

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
May 14, 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, and Dr. Ed Waligroski. Vice Mayor Tim Holland was absent. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Sargent Kevin Frye, Public Works Director Riley Hatch, Building Inspector Keith Cook and Town Attorney David Paletta. There were a number of interested parties in the audience.

Invocation -- Charlie Burlison opened the meeting in prayer.

Pledge of Allegiance

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

1. Adoption of Agenda

Mayor Owen called for the deletion of item 1. under New Business and the addition Dr. Murray Miller under persons wishing to address the Council. The Agenda was accepted as amended.

2. Consent Agenda

Mr. Chamberlin made a motion to accept the minutes of the April 5th Special Meeting and the April 9th Regular Meeting as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

3. Presentation of Service Award – Joe Pavelchak

Mayor Owen presented Joe Pavelchak, Planning Board member from 1990 – 2001 with a plaque in appreciation for his service.

4. Public Hearing

Mayor Owen called for input from the public on the paving of Golfview Drive at 6:04 P.M. Dr. Murray Miller addressed the Council in support of the paving of Golfview Drive noting that the owners of GV 5, 6, 7 & 8 who would be most impacted by the water were in favor of the paving. Dr. Mark Grodin then spoke, also in support of the paving, indicating that he felt a good engineering study would alleviate any concerns with regard to the water run off. Hearing no further comments Mayor Owen told the audience that the Council would be discussing the item later in the meeting and closed the public hearing at 6:10 P.M.

Mayor Owen then recognized Dr. Murray Miller who reported to the Council that the new ambulance had been purchased and was on site at the space provided by the Elk

River Homeowners Association. Lees McRae College has donated a piece of land for the relocation of the ambulance, and the plans are for the Foundation to raise funds to build a permanent station. Dr. Miller also asked if the Council would continue to make the \$2,500 contribution to help support the ambulance service to which Mayor Owen indicated that it would be given consideration at the upcoming budget meetings.

5. Old Business

a. West Blueberry Water Line Extension Request

Mr. Lawless presented the Council with the lower of the two bids he had obtained with regard to putting a water line down West Blueberry.

\$ 26,400	Construction
\$ 1,320	Engineering and Inspection
\$ 2,640	5% Contingency
<u>\$ 3,200</u>	<u>10% Rock Clause</u>
\$ 33,560	TOTAL

Mr. Varnado would be asked to pay 75% of the total cost, up front, which is \$25,170. Upon completion of the project the Town would remit 75% of any funds remaining in the project budget back to Mr. Varnado.

After a brief discussion Mr. Lawless was asked by the Council to pass the information on to Mr. Varnado to see if the figures were acceptable.

6. New Business

a. Request for Reduction of Water Charges

Mr. Reub Mooradian addressed the Council representing Mr. James R. Hyatt of 608 Pine Ridge Road with regard to a water leak resulting in a \$990.13 utility bill. Mr. Hyatt's water meter was hit by an automobile resulting in the cut-off valve being bent. Mr. Mooradian indicated that 5 weeks after the last reading a water leak was discovered by one of the public works employees who turned off the meter.

After a brief discussion Mr. Adams moved to reduce the bill Mr. Hyatt had received by 50%. Mr. Chamberlin seconded the motion and it passed unanimously.

b. Discussion of Occupancy Tax Collection

Mayor Owen, upon a recommendation by Mr. Lawless, asked that the Tax Administrator have the authority to review penalty appeals. After a brief discussion Mr. Chamberlin moved to delegate the authority back to the Tax Collector. Dr. Waligroski seconded the motion and it passed unanimously.

c. Resolution 20-05-01 Supporting Legislation to Protect Local Revenue

Mr. Lawless gave an update noting that the state was having some financial difficulties and in order to help alleviate these problems the state was withholding funds from county and municipal governments. The Town had been seriously hurt by Governor Easley's decision not to disburse the Franchise Tax, a 3% tax collected from the sale of electricity and telephone service within the Town. The North Carolina League of Municipalities has been working to get local governments to pass resolutions asking the General Assembly to make sure that this does not happen again and to further make sure the language indicated that the governor must remit these dedicated funds back to the municipalities. This Resolution is in support of these efforts.

Mr. Adams moved to adopt Resolution 02-05-01 Requesting That Municipal Revenue Sources Be Made Secure. Mr. Chamberlin seconded the motion and it passed unanimously.

d Resolution 02-05-02 Regarding Proceeds from Sale of Town Owned Lots

Mayor Owen indicated that the Planning Board had spent some time dealing with the issues of green space and acquiring lots. This Resolution would establish that the selling of Town owned lots, following the guidelines previously established, have the money set aside for the acquisition of future green space.

Mr. Chamberlin moved to adopt Resolution 02-05-02 Establishing Property Acquisition Reserve. Dr. Waligroski seconded the motion and it passed unanimously.

e Resolution 02-05-03 Directing the Improvement of Golfview Drive

Mayor Owen gave a brief history noting that the State statute mandates that 50% of the owners and 50% of the road frontage be represented in the petitions received. The Town has increased the requirement for both owners signing the petition and frontage to be no less than 66%. The petitions for Golfview Drive originally came to the Council with that 2/3 requirement, however one of the property owners has rescinded his support thus the petitions have 2/3 of the owners but not the 2/3 road frontage required.

Dr. Waligroski, noting that past Council decisions required the 2/3 designation, asked that the Council continue with the precedent previously set.

Mrs. Miller spoke in support of the paving and asked that the Town at least do some engineering if the road was not going to be paved.

Mr. Paletta indicated that another public hearing would not have to be held and the matter could be tabled until the next meeting for further discussion to which the Council agreed.

f Resolution 02-05-04 Surplus Property

Mr. Lawless reported that the Town had received a fair market value offer of \$1,000 for the surplus Motorola Command Plus radio console.

Mr Chamberlin moved to adopt Resolution 02-05-04 allowing for the advertisement and sale of the Motorola Command Plus Console Mr Adams seconded the motion and it passed unanimously.

g. Review Buckeye Walking Path Bids

Mr. Lawless reported that upon a recommendation of the Long Range Planning Committee he had received proposals on the paving of the walking path at Buckeye Lake. The Town has \$28,000 in the Capital Project for Buckeye Lake Recreation area dedicated for the Falls Hiking Trail. This trail will follow the Grassy Gap sewer effluent line's new path. The wastewater project is not scheduled to start until later on this summer or early fall. If the Town wants to pave the walking path, funds could be reimbursed from the upcoming operating budget. Mr. Lawless went on to report that he had obtained 3 bids, High Country Paving, Moretz Paving and one from Smith & Sons Paving. After a brief discussion the Council agreed to allow the lowest bidder, High Country Paving, with a bid of \$19,859.00 for an 8' path. The work could be started in approximately two weeks.

Mr. Chamberlin brought up the issue of the ground settling and after discussing the issue, noting that there was a lot of rock and it would only be used for foot traffic, not vehicles.

Mayor Owen reviewed the two questions before the Council, the first being do we want to proceed with the paving of the trail and the other is changing the lay out of the trail. Mayor Owen did indicate that he felt the lay out would be to the discretion of the Long Range Planning Committee. Dr. Waligroski moved to proceed with the paving of the walking path. Mr. Chamberlin seconded the motion and it passed unanimously.

Mayor Owen asked Mr. Roger Bullock if the Long Range Planning Committee would revisit the lay out of the walking path to which Mr. Bullock indicated that they could schedule a meeting.

h. TDA Presentation – Fred Pfohl and Brian Barnes

Mr. Barnes reported that the Tourism Development Authority, a group appointed by the Council to spend Occupancy Tax income, had recently prepared their budget. Mr. Barnes indicated that the projections looked good and the Authority had hopes of exceeding their goals for the Town. Mr. Barnes went on to report that the Authority was working on a contract with the Chamber of Commerce, continuing the relationship of having the Chamber prepare and administer the advertising plan.

Mr. Barnes asked that two things be considered by the Council, the first would be to hire an employee to take care of the new facilities and also hire a recreational director. Mr. Barnes felt having a recreational director on board when the building is being built would be beneficial to the Town.

Mr. Pfohl noted that they greatly appreciated the work that B.J. Hughes was doing.

i. Discussion of Permitting Camp Fires at Buckeye Park

Mayor Owen noted that the Long Range Planning Committee had proposed a fire pit at Buckeye Lake on the opposite side of the the bridge

Mr. Lawless indicated that he had looked at the burning ordinance and found that the brush permit requires fires to be out by 4:00 P.M. Mr. Lawless recommended the following: 1) A burning permit must be obtained in accordance with Section 4 of this Ordinance. 2) All fires must be extinguished before leaving 3) No fires after 11:00 P.M. 4) The permit holder must provide firewood. Leftover firewood can be stacked in a designated area for use by others. 5) Persons building fires will be responsible for any damage that may occur as a result of a fire. Please remember safety first. And 6) Fires are not permitted in any other areas of the park.

Mr. Chamberlin moved to accept the proposed changes to the Burning Ordinance. Dr. Waligroski seconded the motion and it passed unanimously.

j. Consider Request for Funds – Beech Mountain Bog Project

Mr. Lawless reported that this request was not a recommendation from the Long Range Planning Committee, however the members were in favor of putting the issue before the Council.

Mr. Pfohl reported that the 160-acre tract of land, 60 of those acres is a 12,000-year-old bog, which had been purchased by an individual who had planned to develop the property. The state of North Carolina has the bog listed as property they wish to purchase and preserve. The developer is asking \$650,000 for the property. through the National Heritage Foundation has offered a grant for \$549,000. Mr. Pfohl went on to report that the Blue Ridge Rural Land Trust was working on raising the additional funds required to purchase the property.

Mr. Chamberlin moved to donate \$1,000 to the Beech Mountain Bog Project. Dr. Waligroski seconded the motion and it passed unanimously.

Mayor Owen challenged the Chamber and the TDA to match the \$1,000 donation.

k. Review Recommendation for Building Permit Distribution

Mr. Lawless gave the Council and audience an overview starting with the moratorium relief of 10,000 gallon allocation for the Pond Creek waste water facility allowing for the issuing of building permits. Mr. Lawless reported that not everyone who had applied for a permit was able to follow through with the requirements to obtain the permit. The state has reported to the Town that the allocation of 3,200 gallons per day will be permitted. This will be about 26 bedrooms or 8 3-bedroom houses and perhaps an addition to an existing house.

Mrs. Muchnick asked the Council to consider allowing her to receive a permit, indicating that she had applied for a hardship permit, but it was sent in late.

Mr. Muchnick indicated that he felt they should be put ahead of all the others who had previously applied.

Cindy Keller asked for consideration on the grounds that Emerald Mountain had put money into the Town's sewer system and when the Town annexed Emerald Mountain it was indicated that they would be provided Town services. Mayor Owen responded that all the taxpayers had also put money into the sewer system and it was not by choice that the Town was not providing sewer services.

Andy Porter spoke in favor of not giving any preference to the people who had previously applied and did not obtain a permit.

After a lengthy discussion the Council agreed to send out letters to individuals who had not been given building permits the last time letting them know permits are available and allow people to apply for the permits. Applications will then be drawn on a lottery system and given the opportunity to obtain a permit after paying all the fees required along with submitting a building plan.

Mr. Chamberlin made a motion that a letter be sent to previous applicants, contractors and builders notifying them of the additional permits available, setting a time limit of May 31st at 9:00 A.M. as the application dead line with the lottery drawing being at 3:00 that same day. Further, permits must be obtained by July 1st at 4:00 P.M.

Further discussion resulted in Mayor Owen recommending to the Council that all names will be drawn and the order in which they are drawn will be the order in which individuals are put on the waiting list if they are not awarded a permit. The Council was in agreement and also agreed that a letter by fax was acceptable.

Mr. Adams seconded the motion and it passed unanimously.

m. Request Regarding BMVFD Donors,

Mr. Lawless reported that Mrs. Ricky Holcombe had contacted him on behalf of the Fire Department asking that space be made available in the Town Hall to recognize donors. Mr. Lawless noted that Mrs. Holcombe had requested the space in the foyer at Town Hall for the displays, however Mr. Gilcrest was scheduled to start work installing windows on either side of the foyer for ventilation. Mr. Lawless did indicate that he felt Mrs. Holcombe would appreciate any area that would be available.

Mr. Bryan Barnes indicated that the display would only be a temporary thing and the information would be moved to the new fire station, once it is completed.

Mr. Chamberlin moved to all allow the fire department to put up a display. Mr. Adams seconded the motion and it passed unanimously.

Mr. Fred Richardt who owns a home on Grassy Gap Loop Road asked when the paving was going to be completed. Mr. Powell, Town engineer, responded that he had

been in contact with Smith & Sons Paving and they planned to have a crew upon the mountain by the end of the week to start work.

5. *Staff/Consultant Reports.*

a. Town Engineer's Report

Ed Powell reported that Smith & Sons Paving had a crew working on the manholes and as he had reported earlier the paving crew would move back up on the mountain at the end of the week. The stone stabilization crew would be starting on Mariah Circle. Mr. Powell went on to report that the wastewater program was moving ahead, however there is a new EPA Regulation dealing with environmental justice requirements. This will have an effect on our 201 Facility Plan Report. Mr. Powell did note that he had been in touch with the people in Raleigh with regards to the grant the Town had applied for and indications were that the new requirements would not hinder the grant and he anticipates hearing from them in the near future

b. Public Works Director's Report

Riley Hatch reported 1) The recycled paper had once again been accepted at the land fill. 2) St. Andrews Road right of way clearing is underway and the new bush hog should make the process a little faster. 3) The painting of the road signs would be taken care of as soon as weather permitted.

Mr. Hatch's report was accepted as submitted

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

d. Police Report

Sergeant Frye gave a brief overview noting that there had been two vandalism's, one resulting in the parents taking care of the situation and the other an ongoing problem with the gate at Emerald Mountain, which was under investigation. The report was accepted as submitted.

e. Town Manager's Report

Mr. Lawless reported the following: 1) Mr. Lawless reminded the Council that the Budget would be presented on May 22nd at 2:00. The workshop on June 4th is set for 6:00 P M. with a public hearing scheduled for June 11th at 6:00 P M. A brief discussion of meeting dates resulted in the workshop on the 28th being moved to 1:00 P M. 2) Mr. Lawless reminded the Council and audience of the July and August Council meetings had been moved to the 2nd Monday. The dates are July 8th and August 12th. 3) Mr. Lawless indicated that Town Hall Day in Raleigh was June 11th which is the same day as the Council meeting. Mr. Lawless indicated that he did plan on attending the morning session, as it was important for the Town to keep in touch with the Legislature. 4) The fence around the Lake Coffee basketball court will be a combination of new materials and those from the Grouse Ridge Condo tennis courts. The cost will be \$1,200. Mr. Barnes recommended that the Town ask the Beech

Mountain Club for a contribution since this was a combined effort between the Town and the Club. 5) Mr. Lawless reported that the Town had applied for a grant from the Appalachian Regional Commission (ARC) in the amount of \$200,000 for work at the Grassy Gap wastewater project. If it is accepted the Town will be expected to match the funds. This will be discussed in the future. 6) Mr. Lawless report that he would be attending a workshop on storm water regulations in Burlington on May 23rd. 7) Mr. Lawless reminded the Council and audience that the Town Hall would be closed for Memorial Day Monday, May 27th.

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

6. *Other Business*

Roger Bullock expressed his appreciation on behalf of the Forum in changing the Council meetings.

Mr. Pfohl expressed his thanks for all the volunteer work on the trail days which are scheduled for the 1st and 3rd Mondays of the month. The park and trails have received 240 hours of volunteer time. Mr. Pfohl indicated that he had trail map draft with him and encouraged every to stay after the meeting to look it over.

7. *Adjournment*

Mr. Chamberlin moved for adjournment at 8:15 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

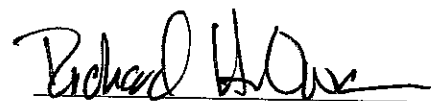
Respectfully submitted,

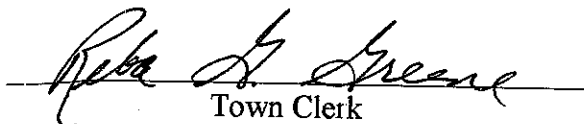
Reba G. Greene
Town Clerk

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Minutes approved by Town Council on 6-11, 2002

ATTEST:


Mayor


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
SPECIAL BUDGET PRESENTATION
May 22, 2002

CALL TO ORDER

Mayor Rick Owen called the Special Meeting to order at 2:00 p m. in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland and Dr. Ed Waligroski. Town Manager Seth Lawless was also present.

Budget Presentation

Mr. Lawless presented the Council with the proposed 2002-2003 fiscal year budget for the Town.

After a brief overview of the proposed budget Dr. Waligroski asked why the insurance was a step up from the insurance proposed at the Planning Retreat to which Mr. Lawless responded that further investigation revealed a significant cost increase as well a fewer benefits to the employees. Mr. Lawless asked if the Council could make a decision on the health care issue at the workshop on Tuesday, May 28th meeting. A decision has to be given to the League by the end of the month if the Town was going to change plans.

Mr. Adams asked about the employee pay with the request of a 1.5% cost of living increase, noting that other areas were not giving employees any increase in pay and asking if it was mandatory for the Town to give a pay raise. Mr. Lawless indicated that it was his opinion that employees should not loose buying power and he strongly recommended that the raise be approved, but it was not mandatory.

Mr. Chamberlin asked if a letter had been prepared to pass out to constituents with regard to the increase in property values. Mr. Lawless indicated that he had written an article, which was in the latest edition of the MountainEar. The Council asked that Mr. Lawless reproduce the article to pass out to individuals who have questions.

ADJOURN

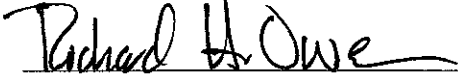
There being no further business to come before the Council, Mr. Holland moved to adjourn the meeting at 2:25 p m. Mr. Adams seconded the motion and it passed unanimously.

Respectfully submitted,


Reba G. Greene
Town Clerk

Minutes approved by Town Council on 6-11, 2002

ATTEST:



Mayor



Town Clerk