

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
September 10, 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 Captain R.L. Dunn, 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*** – Dominick Simon opened the meeting in prayer.

***Pledge of Allegiance***

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

***1. Adoption of Agenda***

Mr. Lawless requested that Mr. Bernard Davis be allowed to address the Council. The agenda was adopted as amended.

***2. Consent Agenda***

Dr. Waligroski noted that some statements by Mr. Charlie Bureson, Mr. Lee O'Neal and Mrs. Raymond were not included in the golf cart discussion of the August 12<sup>th</sup> minutes. Mayor Owen indicated that not all comments and statements had to be in the minutes, just motions, but the minutes would be amended. Mr. Chamberlin moved to accept the minutes of the August 12<sup>th</sup> regular meeting as amended and August 27<sup>th</sup> special meeting as submitted. Mr. Holland seconded the motion and it passed unanimously.

***3. Persons Wishing to Address Council***

- a. Mr. Alan Brister, speaking on behalf of Genesis Wildlife Sanctuary, addressed the Council requesting that the Town help support Genesis.

Mayor Owen indicated that it looked as though Mr. Brister was asking for assistance in the upkeep of grounds and maintenance. Mayor Owen further noted that he had been at the Tourism Development Authority meeting and felt that the suggestions made in the meeting of getting a group of volunteers together to maintain the grounds was a good idea. Mayor Owen also felt that the Town could not amend the budget to make any type of financial commitment to Genesis as this time.

Mr. Holland noted that the Public Works Department was already behind on the grounds upkeep for the Town and agreed with Mayor Owen that volunteers would be the best solution.

Mr. Brister then asked if the Council would consider a formal request to be looked at for the upcoming budget year for \$30,000 for wages and salaries to operate Genesis.

Leslie Hayhurst asked if the Council wanted the center to be a tourist attraction or a private educational center for interns. Ms. Hayhurst indicated that she could close it to tourists and continue to operate with interns and receive grants for the work that they do.

Mr. Holland indicated that they would have to look at the lease the Town and Genesis had for the property. Mr. Holland felt that part of the lease was to have the facility open to the public.

Mayor Owen felt it was not the Town's responsibility to decide the fate of Genesis. Mayor Owen indicated that he was on the Council when the property was leased to Genesis and felt that the lease had indicated the responsibility or lack of responsibility that the Town would have for the organization. Mayor Owen felt that the budget request was fair, however, the amount of \$30,000 is an exorbitant amount to ask from the Town's budget.

Dr. Murray Miller, speaking as a Genesis Board Member, informed the Council that Genesis had a new, more active Board of Directors that recognize problems that have accumulated over a period of time. The new Board Members are striving to convince the community and the Council that it is a worthwhile asset. Dr. Miller indicated that the TDA was giving some funds to purchase t-shirts which will be sold as a fundraiser.

Mr. Brister noted that the TDA had been helpful, but they had indicated any further funds would have to come from the Town or some other source.

Mayor Owen commented that everyone was aware of the situation with Genesis and felt the Council was in agreement to table further discussion until budget time in the spring.

b. Bernard Davis – Road Paving

Mr. Bernard Davis of 304 Lake Road addressed the Council asking that Lake Road be paved because of the heavy use. Mr. Davis went on to say that the methods of getting a road paved by petition had been explained to him, but he would like to see the Town pave the road.

Mayor Owen indicated that road paving was one of the items discussed at the annual planning retreat held each spring.

4. *New Business*

a. Consider Resolution 02-09-01

Mr. Lawless read Resolution 02-09-01 Declaring a Day of Remembrance in Beech Mountain for all those who died or lost loved ones on September 11, 2001. The Resolution also recognized the day as one of triumph and a reminder of the character of our people.

Mr. Holland moved to adopt Resolution 02-09-01. Dr. Waligroski seconded the motion and it passed unanimously.

b. Review Recommendation of Award letter from Hobbs, Upchurch

Mr. Lawless gave a brief review of the letter from Hobbs, Upchurch & Associates, P.A. Consulting Engineers regarding the bid for sanitary sewer improvement/repairs to 4 basins in the Grassy Gap Wastewater Treatment system. Mr. Lawless noted that the four bids ranged from \$380,648.85 to a high bid of \$721,838.56. The low bid was from Buckeye Construction Company, Inc. from Canton, North Carolina. Mr. Lawless went on to report that the engineers had reviewed the bid with the construction company as well as their bond company, Travelers Casualty and Surety Company of America, and found that the bid was acceptable. The engineers have recommended that the Town accept the bid. The bid has a 120 days completion deadline, excluding bad weather, as well as a penalty clause.

Mr. Chamberlin made a motion to accept the bid of \$380,648.85 from Buckeye Construction Company, Inc. and authorize the signing of the contract. Mr. Holland seconded the motion and it passed unanimously.

c. Consider Loan Agreement with Bank of America

Mr. Lawless reported that the best over-all quote for a loan to finance the wastewater project was Bank of America. The original amount of \$400,000.00 for 10 years would require an annual payment of \$50,000.00. The low bid was a 3.56% annual interest rate and a \$4,000 origination fee.

Mr. Lawless pointed out a letter of approval on the loan application that the Town had received from the Local Government Commission. Mr. Holland moved to approve the agreement with Bank of America. Mr. Chamberlin seconded the motion and it passed unanimously.

d. Consider Resolution 02-09-02 – Authorizing Application for NC Rural Center Grant

Mr. Lawless reported that the Town's request for a grant through The Rural Centers Supplemental Grants Program was denied. Mr. Lawless was asking the Council's approval to apply again for the grant program. The application deadline is September 30<sup>th</sup>, with awards announced March 2003.

After a brief discussion Mr. Chamberlin moved to approve Resolution 02-09-02 authorizing the Town to apply for a grant from the North Carolina Rural Economic Development Center to assist in financing the cost of construction of the wastewater system improvements. Mr. Holland seconded the resolution and it passed unanimously.

e. Discuss Occupancy Tax

Mr. Paletta, gave an overview of the enabling legislation which would allow the Town to add an additional 3% Occupancy Tax on the Avery County portion of the Town. Before the additional tax can be enacted, the Town must repeal the current District W tax. After a lengthy discussion the Council recommended that Mr. Paletta further review the legislation. Mr. Chamberlin moved to hold a public hearing on the additional 3% Occupancy Tax on Friday September 27<sup>th</sup> at 4:00 p.m. Mr. Holland seconded the motion and it passed unanimously.

f. Consider Bogle request re: Paving Assessment

Mr. Lawless informed the audience and Council of a 4 1/3+- acre tract of land adjoining the Grassy Gap Wastewater Treatment Plant. The land also adjoins some of the Town property below the Buckeye Recreation area that has an original road paving assessment for Grassy Gap Creek Road of \$9,999.51. The amount with interest is now \$10,583.43. The current owner of the property would like to donate it to the Town and be reimbursed the \$1,700.00 she has paid.

Mr. Paletta, noting that the Town was not allowed to reimburse for assessments recommended that the Town pay for the deed transfer.

Mr. Holland moved that the Town pay up to \$1700 for the deed transfer. Mr. Chamberlin seconded the motion and it passed unanimously.

g. Assessment Release – Wavra

LG 115 is part of the Memorial Park area already acquired by the Town. The last installment on the paving assessment from the October 2000 project is \$1,227.56 and the Tax Assessor is asking that it be released from the rolls.

Mr. Holland made a motion that the \$1,227.56 be released from the rolls. Mr. Chamberlin seconded the motion as it passed unanimously.

Mr. Lawless noted that there were still 3 out of 8 lots in the Memorial Park area that the Town was trying to acquire.

h. Request for Funds – Park & Rec. Landscaping Subcommittee

Mr. Fred Pfohl gave an overview of the project to date noting that 67 plants had already been planted but more were needed. After a brief discussion Mr. Holland made a motion to pass a budget amendment allocating \$1,500 out of the Beautification Reserve fund for the Parks and Recreation Landscaping Subcommittee. Mr. Chamberlin seconded the motion and it passed unanimously.

Mr. Pfohl noted that there were some trees along the Parkway that needed to be replaced and he would like to see monies from the tree cutting fines used to replace

them Mayor Owen asked that Mr Pfohl get together with Mr Lawless and Mr Moody, Avery County Extension Agent, to look over the trees on the Parkway

Mr Ray Hanson asked if it would be possible to get together with the Mayor Owen, the Council members and perhaps Mr. Pfohl to go over some ideas for the Parkway. Mayor Owen asked that Mr. Hanson contact Mr. Lawless to set up a meeting.

i Discuss Strategic Planning Initiative

Mayor Owen reminded the Council and audience that Roger Bullock had made an offer to assist the Town in strategic planning. Mayor Owen and the Council had agreed that it would be more productive to get the group set up to begin in the spring, with the organizing of the group starting this fall.

j Review Request for Animal Control @ Lake Coffey

Mayor Owen noted that the Council had received a letter from Maurice W. Terkel with regards to the walking track around Lake Coffey. Mr. Terkel had expressed an interest in a leash law and also 'pooper scooper' law for the area.

Mr Chamberlin asked if the Town had a leash law in existence to which Mr. Lawless responded that the Town has an Animal Control Ordinance and it states that dogs must be under the owner's control.

Mr. Pfohl suggesting putting up a sign at Lake Coffey as well as the recreation area at Buckeye Lake asking folks to be considerate of their pets actions

Mayor Owen noted that he was not in favor of a Town wide pooper scooper ordinance, however Mayor Owen did suggest that a notice on channel 2 and the MountainEar asking that people take responsibility for their pets might be appropriate.

Dr Waligroski noted that the club had placed an article in their newsletter asking that people who walk their dogs on the golf course clean up after them.

Mayor Owen asked that Mr. Lawless come up with the appropriate wording for a temporary sign while an ordinance recommendation was being considered.

k Discussion of Drought Impact on Water Supply

Mr. Lawless recommended that the Council declare a Stage 1 Water Shortage, which is voluntary water conservation, until the Town gets some relief from the drought situation. The Buckeye Lake water supply is 4 feet below the spillway. This still allows for a 120-day supply of water, even if we do not receive any rain.

Mr. Chamberlin asked that the voluntary conservation request be posted on channel 2 and all public bulletin boards around the Town.

Mr. Holland moved to declare a Stage 1 Water Shortage. Dr. Waligroski seconded

the motion and it passed unanimously.

l. Appointment of Golf Cart Study Committee

Mayor Owen noted that the formation of a golf cart study committee had been brought up at the August 12<sup>th</sup> Council meeting. Mayor Owen informed the audience that Mr. Adams, Mr. Chamberlin, Mr. Holland and Dr. Waligroski had requested to be on the committee. Additional members will include Police Chief Jay Hefner, Public Works Director Riley Hatch and Beech Mountain Club Manager Brian Barnes.

Mayor Owen did indicate that Mr. Holland had been selected to chair the committee and would be in contact with all the members to schedule the first meeting.

m. November Council Meeting Date

Mr. Chamberlin requested that the November Council meeting date be changed from the 2<sup>nd</sup> Tuesday. After a brief discussion Mr. Chamberlin moved to hold the meeting on November 5<sup>th</sup>. Dr. Waligroski seconded the motion and it passed unanimously.

5. *Staff/Consultant Reports*

a. Town Engineer's Report.

Mr. Powell reported that the punch list for paving was still being dealt with involving work at Skiway and Skiway Circle. The plans for the Grassy Gap effluent relocation project have been submitted to the Division of Water Quality for approval, which should not take long. The state turned down the request for additional flow at the Pond Creek and Grassy Gap Wastewater Treatment plants, however the Regional office in Winston-Salem indicated that they would support the Towns request for a Special Order of Consent, (S.O.C.). Mr. Powell indicated that they would be requesting relaxed permits limits in the amount of 10,000 gallons per day at the Grassy Gap plant and for 30,000 gallons per day at the Pond Creek facility.

b. Public Works Director's Report.

Riley Hatch reported 1) The new stop signs have been delivered. 2) It has been recommended by a number of people that a stop sign be put up at the end of the new paving on Mariah Circle. After a brief discussion Mr. Holland moved to put up a new stop sign at the left side of the Mariah Circle Loop. Mr. Chamberlin seconded the motion and it carried unanimously. 3) The temporary employees will be finishing up at the end of the month. 4) The employees are all involved in the utility meter readings – they are cutting off service if the meter is running and there appears to be no one at the residence. 5) There was a water leak at Lower Grouse Ridge resulting in the loss of 40,000 to 60,000 gallons of water. 6) The crew has started patching some holes in the pavement as well as utility cuts because they have not been able to get any of the paving companies to come up on the mountain to do the work. 7) The supervisors have new blue and white-stripped shirts.

Mr. Hatch's report was accepted as submitted.

- c. Town Attorney's Report.

Mr. Paletta had no report

- d. Police Report.

Captain R. L. Dunn asked the Council if they had any questions on the report in the agenda packet. The report was accepted as submitted with no questions.

- e. Town Manager's Report.

Mr. Lawless reported the following: 1) The Tourism Development Authority has moved their September meeting date to October 2<sup>nd</sup>. 2) Mr. Lawless reported that the 2001-2002 audit was nearing completion and the audit report should be presented at the October 8<sup>th</sup> meeting. 3) Highway Marking Company has been contracted to paint the new pavement on Oz Circle, Mariah Circle, Tamarack Road and Grassy Gap Loop Road as well as Ski Loft Road. 4) The Planning Board is continuing its discussion of the Manufactured Home Zoning District. A recommendation is expected in 2 to 3 months. The Board also completed their study on the retaining wall standards and decided that no recommendations be made to the Council with regard to wall regulations. 5) The 2002 tax bills are going out in 3 to 4 weeks.

Mr. Holland noted that the TDA meeting was the same time as the Planning Board's regular meeting. After a brief discussion it was agreed Mr. Pfohl would be notified and if a new date was needed Mr. Lawless would be notified.

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

## 6. ***Other Business***

There was no discussion under 'Other Business'.

## 7. ***Executive Session G.S. 143-318.11(6)***

Mayor Owen recommended the postponement of the discussion until all Councilpersons were present. (At this time it was learned Mr. Adams' absence was due to an injury he sustained prior to the meeting).

## 8. ***Recessed***

At 8:07 p.m. Mr. Holland moved to recess the meeting until Tuesday, September 24<sup>th</sup> at 6:00 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

***Reconvened on September 24, 2002 – 6:00 p.m.***

## 9. ***Other Business***

Mayor Owen reconvened the meeting at 6:00 p.m. in the Beech Mountain Town Hall. Two items of Other Business were before the Council. Tim Holland stated that he would like to see the Council support the Scenic Designation of U.S. 421 in Watauga County. Mayor Owen asked Mr. Lawless for additional information. Lawless replied that the designation would prevent billboards on the new highway. Mr. Holland made the motion to approve Resolution 02-09-03. Pete Chamberlin seconded the motion and it passed unanimously. The second item of Other Business was a proposed budget amendment and budget transfer involving the Wastewater Improvements Capital Project. The amendment allocated the loan proceeds and the previously budgeted debt service payment as revenue and the construction expense was increased a like amount. Pete Chamberlin moved that the amendment and transfer be approved. Tim Holland seconded the motion and it passed unanimously.

Tim Holland made a motion for the Council to go into Executive Session according to G.S. 143-318.11(6). Gil Adams seconded the motion with all in agreement. The Executive Session ended upon a motion by Pete Chamberlin, seconded by Tim Holland and approved unanimously. Mr. Holland moved that the Town Manager be awarded a 2% cost of living adjustment and a \$1,000 bonus based upon the results of an annual performance evaluation. Mr. Chamberlin seconded the motion and it passed unanimously.

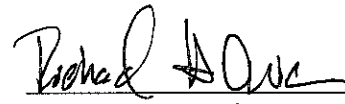
Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on October 8, 2002.

ATTEST:

  
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Mayor

  
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Town Clerk