

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
January 8, 2002

Judge Alexander Lyerly administered the oath of office to Peter K Chamberlin prior to the meeting.

***CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 6:10 p m. in the Council Chamber at Town Hall Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland, and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Chief Jay Hefner, Town Engineer Ed Powell and Public Works Director Riley Hatch. There were a number of interested parties in the audience.

***Invocation – Charlie Burleson***

Charlie Burleson opened the meeting in prayer.

***Pledge of Allegiance***

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

Mayor Owen presented Jennifer Ball with a Certificate of Appreciation for all her work in organizing the winter decorations for the Town.

**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 December 11<sup>th</sup> and December 20<sup>th</sup> as submitted. Pete Chamberlin seconded the motion and it passed unanimously.

**3. *Old Business***

**a. Mark Minor Water Line Request**

Mr. Minor addressed the Council, following up on his request for the Town to allow and assist in installing 800' of water line down Elderberry Ridge Road.

After a lengthy discussion Mr. Chamberlin made a motion to allow Mr. Minor to have access to Town water at his own expense including material, labor and engineering design. Dr. Waligroski seconded the motion and it passed unanimously.

**b. Consider Amendment to Streets and Driveways Ordinance**

Mr. Paletta drafted changes, per the Councils' request, to the Streets and Driveways Ordinance, Section 3-2 dealing with the removing and/or dumping on the Town right of ways. Mr. Lawless noted that the Chairman of the Planning Board, Roger Bullock, had suggested that landscaping should be permitted, the changes only indicated that property owners are allowed to put up mail boxes and trash receptacles. Further discussion resulted in the Council recommending a few changes to Mr. Paletta's proposed wording. Mr. Paletta will present a revised proposal at the next Council meeting.

#### 4. *New Business*

a. Consider Offer to Donate LG-172

Mr. Lawless pointed out to the Council that LG-172 was very close to the property the Town was trying to acquire for the Memorial Park and could possibly serve as a parking area. After a brief discussion Mr. Holland moved to accept LG-172. Mr. Adams seconded the motion and it passed unanimously.

b. Call for Public Hearings – Increase Occupancy Tax and Proposed Zoning Amendment

Mayor Owen called for a public hearing to discuss the increase in Occupancy Tax and Proposed Zoning Amendments. Mr. Holland made a motion for the hearing to be set at 6:00 p.m. on February 12<sup>th</sup>. Mr. Chamberlin seconded the motion and it passed unanimously.

c. Consider Lease for TM-4

Mr. Lawless reported to the Council that TM-4, property owned by David & Linda Grover located behind Town Hall, could be used for employee parking. The owners are willing to lease the use of this property to the Town in exchange for minor grading, gravel, weed eat 4 or 5 times in the summer, locate the existing water and sewer taps and offer a waiver of liability.

Per Mr. Lawless' request, further discussion of this matter will take place after the Executive Session in order to discuss the terms with the Town Attorney.

d. Resolution 02-01-01

Mr. Holland moved to adopt Resolution 02-01-01, approving a contract to have the State perform a mandatory bridge inspection. The Town's only bridge spans Buckeye Creek on Buckeye Creek Rd. Mr. Chamberlin seconded the motion and it passed unanimously.

#### 5. *Staff/Consultant Reports*

a. Town Engineer's Report

Ed Powell reported that the paving company, Smith & Sons, had completed Oz Circle and Oz Road, Tamarack Road as well as patching on Grassy Gap and a portion of the overlay. The Mariah Circle paving project would also take place in the spring

Mr. Chamberlin asked about the Skiway Circle project that was discussed at the December 11<sup>th</sup> meeting to which Mr. Powell reported that the contractor would reconstruct Skiway Circle, at their cost. In response to complaints that the specified thickness, 4 inches, had not been achieved in that area, Mr. Powell pointed out that the contractor is paid only for the actual asphalt. He will see that the project is brought up to the original specifications.

Mr. Chamberlin also asked about the grant that was discussed in October '01. Mr. Powell reported that the waste water treatment study that his firm had completed had been submitted to the state in the form of a '201 Amendment' along with a copy of the Hobbs & Upchurch study as an attachment. This was in hopes of receiving a low interest loan or grant. The state has had the report for about two months and a representative from his engineering firm would be checking on their progress in the near future.

b. Public Works Director's Report

Riley Hatch reported the following 1) The landfill had again refused the mixed paper due to the brown grocery bags that are being put into the containers. 2) Snowplowing is going well and Mr. Hatch reported that he had not had any complaints and asked that if any are received that they be passed along to him. 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 noting that the vandalism case was a deck that was removed from a home on Lower Snowbird, which is under investigation along with a few other cases including counterfeit ski passes as well as a drug arrest. The report was accepted as submitted.

e. Town Manager's Report.

Mr. Lawless announced the following: 1) The first meeting of the Avery County Recreation Committee was held on December 18<sup>th</sup> with the groups' goal focused on the development of a recreational and agricultural center on a 52 acre tract of land behind Ingles grocery in Newland. The next meeting will be jointly with the County Commissioners on January 17<sup>th</sup>. 2) The MountainEar will go out in a few weeks; Council is encouraged to submit ideas. 3) Mr. Lawless reminded the Council of orientation sessions for any who have not signed up. 4) Mr. Lawless asked that the Council appoint a member to serve on an ad-hoc committee to deal with traffic control on the sledding hill during peak usage. Mr. Chamberlin volunteered to serve as a representative for the Council. 6) Mr. Lawless informed the Council that he would be

attending a seminar in Chapel Hill on February 6, 7 & 8<sup>th</sup>. 7) A representative from the NC Emergency Management Commission was in Town to begin the paperwork to receive a 75% reimbursement from the damages of the August 11<sup>th</sup> flood. 8) Fred Pfohl, Chairman of the TDA, has called the 1<sup>st</sup> meeting for January 15<sup>th</sup> at 10:00 a.m. Mr. Lawless' report was accepted as submitted.

- f. The quarterly financial report was passed out to the Council and Mr. Lawless asked that they contact the office should they have any questions regarding the report.

Tax Report was accepted as submitted

**6. Executive Session (NCGS 143-318.11 [5,6])**

At 7:25 p.m. Mr. Holland made a motion to go into Executive Session. Mr. Adams seconded the motion and it passed unanimously.

No action was taken and Mr. Adams moved to go out of Executive Session at 9:15 p.m. Mr. Holland seconded the motion and it passed unanimously.

**7. Other Business**

There was no other business for discussion.

**8. Adjournment**

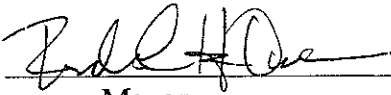
Mr. Chamberlin moved for adjournment at 9:20 p.m. Mr. Adams seconded the motion and it passed unanimously.

Respectfully submitted,

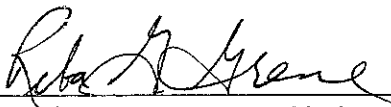
Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on February 12, 2002

  
\_\_\_\_\_  
Mayor

ATTEST:

  
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Town Clerk

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
SPECIAL MEETING  
January 28, 2002

***CALL TO ORDER***

Pursuant to due notice having been given by Facsimile to The Watauga Democrat, The Avery Journal, The Mountain Times and WECR, Mayor Rick Owen called the special meeting of the Beech Mountain Town Council to order at 4:00 p.m. in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland, and Dr. Ed Waligroski. Also present was Town Manager Seth Lawless. There were a number of interested parties in the audience.

***Discussion of Appropriation of Occupancy Tax Revenues to the Tourism Development Authority***

Seth Lawless gave the Council a brief overview of the proposed budget drafted by Director Patti Mitchell and TDA member Brian Barnes for the remainder of the fiscal year, February through June 2002. The budget was similar to the original spending plan proposed by the Economic Development Committee for the Town Advertising Department.

After a brief discussion Tim Holland moved to transfer \$60,000 from the Reserve Fund into the TDA account. Pete Chamberlin seconded the motion and a discussion on the issue began.

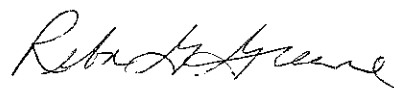
Dr. Waligroski asked the advantage of the Council retaining the control over the remaining \$55,000 in the Occupancy Tax Reserve Account. Mayor Owen felt it in the Town's best interest to maintain some funds in the reserve account to cover expenses that do not fall under the TDA budget restrictions. Seth Lawless noted that revenues from July 2001 through the end of January 2002 will not meet expenses for the same time period. Some of the remaining reserve will have to be appropriated to cover the shortfall. Mayor Owen called the question on the motion, and it passed unanimously.

Mr. Lawless passed out copies of the General Fund Budget Amendment to transfer \$60,000 from the Advertising Reserve into the TDA. Mr. Holland moved to accept the budget amendment. Dr. Waligroski seconded the motion and it passed unanimously.

***Adjourn***

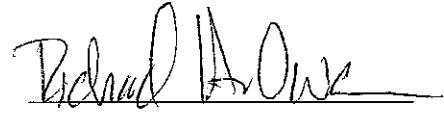
Mr. Chamberlin moved to adjourn the special meeting at 4:20 p.m. Mr. Adams seconded the motion and it passed unanimously.

Respectfully submitted,

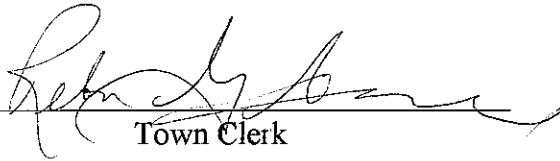


Reba G. Greene  
Town Clerk

Minutes approved by Town Council on Feb 12, 2002.

  
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Mayor

ATTEST:

  
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Town Clerk