

MINUTES  
BID OPENING – PAVING  
October 7, 2003

Present were Town Manager Seth Lawless, Town Engineer Ed Powell, Public Works Director Riley Hatch and Council members Pete Chamberlin and Dr. Ed Waligroski.

**1. *Bid Opening – Resurfacing of Lakeledge Road and a portion of Beech Mountain Pkwy.***

Mr. Powell announced that one bid had been received from Smith & Sons Paving Company in the amount of \$125,799.45. \$59,970.25 for Lakeledge Road and \$66,829.20 for Beech Mountain Parkway. Mr. Powell noted that he had estimated the project to run about \$112,000. The bid was rejected as being too high.

Mr. Powell recommended that the Town invite bids on the project in February '04.

Respectfully submitted,



Reba Greene  
Town Clerk

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**October 14, 2003**

***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, Police Chief Jay Hefner, 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 Burleson opened the meeting with prayer.

***Pledge of Allegiance*** - All present joined in the pledge of allegiance to the flag.

***1. Adoption of Agenda***

Jim Brooks asked to be added under other business. The agenda was adopted as amended.

***2. Consent Agenda***

Mr. Holland moved to accept the minutes of September 9<sup>th</sup> as submitted. Mr. Chamberlin seconded the motion and it passed unanimously.

***3. Public Hearing – Flood Damage Prevention Ordinance***

Mayor Owen opened the Public Hearing on the Flood Damage Prevention Ordinance at 6:03 p.m. Mr. Lawless explained to the Council and audience that the Planning Board had recommended a flood damage prevention ordinance be adopted by the Town to allow property owners to purchase flood insurance. Mr. Lawless indicated that he had discussed the ordinance with Mr. Paletta and found that it would be in the Town's best interest to incorporate the flood prevention into the Zoning Ordinance. After a brief discussion the Council agreed to hold another Public Hearing on November 11<sup>th</sup> at 6:00, prior to the regularly scheduled council meeting. Mr. Holland moved to close the public hearing at 6:10 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

***4. Special Presentation – FY 2002-03 Audit- Bryce Holder***

Mr. Holder of the accounting firm of Holder, Powell & Associates, P.A. presented the Council with the yearly financial statements commenting that the staff had once again done an excellent job for the Town. Mr. Holder gave a brief overview of the report and indicated that he would be available for questions.

5. *New Business*

a. Consider Flood Damage Prevention Ordinance

Mayor Owen noted that this item would be discussed at the November 11<sup>th</sup> meeting.

b. Review Bid and Recommendation on Street Resurfacing

Mr. Lawless directed the Council's attention to a letter from Davis, Martin, Powell & Associates, Inc. Mr. Powell, who was not able to be present, had advised the Council to reject the bid received for the resurfacing of Lake Road and a portion of Beech Mountain Parkway because it was high. The bid was for \$128,799.45; Mr. Powell's estimate was for \$112,000. Mr. Powell recommended that the Town re-advertise bids or invite bids in February or March 2004. Mr. Holland made a motion to reject the bid. Mr. Chamberlin seconded the motion and it passed without dissent. The Council will follow Mr. Powell's recommendation

c. A.R.C. Grant Matters

1. Letter of Conditions
2. Certification Regarding Drug Free Workplace
3. Equal Opportunity Agreement
4. Assurance Agreement

Mr. Lawless informed the Council and audience of the necessary steps the Town must take to administer the Appalachian Regional Commission Grant. The grant, not to exceed \$200,000, will be used in the upgrades for the Grassy Gap Wastewater systems. Mr. Lawless did note that the Town would have to spend the monies the Town had proposed in the project, \$572,900, prior to spending the grant money.

Mr. Chamberlin made a motion to accept the letter of conditions and authorize Mayor Owen sign the certification regarding a drug free workplace, equal opportunity agreement and assurance agreement. Mr. Holland seconded the motion and it passed without dissent.

d. Review Property Tax Refunds (3)

Mr. Holland made a motion to release SM-9 for \$77.50, MSW-7 \$116.88 and SM-43 & 44 for \$503.75 due to reevaluations. Dr. Waligroski seconded the motion and it passed unanimously.

e. Proposed Resolution 03-10-01 Creating Law Enforcement Reserve Fund

Chief Hefner gave the Council a brief overview for the police departments needs to set up a reserve fund to be used for proceeds from any forfeiture or unauthorized substance tax revenues. Following a brief discussion Mr. Chamberlin moved to pass Resolution 03-10-01 Resolution Establishing Asset Forfeiture and Unauthorized substance tax revenue reserve. Mr. Holland seconded the motion and it passed unanimously.

f. Proposed Resolution 03-10-02 to Participate with D.O.T. for Bridge Inspection

Mr. Lawless explained to the Council that the Town has a yearly inspection of a bridge by the Department of Transportation. The inspection requires that the Town in support of the inspection pass a resolution. Mr. Holland moved to adopt Resolution 03-10-02. Dr. Waligroski seconded the motion and it passed unanimously.

- g. Request to Purchase C-211 and
- h. Request to Purchase C-529

Mayor Owen indicated the selling of a few Town lots had been agreed on by the Council to raise funds to purchase property for the Memorial Park.

Mr. Lawless further briefed the Council and audience that the Town had passed Resolution 97-11-04 in 1997 to keep property acquired by the Town. Resolution 02-05-02 passed in 2002 to protect green space and in 2001 Resolution 01-11-01 was passed establishing a special reserve for lots sold under conditions.

After a brief discussion Mr. Adams moved to reject the bids for C-211 and C-529 because they were too low. Mr. Holland seconded the motion and it passed unanimously.

Mr. Lawless estimated the cost of the memorial park lots to be approximately \$8,000 each.

The Council recommended that Mr. Lawless inform the individuals who were interested in the property and let them know that their offer was too low.

Mayor Owen expressed his desire to see the Memorial Park completed and asked Mr. Lawless to research funding to purchase the necessary property.

- i. Tree Replacement Request – Ray Hansen

Mr. Lawless reported that he and Mr. Hatch had met with Mr. Hanson, who lives on Old Field Road, who had requested that the two blue spruces at the intersection of Old Field Road and Pine Ridge Road were too large and needed to be cut. The request was before the Council because Mr. Lawless felt that it was not necessary to cut the trees. Mr. Holland made a motion to deny the request to cut the trees. Mr. Chamberlin seconded the motion and it passed without dissent.

- j. TDA Quarterly Report

Mr. Chamberlin moved to accept the Tourism Development Authority quarterly as submitted. Mr. Holland seconded the motion and it passed unanimously.

## **6. Staff/Consultant Reports**

- a. Town Engineer's Report.

Mr. Powell was absent from the meeting.

- b. Public Works Director's Report.

Mr. Hatch reported: 1) Eggers Construction is working on the affluent line and the generator will be delivered soon. The actual pumping station should be delivered next week. Preparations are being made to set the bridge 2) The road patching is ongoing weather permitting. 3) The public works employees are cleaning culverts. 4) The transmission in the big garbage truck has to be replaced; some dumpsters will have to be emptied out by hand before the truck is repaired. 5) The crew is clearing leaves off the roads, blowing them to the right side of the lanes.

Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report.

Mr. Paletta had given the Flood Ordinance issue further consideration and recommended that it be sent back to the Planning Board for review. The Council agreed and also noted that this could be done in time for the public hearing to take place at the November Council meeting.

d. Police Report

Chief Hefner reported; 1) that the larceny case was closed, the owner found the missing item. 2) A vehicle had been vandalized and the parents of the offenders agreed to repair the paint. 3) There were no suspects for the damage to the gate at Emerald Mountain. 4) E.M.D. training will be held in Banner Elk. Chief Hefner

e. Town Manager's Report.

Mr. Lawless reported the following: 1) Tax bills went out today 2) D.E.N.R. did their annual inspection of the wastewater plants and indications are that it went well, a written report will be forthcoming. 3) A Transportation Improvement Plan public meeting will be held in Hudson on October 15<sup>th</sup> at 2:00, Mr. Lawless was not sure if he would be able to attend. 4) Plan for opening the sledding hill for Thanksgiving are underway, weather permitting. Arrangements have been made with Town employee B.J. Hughes to be available to make snow and patrol the hill are underway. 5) The port-o-johns will be removed from Lake Coffey and Buckeye Lake at the end of the month and one of the tennis nets will be taken down. 6) The annual Halloween party will be on Friday, October 31<sup>st</sup>.

The Managers Report was accepted as submitted.

h. The Tax Collection Report was accepted as submitted.

i. The Building Inspector's Report was accepted as submitted

7. Other Business

Mr. Jim Brooks, representing the Chamber of Commerce, presented a proposal for the Town to purchase the property located across the road from the Chamber building. Mr. Brooks felt that the property would someday be purchased for development leaving the Chamber and Town without parking. Mr. Brooks reported that he had the property owned by Mrs.

Accardi listed for sale at \$349,500 and he would forfeit any commission if the Town purchased the property. Mr. Chamberlin volunteered to speak with the Elder family and ask if they would be interested in donating the property to the Town for a park. After a lengthy discussion the Council asked Mr. Lawless to do some research on the price of the property and how the Town could finance such an endeavor.

8. Adjournment

Mr. Adams moved to adjourn the meeting at 7:30 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

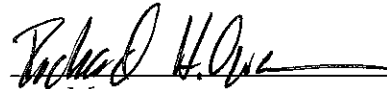
Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on November 11, 2003  
~~October 14, 2003~~

ATTEST:

  
Mayor

  
Town Clerk