

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
August 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 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*** – Charlie Burleson opened the meeting in prayer.

***Pledge of Allegiance***

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

***1. Adoption of Agenda***

The agenda was adopted as submitted.

***2. Consent Agenda***

Mr. Chamberlin moved to accept the minutes of the July 8<sup>th</sup> regular meeting as submitted and the minutes of the July 25<sup>th</sup> minutes as amended. Mr. Holland seconded the motion and it passed unanimously.

***3. Persons Wishing to Address Council – Brian Barnes***

Brian Barnes, General Manager of the Beech Mountain Club, addressed the Council with regards to the driving of golf carts on Town roads. Mr. Barnes had researched the issue and found that 3 towns, Cary, Seven Lakes and Whispering Pines, had passed laws that allowed the use of golf carts on roads by adding a rider to a bill going through the House or Senate. Mr. Barnes asked that the Council consider taking action such as those towns in order to allow the Town to set it's own rules and regulations for golf carts on public roads.

Mayor Owen stated that he was not personally opposed to pursuing the idea, however he went on to say that he felt it should have a lot of consideration given to the details on how it would be set up. Mayor Owen further indicated that this would not only lend itself to golf carts, but also to service vehicles and utility vehicles. Mayor Owen then asked the Council for their input.

After a brief discussion Mr. Chamberlin made a motion that the Town of Beech Mountain pursue authority from the General Assembly to regulate the operation of golf carts and utility vehicles. Dr. Waligroski seconded the motion.

A short discussion ensued regarding the authorizing statute and level of detail needed for the legislative request.

Mr. Burleson indicated that he would be opposed to such action because of the potential operation of all terrain vehicles in residential neighborhoods.

Clint Iles asked if the Town could regulate a state road, such as Highway 184. Mr. Holland responded that the Town could not.

Mrs. Nancy Raymond of 519 Pine Ridge Road noted that it was an inconvenience to have her husband drive her to the course or to leave the golf cart and have to find a place to park her car.

Lee O'Neal shared with the Council the difficulties one of the communities in Florida that he is familiar with. The community, like Beech Mountain, had a 25-mile per hour speed limit and they had to widen the city streets to put in a golf cart lane due to safety issues.

Mr. Holland indicated that he did understand the direction Mr. Chamberlin was working toward and noted that he would not be opposed to restrictions around the golf course only with strict limits. The ultimate question would be where to set the limits, Holland stated.

Mr. Barnes indicated that there were approximately 65 golf carts and the majority only traveled a short distance from their homes to the cart paths. Only 2 golf carts travel a sizable distance to reach the golf course. The golf course employees have been able to access Lake Road and Chestnut Road to get back and forth between the golf campus and the tennis campus with no problems, using 4-wheel drive utility carts. This is only for maintenance purposes at the two campus sites that are about a mile apart.

Chief Hefner reported that he had given permission for some individuals to drive their golf carts to the course. The privilege has been abused to the point that enforcement action had become necessary.

Mayor Owen asked for other comments from the Council. Mr. Holland indicated that he did want to help the individuals that are in the immediate golf course area, but he encouraged the Council to consider all the issues, like utility carts, before continuing without more study.

Mr. Chamberlin indicated that any action the Council takes would not result in anything being introduced to the legislators this year. Mr. Chamberlin also noted that he did not have a problem with the motion being amended, however he did feel the motion must include the issues of registration, specify the person authorized to operate the vehicle, specify the required equipment, load limits, hours of operation and methods of operation of such vehicles.

Mayor Owen felt the majority of the Council was leaning toward a more vague motion in pursuing the issue to which Mr. Chamberlain did not object.

Further discussion resulted in the Council agreeing to have the motion withdrawn and a committee appointed to research the issue. Mayor Owen recommended that the committee consist of a club member, a planning board member or members and some members of the Council. After researching the situation it can again be returned to the Council.

#### 4. *New Business*

##### a. TDA Request – September 21<sup>st</sup> Bicycle Event

Charlie Burleson, speaking as a representative of the Tourism Development Authority, was asking for the Council to make a \$500 contribution toward the Second Annual Beech Mountain Hillclimb. The TDA had agreed to make a donation and felt it would be appropriate for the Town Council to make a matching contribution from the money left over from the Tour DuPont bicycle race. The Tour DuPont money had been set aside for the construction of a neighborhood park.

Mr. Holland asked what the money would be used for to which Mr. Burleson replied that it would be for prize money and printing of brochures. Mr. Burleson did indicate that the TDA did not place restrictions on the use of their donation.

Mr. Adams moved to make a one-time donation of \$500 to the Second Annual Beech Mountain Hillclimb from the neighborhood park funds. Mr. Holland seconded the motion and it passed unanimously.

Wilson King asked if he could make a point with regard to the race, noting that he had waited for the motion to pass because he is in favor of the event. Mr. King noted that his parking lot had been used, without his permission at a bike race held a few weeks ago. His customers were not able to enter and park in his lot and he felt the police department needed to have more control over the events and that the merchants and home owners who are effected by the event should be notified. Mayor Owen indicated that the event organizers had not pulled the permit three weeks prior to the event as required limiting the control the Town had. Chief Hefner indicated that the parking lot at Town Hall had been emptied in order for them to utilize the space.

Mayor Owen suggested that the Council reevaluate the Special Event Permit application used by the Police Department.

##### b. Consider Honorary Designation of BMPKWY

Mayor Owen gave a brief history of the request stating that a previous chamber director had requested that Highway 184 be designated to honor Lance Armstrong.

Chamber of Commerce Director Barry Schorr indicated that the file he had indicated that Lance Armstrong would be honored by designation and if possible would attend a dedication ceremony if his schedule permitted.

Mayor Owen expressed the opinions of individuals that had been in contact with him noting that they did not necessarily want the name 'Beech Mountain Parkway' changed. Mayor Owen then indicated that his personal preference would be to put up a plaque saying 'Honorary Lance Armstrong Parkway' or something to that effect.

Mr. Schorr asked that the Council give him the option to pursue the issue.

Mr. Holland felt the option to pursue the issue was still available, however he did indicate that contacting the state should be the first step to find out the regulations that must be followed.

Mr. Adams suggested that the area from Archers Inn be considered as a starting point for whatever change is made, not just the Town limits.

Mr. O'Neal suggested a marker in honor of Lance Armstrong's ride to the top of the mountain or put up a sign on the sledding hill dedicating it the 'Lance Armstrong Park'.

Mayor Owen noted that some type of structure or sign commemorating the Tour DuPont had been discussed in the past.

The consensus of the Council was for the Chamber to gather some more information and get back with them, keeping in mind that the changing of the road name was not one of the options.

c. Discuss Strategic Planning Initiative

Mayor Owen reported to the Council and audience that Roger Bullock had expressed an interest in assisting the Town with the formulation of a strategic long-range plan. The difference between a long-range plan and a strategic long-range plan would be not only what we want to do, but also how we plan to do it as well as the feasibility of doing the things we want to do in the future.

Mr. Lawless noted that the Town's Mission Statement did say that the Town was committed to ongoing strategic planning. Mr. Lawless then asked if Mr. Bullock was talking about the community as a whole or the Town as an organization.

After a brief discussion Mayor Owen confirmed that the consensus was that the Council was interested. Mr. Lawless was asked to contact Mr. Bullock with the Council's decision.

d. Consider Resolution 02-08-01 – Authorizing Loan Application

Mr. Lawless reported that Resolution 02-08-01 would allow the Town to go forward with the loan application for the collection line rehabilitation on the Grassy Gap

treatment facility. This project is partly being funded by an increase in the water and sewer rate adopted in the budget for 2002-2003.

Mr. Chamberlin moved to approve Resolution 02-08-01. Mr. Holland seconded the resolution and it passed unanimously.

e. Tax Administration Matters

Mayor Owen introduced the matter of annual tax settlements. Mr. Lawless interjected that the Avery County Settlement has been updated and new copies were distributed. After reviewing and agenda packet information, Mr. Holland moved for approval of the Avery County, Watauga County and Town of Beech Mountain annual settlements. Dr. Waligroski seconded the motion and it passed unanimously.

Mr. Holland made a motion to charge the Beech Mountain Tax Collector with collection of the 2002 property taxes. Dr. Waligroski seconded the motion and it passed unanimously.

The foreclosure list was reviewed as submitted. Mayor Owen asked the Town Attorney what kind of timetable could be expected for completion. He responded that he preferred to do the foreclosures in large numbers as it generated more interest for public auction. He elaborated on the foreclosure process and in answer to the pending question, Mr. Paletta indicated that the Council could expect that the properties on the submitted foreclosure list would come up for public auction by spring 2003. Mayor Owen asked if a motion was necessary and being advised by Mr. Paletta that a motion was not needed, instructed the Town Attorney to proceed.

**5. Consider Proposal to Replace Fence**

Mayor Owen referred to a letter from Calder Smoot on behalf of Beech Manor Condominiums requesting that the Town help to replace the fence that runs along the edge of Beech Mountain Parkway and Charter Hills Road.

After a brief discussion the Council agreed that the Condominium Association should be encouraged to replace the fence at their expense.

**6. Staff/Consultant Reports**

a. Town Engineer's Report.

Mr. Powell reported that the comments on the 201 Amendment had been received with no comments from the U.S. Fish and Wildlife. This will allow for the submission of the plans for the Grassy Gap effluent relocation project to be submitted to the Division of Water Quality for approval. The 2001 paving projects are in the punch-list phase and should be completed in the near future.

Mayor Owen encouraged the Town Engineer to give the Town's sewer needs utmost priority.

b. Public Works Director's Report.

Riley Hatch reported 1) The water level at Buckeye Lake is down 18". It is being closely monitored. 2) All of the recycling for July was accepted. 3) The gravel roads have not been scraped because of the lack of rain. 4) The right of way crew is working on Pinnacle Ridge. The clearing on Wedling Weg was done by Mountain Electric, not the Town. 5) Painting of the road signs has slowed down. Public Works employees will perform this work when it is raining and they are confined to the shop.

Mr. Chamberlin asked if Mr. Hatch could look at the 48" culvert located at Pond Creek Lane. Mr. Chamberlin also asked about the certificate approving this drain issued by the Corps of Engineers, indicating that he felt it was inadequate. Mr. Powell responded that the Asheville Regional office would have issued the certificate. Mr. Powell indicated that he would look at the area.

Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report.

Mr. Paletta reported that most of the foreclosures he had to deal with were the result of road assessments. An offer to donate was made on two pieces of property, as opposed to have the property foreclosed, AA-606 which has a road assessment of \$1,368.78 and LG-167 for \$8,426.57.

Mayor Owen noted that the Town had taken into consideration that some individuals would deed their property unworthy of the road assessment to which Mr. Lawless indicated that we were still within the factored amount.

Mr. Paletta reported on the Bogle property. The assessment due is \$10,583.43. Mr. Paletta indicated that he would give a follow up report at the next Council meeting. Mr. Lawless noted that the property was next to the wastewater treatment plant and would not be desirable to anyone but the Town.

Mr. Paletta also reported that Mullins South, Inc. had paid \$1,826.14 as a result of the deadline letter sent on August 7<sup>th</sup>.

Mr. Holland moved that the Town accept the donation of AA-606 and LG-167. Mr. Adams seconded the motion and it passed unanimously.

Mr. Paletta then reported that Nedra Vandervoort property C-163 had a title problem preventing the planned sell of the lot. The property is owned by heirs who have consented to donate the property to the Town.

Mr. Chamberlin moved to accept C-163 for the \$91.15 owed. Mr. Holland seconded the motion and it passed unanimously.

d. Police Report.

Chief Hefner gave a brief overview of the police report and also reported on Officer Bob Johnson's new sidekick. Officer Johnson has a German Shepherd puppy, which he is training as a police dog to track and sniff out drugs. Chief Hefner did emphasize that the puppy was being trained to be non-aggressive and would be for good public relations. Chief Hefner then asked permission of the Council to purchase a kennel costing approximately \$60 funds are available in the police department's budget.

Mayor Owen asked about the liability to which Mr. Paletta indicated that there would only be liability if the dog improperly bit an individual. If an individual were to threaten a police officer and were bitten there would be no liability for the town.

After a brief discussion the Council gave its blessing to proceed.

e. Town Manager's Report.

Mr. Lawless reported the following: 1) Tuesday, August 27<sup>th</sup> at 4:00 p.m. is the scheduled public hearing on the proposed loan application and possibly award bids for the Grassy Gap collection system repairs. Bid opening is scheduled for 2:00 p.m. that same day. 2) Mr. Lawless reported that the D.E.N.R. fine levied in June 2001 had been reduced by 50%, to \$2,000. Mr. Lawless went on to report that the Division of Water Quality has suggested that the Town pursue a S.O.C. (Special Order by Consent) contract whereby the Town commits to certain repairs and the State then releases additional flow into the wastewater system. The agreement would contain stipulated penalties for violations that most likely will exceed fines that are levied from the Regional Office. 3) The Annual 2001 wastewater reports are available at Town Hall. 4) Solid waste tonnage went from 1,259 tons in FY00-01 to 1,006 in 01-02 and recycling dropped from 126 tons to 84 tons. Mr. Lawless credited this to the limited hours and staff presence at the recycling center. 5) The walking track at Buckeye Lake has been paved and the basketball fence has been installed at the Lake Coffey court. 6) The Region D annual banquet is September 6<sup>th</sup>, deadline to RSVP is August 30<sup>th</sup>. 7) The NCLM annual Conference is October 20<sup>th</sup> and 21<sup>st</sup> in Durham.

f. Mr. Cook's Building Inspections Report was accepted as submitted.

**6. Other Business**

There was no other business to discuss.

**7. Adjournment**

Mr. Holland moved for adjournment at 8:10 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

Respectfully submitted,

Reba G. Greene  
Town Clerk

1g

Minutes approved by Town Council on September 12, 2002.

ATTEST:

Reba A. Greene  
Town Clerk

Richard D. Ho  
Mayor



MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
SPECIAL MEETING  
August 27, 2002

CALL TO ORDER

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 and Tim Holland. Dr. Ed Waligroski was absent. Town Manager Seth Lawless was present. There were no interested parties in the audience.

Mayor Owen reported that the purpose of the meeting was a public hearing to gather input regarding the proposed application for an installment loan to the North Carolina Local Government Commission.

Mr. Lawless reported that the bid package put together by Hobbs, Upchurch & Associates, P.A. Consulting Engineers covered the 4 basins that were identified as being in most need of repair. Mr. Lawless identified them as IO-339, IO-340, IO-225 and the Grassy Gap Basin.

David Upchurch had conducted the bid opening earlier in the day and the lowest bid was \$380,648.85; this was quite a bit lower than the estimate the engineering firm anticipated. Mr. Lawless indicated that Mr. Upchurch would review the bids and have a recommendation for the Town by noon tomorrow.

Mr. Lawless went on to report that the Town had received three quotes on the loan application: Wachovia at 6.67%, B B & I at 4.07% and Bank of America was 3.56%. Mr. Lawless noted that the origination fee for B of A was higher, however when you consider the cumulative interest it was still a better deal further noting that the Town could transfer the \$50,000 budgeted for the project, borrow \$351,758 for 9 years as opposed to 10 and save money.

Mayor Owen opened the Public Hearing at 4:06 p.m., hearing no public comments, closed the Public Hearing at 4:07 p.m.

Mayor Owen requested that Mr. Lawless notify the Council of the bid results when they are received.

ADJOURN

There being no further business the Council Mr. Holland moved to adjourn the meeting. Mr. Chamberlin seconded the motion and it passed unanimously. The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Reba G. Greene  
Town Clerk

ig

Minutes approved by Town Council on September 10, 2002.

Richard D. Ave  
Mayor

ATTEST:

Reba A. Greene  
Town Clerk

MINUTES  
BEECH MOUNTAIN BID OPENING  
August 27, 2002

Bid opening for the wastewater sewer improvements in the Council Chambers of Town Hall at 2:00 p.m.

David Upchurch of Hobbs, Upchurch & Associates, P.A. Consulting Engineers opened the following bids:

R & G Construction Company	\$640,721.50
Ernie Carpenter, Inc.	\$721,838.56
Iron Mountain Construction Co.	\$719,450.41
Buckeye Construction Company	\$380,648.85

Mr. Upchurch informed the audience that the official bid tabulations would be available at his office tomorrow afternoon.

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Reba G. Greene  
Town Clerk