

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
December 9, 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, Paul Piquet and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Police Officer Kevin Frye, Public Works Director Riley Hatch, Building Inspector Keith Cook, Tax Collector Missy Norwood, Town Engineer Mike Slusher and Town Attorney David Paletta. There were a number of interested parties in the audience.

Invocation – Dominic Simon opened the meeting with prayer.

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

Oath of Office to Recently Elect Council Members – Judge Alexander Lyerly administered the oath of office to re-elected Council members Rick Owen and Gil Adams as well as newly elected Councilman Paul Piquet.

1. Adoption of Agenda – Mr. Chamberlin moved to adopt the agenda as presented. Mr. Piquet seconded the motion and it passed unanimously.

2. Organizational Items

a. Selection of Mayor - Mr. Adams moved to nominate Mr. Owen as Mayor. Dr. Waligroski seconded the motion and it passed unanimously.

b. Selection of Vice Mayor - Dr. Waligroski moved to nominate Mr. Adams as Vice Mayor. Mr. Piquet seconded the motion and it passed unanimously.

c. Selection of Council of Governments' Representative - Mayor Owen noted that Mr. Adams had previously represented the Town in the Region D Council of Governments and that Mr. Adams was willing to continue as the Town representative. Mr. Chamberlin moved to nominate Mr. Adams. Dr. Waligroski seconded the motion and it passed unanimously.

3. Public Hearing - Proposed Satellite Annexation - Mayor Owen opened the public hearing on the proposed satellite annexation of the Beech Place Condominium property 6:02 p.m. Hearing no comments from the public. Mr. Chamberlin moved to close the public hearing at 6:04 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

4. Consent Agenda – Minutes of Regular Meeting from November 11th and 18th

Mr. Chamberlin moved to accept the minutes of November 11th and November 18th as presented. Mr. Piquet seconded the motion and it passed unanimously.

5. *Special Presentations*

a. *Tim Holland for Service on the Town Council* - Mayor Owen presented Mr Holland with a plaque recognizing his years of service to the Town Council

b. *Meritorious Service Award Presented to Officer Renee Carpenter* - Officer Kevin Frye presented Officer Renee Carpenter with a Meritorious Service award for her courageous actions in response to a house fire on Ski Way Circle on 11/24/03.

Fire Chief Jim Brooks also expressed the appreciation of the Beech Mountain Volunteer Fire Department by presenting Officer Carpenter with a Fire Department cap and tee shirt.

c. *Avery County Commissioners Bill Beuttell - D.A.R.T.* - Mr. Bill Beuttell addressed the Council on behalf of the Drug Awareness Resolution Team for Avery County (D.A.R.T.) Mr. Beuttell was asking the Town of Beech Mountain to participate in a County wide drug task force by pledging \$8,000. The proposal would have 5 towns each contributing \$8,000 and Avery County dedicating \$35,000.

Mayor Owen indicated that the Council would consider but was interested in Police Chief Hefner's opinion. Chief Hefner was unable to attend the meeting. The item will be discussed at the January 13th meeting.

d. *Dan McDonald – Overcash & Demmitt – Buckeye Recreation Center* - Mr. Dan McDonald, lead architect for the Buckeye Lake Recreation Center, announced that the plans for the center were out for bid. A pre-bid conference with the prospective contractors was scheduled for December 18th at 11:00 a.m. and a bid opening date was set for January 8, 2004, both taking place at the Town Hall. The 23,000-sq. ft. facility was estimated to run \$110 to \$120 per square foot.

Mr. McDonald noted the two color choices for the interior were green or brick and that decision would not have to be made until the work was in progress. Mr. McDonald stated that if an acceptable bid is received and the Town financing package is approved at the February Local Government Commission meeting, the project should break ground in March.

6. *Persons Wishing to Address the Council – Betty Lemke* - Mrs. Betty Lemke, 1099 Seminole Trail, addressed the Council asking for their permission and assistance to be de-annexed from the Town limits. Mrs. Lemke stated that she does not receive any Town services and pays a very high tax to the Town and has to travel outside the Town, down Buckeye Road to get to her property.

Mr. Lawless noted that the developer had chosen to create a subdivision with 10 acre tracts of land with private roads that do not connect to any Town streets. Such developments do not require Town review and do not require the extension of Town utilities or the dedication of roads.

Mr. Paletta indicated that a de-annexation would require an act of the State Legislature.

Mr. Chamberlin asked if the Council should pass this on to the Planning Board or a special committee.

Mr. Lawless indicated that one option was for the property owners to pay for the extension of their road to a Town street. After further discussion Mayor Owen recommended that the Council takes more time study the proposal and get back with Mrs. Lemke.

7. Old Business

a. Proposed Deed Restrictions for AA-431 - Mr. Piquet motioned to accept the offer to purchase in the amount of \$4,000 from Maria & Bennett Doliner for 411 Poplar Drive (AA-431) and attach the restrictions as amended. Mr. Adams seconded the motion and it passed unanimously. Mr. Lawless will bring the signed offer to purchase to the January Council meeting.

b. Consider Review Plan, Proposed Deed Restrictions & Consider Sale of CR-211 Mr. Lawless noted that Mr. Coakley had made the Town an offer to purchase CR-211 for \$7,000 with the intent of combining the two lots that he currently owns with CR-211, having a site for one home. Mr. Piquet moved to accept the offer to purchase for CR-211 from Mr. Joe Coakley for \$7,000 contingent upon the restriction that he not be able to separate the properties once joined. Mr. Chamberlin seconded the motion and it passed unanimously.

Mr. Paletta indicated that he would draw up the necessary restrictions to go along with the offer to purchase and bring it back to the Council for their review. The sale will then be advertised for upset bids.

8. New Business

a. Consideration of Annexation Ordinance – Beech Place Condo Property Mr. Chamberlin moved to adopt the Annexation Ordinance for Beech Place Condominiums. Mr. Piquet seconded the motion and it passed without dissent.

b. Proposed Amendment to Smoke Detector Ordinance - Mr. Lawless reported that the Planning Board had reviewed the Ordinance at the request of the Beech Mountain Volunteer Department and they recommended that the requirement extend only to units that rely on fossil fuel heating systems. Mr. Lawless indicated that he felt it should be all rental systems. Fire Chief Jim Brooks was in agreement with Mr. Lawless. Mr. Piquet added that he felt that Section #5 should be amended at this time – the part about a licensed electrical contractor installing a 120-volt smoke detector was not longer relevant, a home owner can do his electrical work and a 110-volt smoke detector is available for home use.

Mr. Adams moved to approve the amendment to Article VI Chapter 72, Smoke Detector Ordinance, with the changes suggested by Mr. Piquet. Dr. Waligroski seconded the motion and it passed unanimously.

c. Budget Amendment – Law Enforcement Grant - Mr. Piquet moved to approve the law enforcement grant from the Governor's Crime Commission, which requires a \$1,000 Town match. Mr. Adams seconded the motion and it passed unanimously.

d. Committee Appointments

i. Planning Board (1) - Mr. Chamberlin moved to nominate Randall Corn to the Planning Board. Dr. Waligroski seconded the motion and it passed unanimously.

ii. IDA (2) + Appointment of Chairperson - Mr. Piquet moved to re-appoint Calder Smoot and to appoint Alan Holcombe to the Tourism Development Authority. The motion died for lack of a second. Gil Adams moved to appoint Jim Brooks to the Authority. The motion was seconded by Mr. Chamberlin and passed 4-1 with Mr. Piquet opposed. Pete Chamberlin moved to reappoint Calder Smoot to the Tda and to serve as Chairman. The motion was seconded by Paul Piquet and passed unanimously.

iii Board of Adjustment (3) - Upon a motion by Mr. Chamberlin, seconded by Mr. Adams, George Buesser was appointed to fulfill Paul Piquet's term on the Board of Adjustment and reappoint Alan Holcombe and Bill Hagna to new, three-year terms. The motion passed without dissent.

iv Board of Adjustment Alternates (3) - Jim Weaver, Ron Nichols and Russ Reiman were appointed to the 1st, 2nd and 3rd alternate positions, respectively, on the Board of Adjustment upon a motion by Mr. Chamberlin, second by Dr. Waligroski and the agreement of all the remaining Council members.

e. Discussion of Town Services for The Falls Development - Mayor Owen updated the Council on a meeting between Himself, Seth Lawless and the Developers (Rolling Ridge Development Company) of a proposed residential development to be known as "The Falls", located off Buckeye Ridge Rd. Most of the proposed development lies outside Town. The purpose of the meeting was to explore opportunities for the property to annex into the Town. Mayor Owen continued on to state that he and Mr. Lawless described the benefits of being within the municipal boundaries, but that the development company wanted Town water extended approximately 5.5 miles along the main road of the new project.

Following a brief discussion, the Council unanimously agreed to reject Rolling Ridge Development Company's proposal.

f. Foreclosure Matter - Mr. Lawless updated the Council on the status of area improvements near a property that was delinquent on a road assessment. The Town had previously withheld pursuing foreclosure until the improvements had been completed. Upon a motion by Mr. Chamberlin, seconded by Mr. Piquet, Council instructed the Town Attorney to proceed with foreclosure. All were in agreement.

9. Staff/Consultant Reports

a. Town Engineer's Report - Mr. Powell was absent from the meeting. Mike Slusher of Davis, Martin, Powell & Associates updated the audience on the Grassy Gap and Pond Creek wastewater improvement projects.

b. Public Works Director's Report - On file in the Office of Town Clerk.

c. Town Attorney's Report - No report.

d. Police Report - Sergeant Kevein Frye reviewed the monthly Police Department activity report, which is on file in the Office of Town Clerk.

e. Town Manager's Report - On file in the Office of Town Clerk.

f. *Tax Collection Report* - On file in the Office of Town Clerk.

g. *Building Inspector's Report* - On file in the Office of Town Clerk.

10. *Other Business* – There was no other business, and the meeting adjourned at 8:47 p.m.

Respectfully submitted,

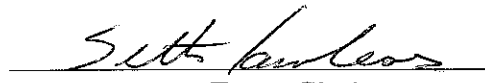
Reba G. Greene
Town Clerk

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Minutes approved by Town Council on Jan. 13, 2004.

ATTEST:


Mayor


Town Clerk
(Acting)
SA

**BEECH MOUNTAIN TOWN COUNCIL
SPECIAL MEETING MINUTES
DECEMBER 19, 2003**

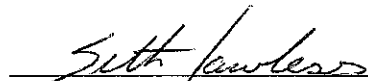
Mayor Rick Owen called the Special Meeting to order at 10:10 a.m. on Friday, December 19th in the Beech Mountain Town Hall. Also present were Council members Pete Chamberlin, Dr. Ed Waligroski, and Town Manager Seth Lawless. Owen stated that the purpose of the meeting was to consider Resolution 03-12-01 Authorizing Application to the Local Government Commission for Installment Financing of the proposed Buckeye Lake Indoor Recreation Center and to appoint a Vice Chairperson to the Tourism Development Authority.

Dr. Waligroski moved to approve Resolution 03-12-01. Mr. Chamberlin seconded the motion and it passed without dissent. Mr. Lawless stated that a public hearing on the financing agreement would be required. Mayor Owen called for the hearing on Tuesday, January 13, 2004 at 6:00 p.m. in the Beech Mountain Town Hall.

Mr. Chamberlin made a motion to appoint Charlie Burleson TDA Vice Chairperson. Dr. Waligroski seconded the motion. Mr. Lawless stated that Paul Piquet was not able to attend the meeting due to the snowstorm, and that he had told Mr. Piquet that the appointment would be delayed until the January meeting. Mr. Chamberlin rescinded his motion and Dr. Waligroski rescinded the second. Upon a motion by Mr. Chamberlin and second from Dr. Waligroski, the meeting adjourned at 10:18 a.m.

Approved, this 13th day of January, 2004


Mayor


Town Clerk
(Acting)
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