

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
October 8, 2002

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 Pete Chamberlin, Tim Holland and Dr. Ed Waligroski. Gil Adams was absent. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Police Chief Jay Hefner, Public Works Director Riley Hatch, Town Attorney David Paletta and Building Inspector Keith Cook. There were a number of interested parties in the audience.

Invocation – Police Chief Jay Hefner opened the meeting with prayer.

Pledge of Allegiance

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

1. *Adoption of Agenda*

Mr. Lawless requested that tree planting along the parkway be added to the agenda under other business along with a discussion by David Paletta of a lawsuit filed against the state. The agenda was adopted as amended.

2. *Consent Agenda*

Mr. Chamberlin moved to accept the minutes of the September 10th regular meeting as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

3. *Audit Presentation – Bryce Holder*

Mr. Chamberlin moved to hold all three public hearings at the upcoming November 5th Council meeting. Mr. Holland seconded the motion and it passed unanimously.

Mr. Lawless noted that he had a map of the area being considered for rezoning. The new district would permit manufactured housing.

Mayor Owen informed the public that the other two hearings were to discuss the additional occupancy tax and the completion of the Mariah Circle Paving Project.

b. Proposed Budget Amendments

(i) **Police Department Block Grant** - Mr. Lawless noted that Chief Hefner should be thanked for all his efforts in obtaining this grant for the third consecutive year. The funds are for equipment. Chief Hefner discussed the proposed use of the funds. Mr. Holland moved to adopt the Budget Amendment allowing for the monies to be placed in the expense line item for public safety. Dr. Waligroski seconded the motion and it passed unanimously.

(ii) **Wastewater Capital Project Ordinance** – Lawless stated that the original budget amendment accounting for the loan proceeds to fund the Grassy Gap collection system rehabilitation did not account for the full loan amount. Mr. Chamberlin moved to adopt the budget amendment. Mr. Holland seconded the motion and it passed unanimously.

c. Consider Proposal to Increase Availability Fees

Mr. Lawless gave an overview of the increased water and sewer availability fees recommended by the Planning Board.

Mayor Owen asked Keith Cook how he arrived at the recommended figures and what other towns in the area charged. Mr. Cook stated that fees charged by other local governments were reviewed by the Planning Board, but none of them were based upon the square footage of the structure.

After a brief discussion, the Council recommended that Mr. Cook contact the builders who work in this area and ask for their input. Mayor Owen indicated that this would be held over for further discussion after Mr. Cook's findings were brought before the Council.

d. Board of Adjustment Vacancy

Mayor Owen asked for recommendations for the Board of Adjustment to which Dr. Waligroski nominated Mr. George Buesser. Mr. Holland noted that past procedure had been to move an alternate up to an opening on the Board. Mayor Owen asked Kakii Handley if she were interested in being appointed to the Board to which she indicated that acting as an alternate was all she was interested in doing at this time. The other alternate is Charlie Burleson. Mr. Lawless will contact Mr. Burleson to inquire about his interest in filling the vacancy.

Mayor Owen recommended that the appointments take place at the November 5th meeting after further consideration is given to the vacancies.

- e. Discuss Certification for Participation in the Community Development Block Grant (CDBG) Scattered Site Housing Program

Mr. Lawless gave a brief overview of the program, noting that it was unlikely that the Town would qualify for the type of assistance made available through this grant. Mr. Lawless did feel it would be good for the Town to have a representative on the Committee and recommend that the Council appoint Keith Cook as the designated representative for the Town. Mr. Chamberlin moved to appoint Mr. Cook to the CDBG Scattered Site Housing Program. Dr. Waligroski seconded the motion and it passed unanimously.

- f. Consider Resolution 02-10-01 – Declaration of Cost for Mariah Paving

Mr. Lawless informed the audience and Council that the final cost for construction, engineering, inspection and the paving of Mariah Circle was \$77,504.00

Mr. Lawless also reported that striping of the pavement was 15¢ per foot, which is really 60¢ per foot because the middle and sides have to be painted. Last year the Town was able to have a company from Georgia do the striping for 8¢, but they were not available to do the job.

Mayor Owen recommended continuing the striping discussion under other business.

Mr. Holland made a motion to pass Resolution 02-10-01 – Declaration of Cost for Mariah Paving. Mr. Chamberlin seconded the motion and it passed unanimously.

- g. Consider Date for Special Meeting – West Bowl Development Proposal

Mayor Owen informed the Council and audience that the purpose of the special meeting was to meet with Mr. Scott Porter and Mr. Dan Plyler who were interested in development of their property. After a brief discussion the Council recommended that Mr. Lawless contact all parties involved asking if they were available to meet on the 16th or 17th at 2:00 p.m. Mr. Lawless will notify the Council as soon as possible.

- h. Consider Authorization to Apply for Parks and Recreation Trust Fund Grant – P.A.R.T.F.

Mr. Lawless reported that the program had given money to the Town two years ago for work at the Buckeye Lake Recreation area. The Town did not apply last year due to the construction that was going on. Mr. Lawless went on to say that he felt any additional grant monies, at the Councils discretion, would be best suited for the recreational center building slated for 2004. The Parks and Recreation Grants are partially based on a points system, among other criteria, and the grant would have to be matched. Mr. Lawless did point out that the grants are to be used within a two-year time period.

Mr. Barnes, speaking as a TDA member, reported that they had discussed getting started on the recreational center building. A subcommittee was going to look at the additional monies that the 3% occupancy tax increase would bring in to see if it could support a loan for 10 years in order to get started on the building.

After further discussion Mr. Lawless suggested that the Town could go ahead with the application for the Grant and submit it early, thereby getting the P.A.R.T.F. staff to review proposal and, if necessary, the Town could withdraw the application leaving the door open to future attempts without having been turned down.

Mr. Holland made a motion for the Town to proceed with the grant application. Dr. Waligroski seconded the motion and it passed unanimously.

i Review TDA Quarterly Financial Report

Brian Barnes reported to the Council that the financial report held no surprises. There were no questions from the Council and the report was accepted as submitted.

5. Staff/Consultant Reports

a. Town Engineer's Report.

Mr. Powell reported that the final cost had been tabulated for the paving projects last year with Smith & Sons Paving. The plans for the Grassy Gap effluent relocation project have been submitted to the Division of Water Quality for approval, as reported at last month's meeting, and is in the review process. The Special Order of Consent, (S.O.C.), as reported last month, is currently in review in the Winston-Salem office of D.E.N.R. and his firm is in weekly contact with their office.

b. Public Works Director's Report.

Riley Hatch reported 1) The crew has been working on the replacing of old street signs that are broken, as well as the replacement of the old metal stop signs with the new style. 2) The crew will start doing patching on holes in the pavement as well as utility cuts. 3) There was a 4" water main break near the Town entrance on Monday the 7th. 4) The chat has been ordered for road sanding.

Mr. Chamberlin asked if Mr. Hatch could look at the Ash Lane – Upper Grouse Ridge intersection to see whether or not a stop sign should be installed.

Mayor Owen asked if the Raccoon Road sign was on the list to be replaced. Mr. Hatch indicated that it would be taken care of.

Mr. Lawless noted that the hydro seeding that Mr. Hatch and Dolin Carpenter did at Buckeye Lake was doing very well and he commended them on the good job.

Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report.

Mr. Paletta reported to the Council that he was in receipt of a law suit that a number of towns had filed against the State contending that the State's withholding of funds last year was unconstitutional. Mr. Paletta felt that it was a good argument and he indicated that he had contacted the attorney handling the lawsuit. The fee was a contingency-based percentage on the amount that was withheld from the municipality, which would be in the neighborhood of \$300 for the Town.

After a lengthy discussion the Council decided to wait on making a decision on whether or not to participate and have Mr. Lawless and Mr. Paletta keep the Council informed.

d. Police Report.

Chief Jay Hefner gave an overview of the report noting that the rape involved an under age girl and her mother's boyfriend. The case is being dealt with in Gaston County. Chief Hefner gave a few highlights on a drug case as well as a car chase that went into Tennessee. The report was accepted as submitted with no questions.

e. Town Manager's Report.

Mr. Lawless reported the following: 1) The November meeting has been changed to November 5th. 2) The Town will be sponsoring the annual Halloween trick-or-treat on Thursday, October 31st. 3) The hearing on the Transportation Improvement Plan (TIP) is Monday November 4th at 2:00 p.m. in the Ashe County Civic Center. 4) The MountainEar will be mailed out in a few weeks. Mr. Lawless asked for articles of interest from the Council. 5) The TDA audit is complete and available for inspection in Mr. Lawless' office. 6) The Farm/City Banquet is November 7th at 6:00 p.m. in Boone at the United Methodist Church. 7) The Chamber of Commerce Board of Directors met today; they have set their annual meeting for November 19th with a back-up date of November 14th, at Jackalopes View. The time has not yet been determined. The two items on their agenda will be the election of officers and presentation of the by-law changes. Copies of the new by-laws can be picked up in the Chamber office starting next week.

f. The Tax Collection and Building Inspections Report were accepted as submitted.

6. Other Business

a. Tree Planting

Mr. Lawless reported that Fred Pfohl and Mr. Hatch looked at the area along Beech Mountain Parkway and the recommendation was for 25 Concolor trees and the best price to date is \$40 per tree, \$50 if the vender plants the trees.

Mr. Holland moved for a budget transfer of \$1,500 from the Beautification Reserve to cover the cost of the trees. Mr. Chamberlin seconded the motion and it passed unanimously.

b. Road Striping

After a lengthy discussion the Council agreed to wait until spring to stripe the roads.

7. *Adjournment*

Mr. Holland moved for adjournment at 7:25 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

Respectfully submitted,

Reba G. Greene
Town Clerk

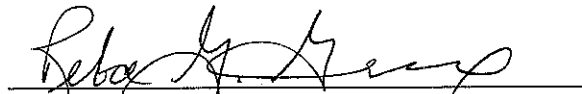
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Minutes approved by Town Council on ¹⁴~~13~~ NOVEMBER 5TH~~TH~~, 2002.

ATTEST:



Mayor



Town Clerk