

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
December 11, 2001

Judge Alexander Lyerly administered oaths of office to Mayor Rick Owen and Council members Holland and Waligroski prior to the meeting.

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 Council Chamber at Town Hall. Other Council Members present were Gil Adams, Tim Holland, and Ed Waligroski. Also present were Town Manager Seth Lawless, Town Attorney David Palett, Chief Jay Hefner, Town Engineer Ed Powell and Public Works Director Riley Hatch. There were a number of interested parties in the audience.

Invocation – Haste Harrold

Haste Harrold opened the meeting in prayer.

Pledge of Allegiance

All present joined in the pledge of allegiance to the flag.

Haste Harrold addressed the Council informing them that he would no longer be available to deliver the invocation. Pastor Harrold thanked the Council for the opportunity to serve and did indicate that Charlie Burleson had agreed to take his place. Mayor Owen thanked Pastor Harrold and presented with a fruit basket for Christmas.

1. Adoption of Agenda

Mayor Owen called for the adoption of the agenda as submitted. All agreed.

2. Consent Agenda

Tim Holland made a motion to accept the minutes of November 13th as submitted. Gil Adams seconded the motion and it passed unanimously.

3. Public Hearing on Proposed Occupancy Tax

Mayor Owen opened the Public Hearing at 6:05 P.M. on the Proposed Occupancy Tax. Norma Buchanan asked for clarification to which Mayor Owen stated that House bill #685 and Senate bill #92, recently passed, did away with the occupancy tax the Town had enacted in 1987. The Town must pass a resolution levying a new occupancy tax to allow for collections under the new law. Hearing no further comments the Public Hearing was closed at 6:08 p.m.

4. Persons Wishing to Address the Council

a Ken Johnson re: Skiway Paving Project

Mr Ken Johnson addressed the Council with regards to what he felt was inadequate paving on Skiway Circle less than two years ago. The Town Engineer Ed Powell, Mayor Rick Owen, Vice Mayor Tim Holland and Public Works Director Riley Hatch inspected the area earlier today. Mr. Johnson also noted that he had to wait 6 months for the repairs to be made to the road from the storm damage. Mr. Johnson suggested that the Town have Mr. Powell do a storm water study on how to best drain the water from the top of the mountain.

Ed Powell did agree that Mr. Johnson had some justified concerns, which he felt would be taken care of by the contractor even though the 1 year warranty had expired. He did point out the delay in getting the storm damage repaired was due to the fact that it was difficult for the Town to get a paving contractor up the mountain to do the repairs.

Mr. Lawless noted that Mr. Powell had presented the Town with a study several years ago identifying 5 project areas that were given the highest priority in terms of storm drain improvements needed. Those repairs were made with grant money.

Mr. Powell noted that perhaps the Skiway area needed to be looked at as far as the storm drainage and suggested it be discussed at the next planning session.

b. Patti Mitchell, Executive Director BMCOC re: Proposed 2002 Hillclimb

Patti Mitchell addressed the Council asking for permission to hold the Hillclimb in May. Ms. Mitchell noted that the Chamber Board of Directors had approved the event and that the car club had agreed to all the changes the Town had requested. After a lengthy discussion Mr. Holland made a motion not to close the road for the sponsoring of the Hillclimb. Mr. Waligroski seconded the motion and it passed unanimously.

5. Old Business

a Offer to Purchase A-18 from Larry Parent

Mayor Owen gave a brief history of the request from Mr. Parent to purchase A-18 from the Town. After a brief discussion Mr. Holland moved to accept the Offer to Purchase, noting that it did meet all the criteria set forth in Resolution 01-11-01. Due to lack of a second the motion died with no other discussion.

b Discussion of Town Hall Sign

Mayor Owen informed the audience that the Council had asked Mr. Hatch to look into the possibility of moving the Town Hall sign out closer to the road due to the fact that it could no longer be seen from the road due to the growth of trees. The Council also discussed the possibility of putting up some smaller signs near the two entrances to the parking area.

Mr. Hatch reported that he had inspected the sign and felt the sand blasted portion was still in good shape, however the back boarding was rotten and he was in doubt about the 3 telephone poles that were used to support the sign. He was not sure if they were put directly into the ground or if some type of concrete was put in to support them.

Mayor Owen asked if any monies had been budgeted for the sign to which Mr. Lawless indicated that they had not, however, the maintenance line item for the Town Hall still had some funds in it that could be used. Mr. Lawless also noted that this would probably have to wait until spring to be taken care of. The Council agreed that this was acceptable.

Fred Pfohl asked about the Visitors Center Sign to which Mr. Lawless reported that it would be delivered before Christmas. The new building was coming in under budget so funds would be available for a few changes that need to be made. The Council was in agreement to approve the change orders as well as agreeing to order a logo sign for the building.

6. New Business

a. Resolution 01-12-01 Levying an Occupancy Tax

Mr. Holland moved to adopt Resolution 01-12-01. Mr. Waligroski seconded the motion and it passed unanimously.

b. Resolution 01-12-02 Creating a Tourism Development Authority

Mr. Lawless gave an overview of the authorizing legislation passed and how he and Mr. Paletta had drafted the resolution structuring the TDA. After a lengthy discussion centering on the percentage of funds that should be spent directly on advertising, Mr. Holland made a motion to adopt Resolution 01-12-02 as written. Mr. Adams seconded the motion and it passed unanimously.

c. Discuss Tourism Development Authority Appointments

Mayor Owen went over the list of individuals who were interested in serving on the TDA: Brian Barnes, Jim Brooks, Charlie Bursleson, Jim Cary, Candi or Tony Catoe, Fred Pfohl, Rick Miller, Paula Smart, Calder Smoot, Jim Weaver and Norma Buchanan, nominated by Mayor Owen. Mayor Owen called for other nomination, there being none. Mr. Adams made a motion to accept the nomination to the Tourism Development Authority. Mr. Holland seconded the motion and it passed unanimously.

The Council members decided to interview the interested parties. The Council agreed to recess the meeting and continue it on Thursday, December 20th at 1:00 p.m. giving each nominee a 15-minute interview period.

d. Consider Planning Board and Board of Adjustment Vacancies

Mr. Holland made a motion to reappoint Bill Watson and Marge Bailey to the Planning Board. Mr. Waligroski seconded the motion and it passed unanimously.

Mr. Holland made a motion reappoint Norm Smith and Nancy Hoffman to the Board of Adjustments. Mr. Waligroski seconded the motion and it passed unanimously.

Mr. Holland moved to reappoint Kakii Handley and Charlie Burleson as Board of Adjustment Alternates. Gil Adams seconded the motion and it passed unanimously. The Alternates seat currently held by Mr. Garman was not filled, as several members of the Council had come to understand that Mr. Garman might be spending considerable time away from Beech Mtn. Council asked Mr. Lawless to contact Mr. Garman.

e. Consider Change Order #2 Paving Project – Mariah Circle.

Mr. Holland moved to accept the change order adding Mariah Circle to the current paving contract with Smith & Sons Paving for a cost of \$65,600.00. The project will be paid for 100% by the Mariah property owners. Mr. Waligroski seconded the motion and it passed unanimously. Mr. Lawless noted that the paving would probable take place in the spring.

f. Review Golfview Drive Paving Petition

Mr. Lawless informed the Council that the property owners on Golfview Drive had turned in petitions equal to the 66% required – both in the number of owners as well as the linear road front property footage. The first step in the process is for the Council to direct the clerk to verify the accuracy of the petitions.

Mr. Lawless did point out that the agenda packet included some letters of property owners who were opposed to the project: Colonel George S. Robinson of 105 Golfview Drive, Joseph Pasquelli of 109 Golfview, and Wayne Mark of 103 Golfview Drive. The public hearing is the formal place to enter the oppositions into the record, however it was requested that these be presented to the Council tonight.

After a brief discussion Mr. Holland instructed the clerk to verify the petitions. Mr. Waligroski seconded the motion and it passed unanimously.

g. Discuss Region D Rural Planning Organization Proposal

Mr. Lawless explained the effort being undertaken by Region D Council of Governments to structure a regional transportation committee that would present a prioritized list of highway improvement projects to the State during T I P hearings. Mr. Holland moved to accept the proposal establishing a Rural Transportation Planning Organization (RPO). Mr. Adams seconded the motion and it passed unanimously.

h. Consider Extending January 2nd Deadline for Obtaining Building Permit

Mr. Lawless informed the audience that the Town had received limited relief on the sewer moratorium from the State. A letter was sent to every property owner describing

the process the Council had come up with for accepting applications to receive one of the building permits the Town was allowed to issue. The final request was permits for 81 bedrooms, slightly less than the 83 the Town had permission to connect. The Town has a number of plans to review and only part time assistance in getting these plans reviewed. Mr. Lawless asked the Council to consider extending the January 2nd deadline for 1 month to allow ample time to have the plans reviewed.

Mr. Holland moved to extend the deadline to February 2nd. Mr. Waligroski seconded the motion and it passed unanimously.

i Budget Amendments – E911 and Law Enforcement Block Grant

Chief Hefner informed the Council and audience that the police department had suffered a breakdown in the console that operates the Emergency 911 system. The back up system was put into operation until repairs could be made. The department then started looking into the various options available to upgrade the old system and had received three proposals. Chief Hefner and Riley Hatch reviewed the proposals and recommended that the Council approve the purchase of the least expensive system due to the accessibility of replacement parts, reliability and response time in getting the repairs made – this company is located in Linville.

Chief Hefner pointed out that the E-911 reserve fund had \$76,986.00, as of June 30, 2001. The Town has \$26,260.00 budgeted to go into the reserve in the current year.

After much discussion Mr. Holland moved to approve the budget amendment and purchase of the new console per Chief Hefner's request. Mr. Adams seconded the motion and it passed unanimously.

Mr. Holland moved to accept the budget amendment for the Law Enforcement Block Grant. Mr. Adams seconded the motion and it passed unanimously.

j Consider Agreement for Engineering Services

Mr. Lawless reviewed the proposal for an engineering agreement with Hobbs, Upchurch and Associates to design the improvements to three collection system basins in the Grassy Gap sewer shed. After a brief discussion Mr. Holland moved to accept the agreement for engineering services from Hobbs, Upchurch and Associates, P.A. Mr. Waligroski seconded the motion and it passed unanimously.

k. Review Request to Extend Town Water – Mark Minor

Mr. Minor informed the Council and audience that he was requesting that the Town consider extending the water line on Elderberry Ridge Road 800' to service 18 condominium units planned for the spring of 2002. This not only would be a convenience for the condominium units but also allow for fire protection in the area.

After a lengthy discussion Mayor Owen recommended that the issue be brought up at the January 8th Council meeting to allow for further information to be gathered.

7. *Staff/Consultant Reports.*

a. Town Engineer's Report.

Ed Powell reported that the paving company, Smith & Sons had completed Oz Circle and Oz Road as well as the restoration of Tamarack Road. Grassy Gap is next on the list, waiting for good weather. Mr. Powell indicated that the weather would be the determining factor on whether or not Mariah Circle would be done this year, however a contract price had been received on the work.

Mr. Fred Pfohl asked about the parking area at the park on Tamarack Road to which Mayor Owen replied that the Council had agreed to pave the area in front of the building and plant the remainder in grass.

b. Public Works Director's Report.

Riley Hatch reported the following: 1) The landfill had again refused the mixed paper. Plans are for someone to go to Boone with the next load to find out exactly why it is being refused. Mr. Hatch felt that it is possible that they do not realize that the Town now has a manned recycling center. 2) The recycling center will start its winter schedule on December 17th, closing at 4:30 p.m. 3) The maintenance building has the new insulated garage doors installed, as per the budget. Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report. Mr. Paletta had no report.

d. Police Report.

Chief Hefner went over the police report and it was accepted as submitted.

e. Town Manager's Report

Mr. Lawless announced the following: 1) Building inspection services are currently being contracted on Tuesday & Wednesday starting at 3 - 3:30 p.m. and on Fridays starting at 1:00 p.m. Mr. Lawless indicated that he was acting as Zoning Administrator. 2) The Town has received a disaster declaration due to the August 10th flood from Governor Easley and funds in the amount of \$58,000 to \$60,000 are forthcoming. 3) The Long-Range Planning Committee will meet on Thursday 10:00 A.M. and is open to the public. 4) Mr. Lawless reported that his appointment to the County Recreation Committee had been approved, his first meeting will be on December 18th. 5) Ronnie McKinney, the employee injured in a weed eating accident, underwent outpatient surgery today to reattach nerves in his upper arm. 6) The Visitors Center is to the 'punch-list' stage, the opening date has not yet been set. 7) The town attorney has completed his work on the dumping ordinance and it will be presented to the Council at the January meeting. Seth Lawless' report was accepted as submitted.

f. Tax Report was accepted as submitted.

8. Other Business

Mr. Johnson asked the Town to please consider a change in the curve by Skiway Circle noting that he felt maintenance would not be able to grade it properly. Mayor Owen asked that Jay and Riley work with Ed to make the curve safe.

The Council thanked Mr. Mooradian for his dedication to the Town.

9. Recessed 8:30 P.M.

There being no further business to come before the Council, Mr. Holland moved to recess the meeting until December 20th at 1:00 p.m. Mr. Adams seconded the motion and it passed unanimously.

10. Reconvention

Mayor Owen reconvened the meeting at 1:00 p.m. on December 20th in the Town Hall. Gil Adams, Tim Holland and Ed Waligroski were also present. Eleven individuals had been nominated for appointment to the Tourism Development Authority, and each was scheduled to discuss their qualifications with the Town Council. The appointments began at approximately 1:10 p.m. and lasted until approximately 4:00 p.m. The Council spent several minutes discussing the group as a whole and commenting on the Town's good fortune to have so many capable individuals interested in serving on the TDA. Upon a motion by Ed Waligroski, seconded by Tim Holland, Fred Pfohl was appointed to the TDA as Chairman, with a term expiring in Dec. 2003. All agreed. Upon a motion by Tim Holland, seconded by Gil Adams, Caulder Smoot was appointed Vice Chairman, with a term expiring in December 2003. All agreed. Upon a motion by Gil Adams, seconded by Tim Holland, Charlie Burleson and Candi Catoe were appointed to terms expiring December 2002. All agreed. A long discussion was held prior to filling the final seat. Councilman Tim Holland made a motion to appoint Brian Barnes. Councilman Adams noted the experience Paula Smart had serving on the EDC and Chamber Board of Directors. Adams stated that he thought Smart had more experience with promoting Beech Mountain than any of the other nominees, but that he would go along with the majority of the Council. Holland's motion passed 4-0.

11. Other Business

Upon a motion by Holland, seconded by Adams, Town Manager Seth Lawless was appointed as the authorized representative to complete the Town's application to NC Emergency Management for disaster relief. All were in agreement.

12. Adjournment

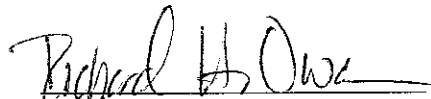
Councilman Holland moved for adjournment at 4:35 p.m. Adams seconded the motion with all in agreement.

Respectfully submitted,

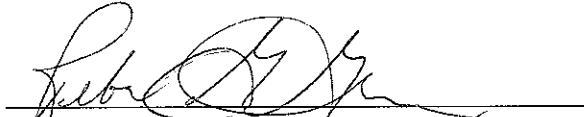
Reba G Greene
Town Clerk

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Minutes approved by Town Council on January 8, 2002.


Mayor

ATTEST:


Town Clerk