

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
July 15, 2008

I. CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 6:00 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, and Intern Danielle Hagerman. There were a number of interested parties in the audience.

II. Invocation – Charlie Burluson 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 a discussion on the paving of Greenbriar Road under *XIII Other Business*.

V. Approval of the Minutes – Councilman Holcombe moved to approve the June 10, 2008 Regular Meeting as presented. Councilman Adams seconded the motion and it passed unanimously.

VI. Public Hearings –

a. Zoning Ordinance – Mayor Owen opened the Public Hearing at 6:05 p.m. with regards to the Planning Board's recommendations to change the colors in the sign ordinance. Reneè Castiglione, 104 Wild Turkey Lane, asked that the sign colors be made available to the citizens. Mr. Boaz noted that the color chart would be available at the Clerks desk for public review. Peggy Coscia, 100 Hemlock Circle, asked if the current signs not meeting the new requirements would grandfathered in. Mayor Owen indicated they would not, however they would be given 18 months to comply with the new ordinance. Councilman Chamberlin moved to close the Public Hearing at 6:10 p.m. Councilman Corn seconded the motion and it passed unanimously.

b. Loan Request – Mr. Boaz indicated that the Local Government Commission, LGC, requires that the Council receive public comment on any loan application that requires their approval. The loan request was expected to be approximately \$750,000 for the new water line from Emerald Mountain, the pressure reducing stations, and the backup power generators for the water plant and the water tanks. Mr. Wittman questioned the use of the loan, asking whether or not an extra 4¢ tax increase would be necessary. It was indicated that the extra 4¢ was to be used for equipment. Councilman Chamberlin moved to close the Public Hearing at 6:20 p.m. Councilman Corn seconded the motion and it passed unanimously.

VII. Public Comment – Mr. Lee Wittman, 102 Rainbows End, thanked the staff for enforcing the Nuisance Ordinance. Mr. Wittman also indicated that the minutes were not on the web site to which Mayor Owen gave him the link and attachment heading to access the minutes. Mrs. Coscia, 100 Hemlock Circle, asked about the 911 numbers. The numbers are available from the Police Department and should be placed in an area ‘visible from the road’.

VIII. Old Business –

a. Amendments to the Zoning Ordinance – Mayor Owen indicated that the change to Section 1400 would make the property owner responsible for any violations of the Ordinance. After a brief discussion, Councilman Chamberlin moved to approve the amendment to Section 1400, Article XIV. Vice Mayor Adams seconded the motion and it passed unanimously.

Mayor Owen indicated that the Planning Board had recommended changes to the Sign Ordinance, Section 1909. After a brief discussion the Council agreed to send the recommended amendments back to the Planning Board for further review.

b. Approval of Engineering Agreement – Withers & Ravenel – Mr. Boaz presented the Council with a contract with Withers and Ravenel for a storm water and road analysis in the amount of \$82,000. The Town has a Clean Water Management Trust Fund, CWMTF, grant in the amount \$50,000, leaving the Town’s obligation at \$32,000. After a brief discussion, Councilman Chamberlin moved to approve the Engineering Agreement. Councilman Holcombe seconded the motion and it passed unanimously.

c. Clean Water Management Trust Fund Grant Agreement Approval – Councilman Corn moved to approve the Clean Water Management Trust Fund Grant Agreement. Councilman Holcombe seconded the motion and it passed unanimously.

IX. New Business –

a. Buckeye Lake fishing Parking Lot – Mr. Boaz reported that the Parks and Recreation Department had been looking into additional parking for the individuals using Buckeye Lake. Mr. Thomas F. Moore, Jr. had indicated that he would be willing to sell a piece of property that would provide parking access to Buckeye Lake. After a brief discussion, Mayor Owen indicated, with Council’s consent, that the issue would be further discussed in Closed Session.

b. Building Permit and Zoning Fees – Mr. Boaz noted that the staff had reviewed the building and zoning permit fees charged by other local governments in the area and found that the Town was below the Town of Boone and Watauga County. The staff had proposed an increase in the building permit fees and recommended that the Town start charging for a zoning permit. After much discussion, Councilman Chamberlin moved to adopt the proposed fees. Vice Mayor Adams seconded the motion. The motion passed 4 to 1 with Mayor Owen, Vice Mayor Adams, Councilman Chamberlin and Councilman Holcombe

voting aye. Councilman Corn voted nay. Councilman Corn felt the issue needed further review.

c. Waiver of Bid Requirements –

1. Motor Grader – Mr. Boaz presented the Council with Resolution 01-07-08 Waiving Formal Bidding Requirements for a Caterpillar 140M. Council member Corn wanted staff to get bids from multiple Caterpillar dealers and not accept the bid given by Carolina CAT without attempting to secure a better deal. After a brief discussion, Councilman Corn moved to approve Resolution 01-07-08 with the reference to Carolina Cat removed and the base bid to indicate not more than \$239,322.05. Councilman Holcombe seconded the motion and it passed unanimously.

2. Backhoe – Mr. Boaz presented the Council with Resolution 02-07-08 Waiving Formal Bidding Requirements for a Caterpillar 420EIT. Council member Corn stated that he expected staff to get bids from multiple Caterpillar dealers and not accept the bid from Carolina CAT without attempting to get a better deal. After a brief discussion, Councilman Corn moved to approve Resolution 02-07-08 with the reference to Carolina Cat removed and the base bid to indicate not more than \$93,685.90. Councilman Holcombe seconded the motion and it passed unanimously.

d. Wild Animal Ordinance – Mayor Owen indicated that the amendment to Title VI: Chapter 80 Wild Animal Control Ordinance was in response to individuals feeding wild animals. After much discussion, Councilman Chamberlin moved to approve the amendment to Title VI: Chapter 80 with the reference to indicate ‘bears’. Vice Mayor Adams seconded the motion and it passed unanimously.

e. Approval of Paving Bids – Mr. Boaz reported that the Town had received three bids on the resurfacing of North Pinnacle Ridge Road: Moretz Paving Inc. \$255,660, Young & McQueen Grading Co. \$282,075 and Maymead, Inc. \$312,290. After a brief discussion, Councilman Corn moved to accept the Moretz Paving Inc. bid in the amount of \$255,660. Councilman Holcombe seconded the motion and it passed unanimously.

f. Meeting Schedule – Mr. Boaz presented the Council with a calendar showing the date/time of the various meetings. Mr. Boaz noting that the Tree Board meetings had been scheduled for the 2nd Friday of every month.

X. Town Manager’s Report – Michael Boaz – 1) Mr. Boaz reported that the Town had received an Urban Forestry Grant in the amount of \$9,500 to conduct a study of our forest and make suggestions /changes to the current tree ordinance. 2) Mr. Boaz indicated that Eggers Construction had completed the installation of the new water line and would be starting on the pressure reducing stations. 3) Stanley Hanna will start work on July 21, 2008 as the new building inspector. 4) Mr. Boaz reported that a summary of the Recreation Center indicated that \$53,339 had been generated in revenue, subtracting this from the actual operating cost of the Center, excluding debt service, showed that the Town contributed \$281,111 or 4.6% of its total budget to

the Center. There were 12,407 visitors to the Center during the last fiscal year, showing an increase of 27% over the previous year. This means that the Town subsidized each visit to the center \$22.65, not the \$1,500 that was suggested a one of the budget work sessions. Mr. Boaz report was accepted as submitted.

XI. Closed Session – On a motion by Councilman Holcombe, seconded by Councilman Corn, the Council voted to go into closed session at 7:30 p.m. to discuss matters related to land acquisition NCGS 143-318.11(a)(6). Councilman Chamberlin moved to come out of closed session at 8:00 p.m. Councilman Holcombe seconded the motion and it passed unanimously. The Council issued instructions for the Town Manager to proceed with the acquisition of property. Councilman Holcombe moved to approve a settlement agreement with Robert and Pamela Sansone, 116 Locust Ridge Road, regarding tree fines in the amount of \$6,000. Councilman Chamberlin seconded the motion and it passed unanimously.

XII. Other Business –

a. Greenbriar Road – Mr. Boaz informed the Council that the staff needed some direction on which areas to focus the sewer camering efforts on, the Town does not have enough men to camera the Phase II System Improvements project and Greenbriar Road. After much discussion, Councilman Chamberlin moved to proceed with the Phase II System Improvements. Councilman Adams seconded the motion. The motion passed 4 to1 with Mayor Owen, Vice Mayor Adams, Councilman Chamberlin and Councilman Holcombe voting aye, Councilman Corn voted nay.

b. August Council Meeting – Councilman Corn moved to hold the Regular monthly meeting for August on the 3rd Tuesday, August 19, 2008 at 6:00 p.m. in the Town Hall Council Chambers. Chairman Chamberlin seconded the motion and it passed unanimously.

XIII. Adjourned – Having no other business to come before the Council, Councilman Holcombe moved to adjourn the meeting at 8:25 p.m. Councilman Chamberlin seconded the motion and it passed unanimously.

Minutes approved by Town Council on August 19, 2008

Mayor

ATTEST:

Town Clerk