

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 12 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 Gil Adams, Pete Chamberlin, Tim Holland, and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Ed Powell and Public Works Director Riley Hatch. There were a number of interested parties in the audience.

Invocation – Charlie Burlison

Charlie Burlison opened the meeting in prayer.

Pledge of Allegiance

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

Public Hearings

Pursuant to due advertisement having been given in the Watauga Democrat, Mayor Owen called the first public hearing to order.

a. Proposed Zoning Ordinance Amendment

Mayor Owen opened the public hearing on the proposed Zoning Ordinance Amendment at 6:02 p.m. Hearing no input from the public, Pete Chamberlin moved to close the hearing at 6:03 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

b. Proposed “District W” Occupancy Tax

Mayor Owen opened the public hearing on the proposed “District W” Occupancy Tax to order at 6:04 p.m. Seth Lawless explained that the proposal establishes a 6% occupancy tax rate in the Watauga County portion of the Town. Hearing no input from the public, Gil Adams moved to close the hearing at 6:05 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

Special Presentation

Mayor Owen noted that Rick Miller and Paula Smart were not present to receive their awards for service on the Economic Development Committee.

Mayor Owen then presented Jim Herbert, Council Member from 1997 – 2001, and Reub Mooradian, Council Member from 1995 – 2001, with plaques in appreciation for their service to the Town Council.

Persons Wishing to Address the Council

Mr. Ed Williams, on behalf of the Genesis Wildlife Conservation Center, gave the Council and audience an update on the activities of the Center, including a trip to Raleigh with Harley the groundhog. Harley predicted six more weeks of winter. Mr. Williams also noted that he and his wife, Clare, were available to do the outreach work for Center.

Leslie Hayhurst, Director of Genesis, asked if there was any possibility of the Center receiving any of the funds the Town would receive from the increase in Occupancy Tax. Mayor Owen replied that any distribution of Occupancy Tax funds should be taken up with the newly formed Tourism Development Authority.

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 January 8th and the minutes from the Special Meeting of January 28th as submitted. Mr. Adams seconded the motion and it passed unanimously.

3. Old Business

a. Board of Adjustment (BOA) Alternate Position Vacancy

Mr. Lawless reported that the Alternate position was for a 1-year term, which started in December 2001. After a brief discussion the Council asked the audience to help raise awareness of the vacancy and to make the appointment at a future meeting.

b. Proposed Streets and Driveways Ordinance Amendment

Mr. Lawless presented the changes the Council had asked Mr. Paletta to make to the Streets and Driveways Ordinance, Section 3-2 dealing with the removing and/or dumping on the Town rights of way.

Mr. Adams asked who would be giving permission for activity on the rights of way, since the proposed wording stated that it had to be obtained from "the Town." Mr. Paletta indicated that he had intentionally left that vague, it could be the Town Manager, Public Works Director or Building Inspector/Zoning Administrator.

Mr. Chamberlin moved to adopt the Driveways Ordinance as amended. Mr. Holland seconded the motion and it passed unanimously.

4. New Business

a. Proposed Zoning Ordinance Amendment – BOA Residency Requirements

Mr. Holland moved to accept the Zoning Ordinance as amended. Mr. Adams seconded the motion and it passed unanimously. Mrs. Ann Iles asked the Council for a definition of a resident. Mr. Paletta stated that there were different definitions used by a variety of agencies. After a lengthy discussion the Council agreed that they would continue to use their judgement as to whom is qualified to serve on the Town boards.

b. Discuss Visitor's Center Project

Mr. Lawless reported to the Council and audience on the new building for the Chamber of Commerce. The building bids came in well over budget, however a negotiation with the low bidder removed some items from the project and a contract price of \$123,000 was agreed upon. A contingency budget of \$5,500 is still in place. Taking these factors into consideration, the Building Committee would like to request that the Council give its approval to do the following: a) Brick paving tiles, originally planned, in the area next to Town Hall. This area now has gravel in it. The estimated cost is \$790.00. This will include installing the bricks with volunteer labor and assistance from town employees. b) A planter in front of the building which will be built by volunteers, materials will be approximately \$300 with an additional \$100 for top soil and pine bark. c) A bulletin board to post information on the outside, built by volunteers with materials costing about \$125. d) A Beech Mountain logo sign, similar to the one on the Town Hall sign costing \$380 from Works of Wood. e) A fence to go along the outside area between the two buildings along the back, below Meadowview Circle. The estimate cost of the fence is \$380. The total cost of these five items is \$2,075. Paul Piquet noted that a changing table in the men's room had also been requested, estimated cost was between \$100 - \$200. After a brief discussion Mr. Holland made a motion to approve the items requested. Mr. Adams seconded the motion and it passed unanimously.

c. Tax Release

Mr. Adams made a motion to approve the tax release. Mr. Holland seconded the motion and it passed unanimously.

d. Consider Date and Location for Special Mtg. – Planning Retreat

Mr. Lawless reminded the Council that the Council Planning Retreats started in 1994. The Retreats serve as an opportunity for the Council, as a group, to get together to study issues relating to the Town in detail, as well as helping prepare for the annual budget. Mr. Lawless went on to note that the last few retreats had been held at the Broyhill Center in Boone. The Broyhill, which is conveniently located and modestly priced, would cost the Town \$300 to \$400. This would include refreshments and lunch. Mr. Lawless also provided a few dates for the Council to Consider.

Mayor Owen agreed with Mr. Lawless and asked if the Council had a problem with using the Broyhill.

Dr. Waligroski asked if the public was invited to which Mr. Lawless indicated that they were. Dr. Waligroski then stated that he had been to a number of the retreats and had not seen any public participation. Dr. Waligroski went on to suggest that the retreat be held in

the Council Chambers and use the money saved on a lunch or dinner for the people who do volunteer work

Mayor Owen felt that the concept of a volunteer day was probably a good idea, however the retreat was a planning tool for the Council with the idea being to get away from the Town and he felt they were two separate items. Mr. Holland agreed with Mayor Owen and recommended April 5th as a good date to have the retreat

After a brief discussion Mr. Holland made a motion to hold the Planning Retreat at the Broyhill Inn on April 5, 2002. Mr. Chamberlin seconded the motion. The motion carried 4-1 with Dr. Waligroski voting against

e. Resolution 02-02-01 Levying Occupancy Tax for District W

Mr. Holland moved to adopt Resolution 02-01-01. Dr. Waligroski seconded the motion and it passed unanimously.

f. Resolution 02-02-02 Declaring Surplus Property, 1997 Jeep Cherokee

Mr. Holland moved to adopt Resolution 02-02-02. Mr. Adams seconded the motion and it passed unanimously.

g. Resolution 02-02-03 Supporting WNC Local Government Caucus

Mr. Adams moved to adopt Resolution 02-02-03. Mr. Holland seconded the motion and it passed unanimously.

h. Consider Audit Contract – Holder, Copeland & Associates

Mr. Lawless stated that the Finance Officer had bid the audit contract and the only other bid received was much higher than that of Holder, Copeland & Associates. The auditors did indicate that the work would be presented for the 2001-2002 year in a more timely fashion than last year.

Mr. Chamberlin moved to accept the audit contract with Holder, Copeland & Associates for the July 1, 2001 – June 30, 2002 fiscal year. Dr. Waligroski seconded the motion and it passed unanimously.

i. Consider Park Proposal

Mr. Lawless reported that Larry Parent first approached him with the idea for a park in the circle near Squirrel Lane. The issue was brought up after the death of his grandson, Hayden Parent, and the proposed park would be done in memory of the infant. Mr. Lawless indicated that the family would pay for the work to be done. The park would be a public facility and the Parents had requested that the Town weed eat the park as needed.

Mr. Holland moved to accept the proposal for a memorial park as presented. Mr. Adams seconded the motion for discussion.

Mr. Chamberlin asked who would oversee the clearing of the property for the park and also who would be responsible for taking care of the 8 flower barrels that were being proposed. Mr. Holland thought that the neighbors would take responsibility for the flower barrels and if no one volunteered to adopt them they would be moved to another location.

Mr. Adams indicated that he felt a smaller number of flower barrels would be more appropriate and he also preferred natural landscaping.

Fred Pfohl suggest that the Council work with Mr. Parent on the project. A volunteer committee was formed to work with Mr. Parent consisting of Mr. Holland, Mr. Chamberlin and Mr. Pfohl.

Mayor Owen called the question. Mr. Adams seconded the motion and it passed unanimously.

Dr. Waligroski asked if the park would have a monument to which Mr. Lawless responded that it would be a small plaque.

5. *Staff/Consultant Reports.*

a. Town Engineer's Report

Ed Powell reported that all the capital projects had come to a halt for the winter, however he did have a punch list for the Buckeye Lake Tennis Court project that would be taken care of as soon as weather permitted.

Mr. Powell indicated that his firm was moving ahead with the wastewater treatment system project which included moving the discharge from the Grassy Gap Plant downstream to Buckeye Creek giving the Town an increase from 4 to 11 parts per million on the ammonia discharge.

Mr. Pfohl asked about the playground plans to which Mr. Lawless responded that the Chairman, Roger Bullock, would be returning before the 10th of March. A meeting of the Long Range Planning Committee will be held to determine what playground equipment to order.

b. Public Works Director's Report.

Riley Hatch reported the landfill had again refused the mixed paper and plans were to have one of the Town employees go over to the center with the next delivery to help identify the problem. Mayor Owen asked if Mr. Hatch could check with other towns to see if they are having problems with their recycling. Mr. Hatch will do so and report back to the Council. Mr. Hatch's report was accepted as submitted.

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

d. Police Report.

Detective Dana Crawford, who was scheduled to give the report, was unable to attend the meeting to do a traffic incident. The report was accepted as submitted.

e. Town Manager's Report.

Mr. Lawless announced the following: 1) The MountainEar went out 2 weeks ago and is also available on line through the Towns web site. Mr. Lawless asked for comments on the condensed version of the police activity that was in the paper. 2) Mr. Lawless reported on the Governor's plans to balance the state budget for 2001-2002. The Town of Beech Mountain receives 3% of the utility franchise tax. This is paid to the Town in quarterly installments and we may not receive the installments included in our budget. This would leave the Town short \$63,000. This is serious for the Town. In addition to this, the Town investment income would be approximately \$35,000 under budget. The League of Municipalities is fighting for the return of the franchise tax.

Mr. Lawless indicated that he and the Financial Officer were looking over the budget to see if there are any areas that can be cut. In capital improvements, administration, the Town has money budgeted for cemetery land acquisition in the amount of \$32,000. The Town has a contract on one of the 8 lots and is scheduled to close on at a cost of \$3,500. This will leave about \$28,000 in that line item. The Town also has \$10,000 budgeted for parking improvements for the employees, that was part of the Visitors Center specifications and remains unspent. In addition to capital projects, temporary labor in several departments could be suspended. Mr. Lawless felt that no action had to be taken tonight, the report was only to make the Council aware of the pending situation. Mr. Hankins of the League of Municipalities has requested that Mayor Owen draft a letter to be forwarded to the Governor's office requesting that Governor Easley find another way to solve the State budget problems. 4) Mr. Lawless reported that the Town would receive \$56,674 from North Carolina Emergency Management due to the August 11, 2001 storm. There is a new bill that went into effect August 1, 2001 assists areas that had very localized storms. Prior to that, a Presidential Declaration was required to receive assistance. The mandate that goes along with that bill requires that anyone who will apply for that assistance must have a plan on how to prevent damage from such a storm. 5) A DENR representative, Dwayne Stutzman with the Trails Division will be in Town on February 21st at 1:00 p.m., per a request from Fred Pfohl, to help assess the Town trails and give ideas on grants. The public is encouraged to attend. 7) The Chamber of Commerce met this morning. They plan to hold a volunteer kick off dinner on April 22nd. The Chamber is also considering the revival of 'Garbage Day' with a few changes and the Beech Mountain Newspaper. 8) Mr. Lawless reported that the windows in front of Town Hall had been replaced and, 9) Keith Cook starts as the new Code Enforcement Officer/Zoning Administrator on February 25th. Mr. Lawless' report was accepted as submitted.

Mr. Chamberlin asked who had reviewed the budget for possible cuts to which Mr. Lawless reported that it was he and the Finance Officer, Sally Rominger, and he had discussed the temporary labor situation with Riley Hatch, the Public Works Director. Mr. Chamberlin expressed his concern in the delay of the right of way cleaning. Mayor Owen encouraged the Council to go over any ideas with Mr. Lawless they might have to help with the budget situation.

f. The Tax Report was accepted as submitted.

6. **Executive Session (NCGS 143-318.11 [3,5])**

At 7:30 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 8:00 p.m. Mr. Holland seconded the motion and it passed unanimously.

7. **Other Business**

There was no other business for discussion.

8. **Adjournment**

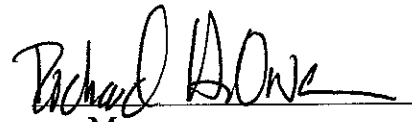
Mr. Chamberlin moved for adjournment at 8:00 p.m. Mr. Adams seconded the motion and it passed unanimously.

Respectfully submitted,

Reba G. Greene
Town Clerk

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Minutes approved by Town Council on March 12, 2002


Mayor

ATTEST:


Town Clerk