seconded the motion and it passed unanimously.

b. Person Wishing to Address Council - Dr. Donald Berman of 116 Ash Lane asked that the Council to expedite the paving of Ash Lane. Mayor Owen responded that the Council would not make a decision until the engineering study of the water system had been completed. Public Works Director Riley Hatch explained that the study should be completed in a couple of weeks. Mayor Owen indicated that the Council would revisit the issue once the study was completed.

VI. Consent Agenda –

a. Approval of Minutes – Mr. Chamberlin moved to approve the minutes as of the June 13, 2006 Regular Meeting as amended and the June 29, 2006 Special Meeting minutes as submitted. Mr. Piquet seconded the motion and it passed unanimously.

b. Set Public Hearing on Rezoning– Mr. Chamberlin moved to schedule the Public Hearing on the R-3 Zoning district for Monday August 14, 2006 at 6:00 p.m. Mr. Corn seconded the motion and it passed unanimously.

VII. Public Comment – No public comment.

VIII. Old Business –

a. Overbrook Trail Property – Manager Boaz explained that Dr. Murray Miller, owner of C-107, 206 Overbrook Trail was requesting that the Town waive tap and availability fees when he builds because his property line runs across Overbrook Trail. Mr. Piquet responded that the property owner could not build next to or on the street due to already existing setback requirements coupled with the nature of the property lines. Mr. Corn explained that he did not want to set a precedent of waiving fees due to property lines crossing Town roads because many property boundaries extend beyond the Town road the property is on. The Council chose to not take action. Mayor Owen asked that Mr. Boaz to inform Dr. Miller of the Council's decision.

b. R-3 Rezoning – Manager Boaz reported when the R-3 Zoning District was eliminated council that while they eliminated the R-3 zoning district, they did not indicate whether the property would be rezoned as R-3a or R-3b. The goal of council eliminating the R-3 zone was to assure that 24 bedroom edifices could not be built according to Mayor Owen. A footnote to the construction table allows 24 bedroom buildings to be built. Manager Boaz explained that either the council needs to conduct a public hearing or the item needs to go back to the planning board. Manager Boaz explained that there is a property owner that wants to build on a lot that is now without zoning. Town Attorney David Paletta explained that Building Inspector Keith Cook couldn't issue a building permit if the property is not zoned. Town Attorney Paletta further explained that the issue must go to the planning board before council holds a public hearing. Councilman Corn moves to set a public hearing on August 14th to discuss both rezoning of the property that is not currently in a zoning district and changing the building the ordinance to eliminate the footnote that allows build 24 room buildings.

IX. New Business –

a. Speed Limit Changes– Allan ___ of Raven Road explained that people are driving to fast down the road considering the amount of construction. Police Chief Heffner suggested temporarily lowering the speed limit to 15 mph in certain construction areas. Councilman Adams voiced his opinion that the speed limit on gravel roads be reduced to 15 mph. Councilman Corn voiced his opposition to lowering the town speed limit to 15 anywhere. Councilman Corn was concerned with fire response time as an example of the harmful effects of a lower speed limit. Councilman Chamberlin voiced his concern over distinguishing which streets qualified for lower speed limits because homes are being built on nearly every street in the town. Councilman Piquet suggested that Police Chief Heffner discern streets that should have a lower speed limit from street that do not need such a provision. Town Attorney Paletta explained that a change must be made to the motor vehicle traffic ordinance to reflect any change in the towns expectation of drivers; otherwise a ticket would be thrown out. Town Attorney Paletta also explained that council couldn't delegate the decision to staff. After some discussion of the appropriate action the mayor decided to enforce ordinance that requires cones in front of construction areas and suggested that Police Chief Heffner issue tickets to individuals traveling at unsafe speeds.

b. Personnel Policy –Manager Boaz submitted a new personnel policy to the council for review. Manager Boaz explained that the major difference between the two policies is that the Town Manager will have greater discretion over termination of employees. Councilman Corn asked Manager Boaz to give a discription of why a change might be necessary. Manager

Boaz explained that he would have the authority to fire an employee for any reason instead of going through the processes of the current policy. Councilman Chamberlin explained that the personnel policy changes could eliminate potential law suits similar to a law suit that cost the Town a great deal of money two years ago. Councilman Chamberlin recommended that council conduct a workshop to dissect the policy shift and see if it is a change the council would like to make. Councilman Chamberlin also explained that there were areas of the policy that he did not agree with such as sick leave transfer. Manager Boaz explained that the sick leave policy is helpful to full time employees when retiring and costs the Town a relatively small amount. Councilman Corn requested feedback from town employees about the policy. Town Attorney Paletta explained that feedback from town employees was relatively moot because the new policy eliminates employees rights and due process so no employee will like the new policy. Mayor Owen called for a meeting to discuss the new policy on August 3, 2006 at 9:00 am.

c. Budget Ammendment – Mr. Boaz explained that the budget would be changed to reflect the new projected cost of construction of a new water treatment plant. The project will increase revenue by 816,000 and increase expense by 819,000. Councilman Adams moved to accept the budget change. The motion was seconded by Councilman Corn and passed unanimously.

d. Change in Loan – The amount of the loan changed from 1,223,900 to 2,049,000 to reflect the updated cost of construction. Councilman Chamberlin moved to approve the loan. The motion was seconded by Councilman Piquet and passed unanimously.

X. Staff/Consultant Reports

a. Town Engineer's Report – Mr. Powell– The report is on file with the Town Clerk.

b. Public Works Director's Report – Riley Hatch – Public Works is staying very busy. The new trail maintenance employee is staying busy and accomplishing a great deal. He still has work to do to catch up from the period of time the town did not have a trail maintenance employee. Mr. Hatch also reported that more sod and seed would be available for the recreation center in the near future.

c. Town Attorney's Report – David Paletta – Will discuss during closed session.

d. Chief of Police's Report –Chief Jay Hefner – An ongoing case regarding credit card fraud is coming to a close. Beech Mountain police have charged one of the two individuals believed to be involved with 35 counts of credit card fraud. A car was vandalized but no one saw what occurred and there is very little evidence to move forward with. One individual charged with DUI for failure to take a Breathalyzer test.

e. Tax Report – Missy Norwood– The report is on file with the Town Clerk.

f. Building Inspection Report – Keith Cook – The report is on file with the Town Clerk.

g. Recreation Center Director – Craig Colistra – The report is on file with the Town Clerk.

h. Recreation Center Cleaning – Randy Corn – Councilman Corn explained that the recreation center is showing signs of use and requires cleaning beyond what the Recreation

Center employees are able to do. Councilman Corn suggested possible hiring a town custodian. Councilman Piquet asked Manager Boaz if the new cleaning crew for town hall might be interested in cleaning the Recreation Center. Manager Boaz indicated that the new cleaner had already agreed to clean the Recreation Center one time, then give the town a quote.

XI. Town Manager – Michael Boaz – A preconstruction meeting for the new wastewater treatment plant is being held on July 31, 2006. Mr. Boaz reported that a resident on Teaberry trail wanted the town to post a children at play sign near her house. Mayor Owen replied that the town tends to shy away from placing signs unless they are absolutely necessary. Mr. Piquet explained that there are children living on or visiting every street in the Town and it is unreasonable to start placing signs at every area a child resides. Mr. Corn explained that he saw a sign on a telephone post on Charter Hills. Councilman Piquet asked intern Bobby Dziewulski if he would remove it. Mr. Boaz reported that he will be out of town from July 17, 2006 to July 26, 2006.

XII. Other Business- There was no other items for discussion.

XIII. Adjourn – Having no other business to discuss the Council adjourned upon a motion by Mr. Piquet at 7:40 p.m. Mr. Corn seconded the motion and it passed unanimously.

Minutes approved by Town Council on _____, 2006.

Mayor

ATTEST:

Town Clerk