

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
November 13, 2006

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 Paul Piquet. Also present were Town Manager Michael Boaz, Town Attorney David Paletta, Public Works Director Riley Hatch, Building Inspector Keith Cook, Assistant Building Inspector Bobby Dziewulski and Recreation Director Craig Colistra. There were a number of interested individuals 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 – The Agenda was adopted as presented.

V. Approval of Minutes – Mr. Piquet moved to approve the Regular minutes of October 11, 2006 as amended. Mr. Corn seconded the motion and it passed unanimously.

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

VII. Old Business –

a. Burning Ordinance – Mr. Paletta presented the amended Burning Ordinance and after a brief discussion, Mr. Chamberlin moved to approve the Burning Ordinance as presented. Mr. Corn seconded the motion and it passed unanimously.

b. Engineering Contract with HUA – Mr. Boaz presented the proposed amended contract with Hobbs, Upchurch & Associates, P. A. Mayor Owen noted that the General Manager for B.M.R.I. had indicated a willingness to work with the Town with regards to the water line construction down the slope. Mr. Chamberlin moved to approve the contract with Hobbs, Upchurch & Associates, P.A. Mr. Corn seconded the motion and it passed unanimously.

VIII. New Business -

a. Audit Report – Bryce Holder, CPA, P.A. – Ms. Kathy Brown, representative for the accounting firm of Bryce Holder, CPA, P.A., gave a brief overview of the audit for 2005/06 for the Town. Ms. Brown noted that all aspects of the Town's finances were in order. There were no questions from the Council and the report was accepted as submitted.

b. Richard Nemerson – Mr. Boaz reported that Richard and Roberta Nemerson had constructed a house on 132 Wintergreen Way, BG-12, that encroached on the Town's setbacks. After a lengthy discussion, Mr. Corn moved to allow Mr. and Mrs. Nemerson to submit an offer to purchase for the property necessary to have compliance with the Town's Ordinances at a cost of \$2,500. Mr. Paletta noted that the property owner would be required to deposit 5% of

the purchase price and the Town would advertise the offer to purchase. Mr. Adams seconded the motion and it passed unanimously.

c. Woody McClure – Mr. Boaz reported that Woodrow McClure, Jr. had started a house at 101 Golf Lane, GH-122, which encroached on the Beech Mountain Club property as well as the Town's setback on the road side of the property. After a brief discussion the Council tabled the discussion until the December 11, 2006 meeting.

d. Elderberry Ridge Road Development – Mr. Steve Underwood, representing HSGC, a group proposing the building of condominiums off Elderberry Ridge Road, asked that the Council consider providing water and sewer services. After a lengthy discussion, Mr. Paletta indicated that the Town was under no obligation to grant services to property outside the Town and also noted that the Pinnacle Inn had paid the Town in addition to the annexation of their property. Mayor Owen noted that the Council had not been provided with a site plan or other necessary information for an informed decision to be made, however the Council requested that Mr. Boaz and Mr. Hatch discuss the availability of water for such a development with the engineers at Hobbs, Upchurch & Associates.

e. Steve Underwood Request – Mr. Steve Underwood, President and Owner of Beech Mountain Sports, addressed the Council with the proposed future development of a multi-use, condominium and retail space as well as existing multi-use expansion for his property. Mr. Underwood asked that the property and proposed additional property be allowed to access the Town water and sewer services. Mr. Underwood indicated that he would like to ask for annexation of the existing property in four years. Mr. Piquet noted that the Town did not give water and sewer without annexation. After a lengthy discussion, Mayor Owen indicated that the Council would require additional information with regards to the request.

f. Amendment to Zoning Ordinance – Mr. Boaz reported that the Planning Board had recommended that the Council create a Conditional Use Zoning Overlay classification that would allow the Council to require that certain types of development in certain districts get a conditional use permit. After a brief discussion the Council agreed on further discussion at the December 11th meeting.

g. Zoning of Archer's Inn – Mr. Boaz indicated that Archer's Inn had not been zoned at the time of annexation. The Planning Board recommended that the property receive a CSI zoning. Mr. Chamberlin moved to approve the CSI Zoning and set a public hearing for December 11th. Mr. Piquet seconded the motion and it passed unanimously.

h. Tax Releases – Mr. Chamberlin moved to approve the tax release for GE Modular Space of \$65.15 and Robert Bosley for \$208.45. Mr. Piquet seconded the motion and it passed unanimously.

XI. Staff/Consultant Reports

a. Town Engineer's Report – Mr. Powell was not in attendance.

b. Public Works Director's Report – Riley Hatch – Mr. Hatch reported the following
a) The Town has received 2,000 tons of chat for the sanding of the roads. b) Building Crafts, the contractor for the Pond Creek Waste Water Treatment Plant, has poured approximately 50 yards of concrete. The belt press and metal buildings are scheduled to arrive in the next two weeks. c) Tamarack Road has been resurfaced, the pavers will return to complete the ditch

lines as well as the utility cuts when weather permits. d) The crew is still picking up leaves and preparing for the winter conditions.

c. Town Attorney's Report – David Paletta –Mr. Paletta had no reported.

d. Chief of Police's Report – Jay Hefner –The report is on file with the Town Clerk.

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

f. Recreation Center Report – Craig Colistra –The report is on file with the Town Clerk.

g. Town Manager's Report – Michael Boaz – Mr. Boaz reported: a) He would not be in the office the week of November 20th. b) Mr. Boaz noted that the terms of the Board of Adjustment members Bill Hagna, Alan Holcombe, Ron Nichols, and Russ Reiman would expire in December. Mr. Piquet indicated that the Planning Board had some members that had not been attending and it was indicated that they could be removed for lack of attendance. c) Mr. Boaz reported that the next semester classes he would like to attend were in conflict with the Council meetings as asked that other times be considered. After a brief discussion the Council unanimously agreed to hold the Council meetings on the January, February, March, April and May 2007 on the 2nd Tuesday at 2:00 p.m.

X. Other Business – Mr. Corn asked that the Town consider a third engineering firm to do business with. After a brief discussion, the Council agreed it would be a good proposal to consider.

XI. Recessed – Having no other business to discuss the Council recessed the meeting until Tuesday, November 28, 2006 at 2:00 p.m. to discuss personnel matters. Upon a motion by Mr. Chamberlin the meeting was recessed at 8:00 p.m. Mr. Piquet seconded the motion and it passed unanimously.

XII. Reconvened –Tuesday, November 28, 2006 – Mayor Rick Owen reconvened the regular meeting of November 13, 2006 on Tuesday, November 28, 2006 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. Mr. Chamberlin moved to enter into closed session under G.S. 143-318.11(a)(6) Personnel Matters. Mr. Piquet seconded the motion and it passed unanimously. The Council came out of Closed Session at 4:00 p.m. Mr. Corn moved to approve a 5% salary increase for Town Manager Michael Boaz effective January 1, 2007. Mr. Chamberlin seconded the motion and it passed unanimously.

XIII. Adjourn – Having no other business to discuss, the Council adjourned upon a motion by Mr. Corn at 4:05 p.m. Mr. Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on _____, 2006.

Mayor

ATTEST:

Town Clerk