

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**November 11, 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 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, Town Engineer Ed Powell 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*** - The Agenda was adopted as presented.

2. ***Consent Agenda***

Mr. Chamberlin moved to accept the minutes of October 14<sup>th</sup> as amended. Mr. Holland 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 6:04 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 the Town to participate in the National Flood Insurance Program, which in turn would allow property owners to purchase flood insurance. Mr. Lawless further noted that Federal Emergency Management Agency (F.E.M.A.) was in the process of remapping the flood prone areas in the western part of the state and a meeting was scheduled for Wednesday November 19<sup>th</sup> being held by the North Carolina Division of Emergency Management. The purpose of this meeting is to identify and prioritize community flood hazard mapping needs. Mr. Lawless indicated that he and Mr. Cook were planning on attending the meeting.

Mr. Burleson asked if this ordinance could prove detrimental to the homeowners by the mapping that F.E.M.A. would do. Mr. Lawless indicated that the passing of the ordinance, in his opinion, would not effect the mapping process.

After a lengthy discussion Mr. Chamberlin moved to close the public hearing at 6:13 p.m. Mr. Holland seconded the motion and it passed unanimously.

4. ***Special Presentations***

a. ***Watauga Farm City***

Fred Pfohl reported that he and Mrs. Pfohl had attended the Farm City Banquet to receive two awards for the Town. The first was the Tuckwiller Award from the Boone Area Chamber of Commerce as outstanding incorporated community in Watauga County and the other was a Certificate of Award for all the volunteer work that is done. Town leaders asked Pfohl to accept the award due to his involvement with the hiking trail maintenance, maps and promotion, which were key parts of both awards.

**b. *WECR Radio***

Mr. Jonathan Hoffman introduced himself to the Council and audience as the new owner of WECR am/fm, WXIT, WATA and WZJS and offered his assistance to the Town. Mayor Owen, on behalf of the Town and Council, welcomed Mr. Hoffman to the area.

**5. *Old Business***

**a. *Consider Zoning Ordinance Amendment - Flood Damage Prevention***

Mr. Holland moved to accept the proposed Zoning Ordinance Amendment for flood damage prevention. Mr. Chamberlin seconded the motion and it passed unanimously.

**b. *Consider Budget Amendment – Memorial Park Property Purchase***

Mr. Lawless reported that the owner of LG-113 and LG-114 had agreed to sell the lots to the Town for \$16,100. This being the assessed value plus the paving assessment from the paving of Pinnacle Ridge Road. Mr. Adams moved to approve the Budget Amendment allowing for the property to be purchased. Mr. Chamberlin seconded the motion and it passed unanimously. Mayor Owen asked that Mr. Lawless inform Kakii Handley of the Memorial Park progress.

**c. *Request to Purchase CR-211***

Mr. Lawless informed the Council and audience that Mr. Coakley had increased his offer to purchase CR-211 from \$3,000 to \$7,000. Mr. Lawless noted that Mr. Coakley had indicated his intent was to combine 3 lots to make 1 home site. Mr. Holland noted that he felt this was a reasonable offer considering he had just sold a lot in the vicinity for \$5,500.

The Council spent some time reviewing the resolutions regarding green space and the disposal of Town owned lots (97-11-04, 02-05-02 and 01-11-01). There was much concern of Mr. Coakley's intended use of the lot. Mr. Hatch reported that his understanding was that Mr. Coakley wanted CR-211 for a driveway using an old logging road that was already on the lot.

Mr. Paletta was instructed to provide Council with wording for review with regard to the green space easement or having only a driveway on the lot. Council will have the opportunity to review the wording to make sure it satisfies their concerns. Mr. Lawless indicated that the Town would have to make the lot available for an upset bid. Mayor Owen asked that the request be placed on the agenda for the next meeting to review Mr. Coakley's plans for the lot.

**6. New Business**

**a. Request to Purchase AA-431**

After a brief discussion Mr. Holland moved to accept the offer to purchase from Maria and Bennett Doliner for AA-431 – 411 Poplar Drive, with the restrictions as outlined in Resolution 01-11-01. Dr. Waligroski seconded the motion and it passed without dissent. Mayor Owen asked that the Council review the restrictions placed on the property when Mr. Paletta completes the paperwork. The property will then be advertised for upset bids.

**b. Receipt of Petition for Annexation**

Mr. Lawless presented Joe Coakley's petition for annexation into the Town. Mr. Chamberlin made a motion to direct the clerk to investigate the sufficiency of the petition for annexation. Mr. Holland seconded the motion and it passed unanimously. The clerk will report the findings to the Council on Tuesday, November 18<sup>th</sup> at 10:00 a.m.

**c. Review Proposed Tax Releases**

Mr. Chamberlin made a motion to pass the three releases - Scott W. Hippen & Ewald Bussee for double billing, and Edmond & Edna Delano for a homestead exemption. Dr. Waligroski seconded the motion and it passed by a vote of 4-0, with Mr. Holland abstaining due to a family conflict.

**d. Consider Budget Amendment – Law Enforcement Grant**

Chief Hefner noted that the grant was a reimbursement from the Department of Justice for Police Department equipment. Mr. Adams moved to approve the budget amendment, seconded by Mr. Holland. The motion passed without dissent.

**e. Resolution 03-11-01 Honoring Richard Fender – Executive Director Region D**

Mr. Holland moved to adopt Resolution 03-11-01 honoring Richard Fender for his years of service as Region D. Council of Governments Executive Director. Dr. Waligroski seconded the motion and it passed unanimously.

**7. 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 continuing work on the effluent line and the pumping station has been delivered, the generator is still on order. The bridge is now in place. 2) Ernie Carpenter was awarded the contract to build the pumping station for Mr. Coakley's project. 3) Mr. Hatch requested a stop sign at Staghorn and Spring Branch Road. Mr. Holland moved to approve the stop sign on Staghorn Hollow Road. Dr.

Waligroski seconded the motion and it passed unanimously. 4) The road patching has been completed until the spring.

c. ***Town Attorney's Report.*** – No report.

d. ***Police Report***

Chief Hefner reviewed his report, and commented on the following: 1) The larceny case was between an owner and contractor, the tools will be returned. 2) The Four Seasons had a guest take some household items and officers went to Marion to find that the renter had given a fictitious address on their application. The case remains open. 3) The memo enclosed with the police report was in relation to a case that is 10 years old, the individual is now 14 and Chief Hefner indicated that they would have to return to North Carolina if charges were filed. 4) The department is still working on getting the application for E.M.D. certification into the state. Chief Hefner's report was accepted as submitted.

e. ***Town Manager's Report.***

Mr. Lawless reported the following: 1) The Chamber of Commerce will hold their annual meeting on Tuesday, November 18<sup>th</sup> at Archers Inn at 7:00 p.m. 2) The State Compliance Inspection Reports for both wastewater treatment plants have been received and they are both good. Copies are available at Town Hall. 3) Final plans for the indoor recreation building are almost complete and a bid opening date will be set before Christmas. Dan McDonald of the architectural firm of Overcash-Demmott has been asked to attend the December meeting to give an update on the center. 4) Council school information is enclosed in the council packets, all are encouraged to attend. 5) Mr. Lawless reminded the Council that there were vacancies on the T.D.A., Planning Board, Board of Adjustment as well as the Alternates to the Board of Adjustments.

f. ***Tax Collection Report*** - Accepted as submitted.

g. ***Building Inspector's Report*** - Accepted as submitted.

8. ***Executive Session – N.C.G.S. 143.318.11 (5)***

Mr. Adams moved to go into Executive Session at 8:00 p.m. Mr. Chamberlin seconded the motion and it passed unanimously. Mr. Holland moved to come out of executive session at 8:02 p.m. No action taken as a result of the executive session.

9. ***Other Business*** - There was no other business to discuss. The meeting was recessed until 10:00 a.m. on November 18, 2003.

10. ***Reconvened***

Mayor Owen reconvened the Council at 10:00 a.m. on November 18<sup>th</sup>. Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Public Works Director Riley Hatch and Building Inspector Keith Cook.

Town Clerk Reba Greene presented the Council with a certification for Joe Coakley's Petition for Annexation. Mr. Holland made a motion to accept the certificate as to the

sufficiency of petition of annexation for Mr. Joseph Coakley's property located between Charlie Burlieson's office and the Works of Wood. Dr. Waligroski seconded the motion and it passed unanimously. The Council set the Public Hearing for December 9<sup>th</sup> at 6:00 p.m. Having no further business to discuss, Mr. Holland made a motion to adjourn the meeting at 10:10 a.m. Mr. Adams seconded the motion and it passed without dissent.

Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on DEC. 9, 2003.

ATTEST:

Reba G. Greene  
Town Clerk

Richard H. Owe  
Mayor

