

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
May 13, 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, Town Engineer Ed Powell, Police Chief Jay Hefner, Public Works Director Riley Hatch, Town Attorney David Paletta, Tax Administrator Missy Norwood, Building Inspector Keith Cook and Intern Lisa Greene. 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

Mr. Lawless noted that he had passed out a memo from Mr. Cook, as well as information regarding the proposed loan modification agreement with BB&T. The agenda was adopted as presented.

2. Consent Agenda

Mr. Chamberlin moved to accept the minutes of the April 1st Regular Meeting as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

3. Wastewater Update

Mr. Lawless gave an update on the moratorium relief allowing for new additions to the wastewater system that the Town received from D.E.N.R. The Grassy Gap Creek system had remaining allocation for 8 to 10 homes and the Pond Creek system has approximately 62 to 80 houses left on the allotment. Mr. Lawless indicated that after the June 13th deadline for the Grassy Gap Creek system the remaining allotment would be permitted on first come first serve basis.

4. Old Business – Review Proposed Inspection Fee Schedule

Mayor Owen expressed the Council's appreciation for the work that Mr. Cook had done in preparing the proposed fee schedules. Mr. Adams made a motion to accept the proposed fee schedule as submitted. Mr. Chamberlin seconded the motion and it passed unanimously. Mr. Lawless recommended the fee schedule go into effect on July 1st 2003 and the Council agreed.

5. *New Business*

- a. Resolution 03-05-01 – Commemorating Captain R.L. Dunn

Police Chief Hefner presented Mrs. Ruby Dunn with the police revolver used by Captain Dunn during his years of service to the Town.

Mr. Chamberlin made a motion to adopt Resolution 03-05-01 honoring Captain R. L. Dunn for his years of service. Mr. Holland seconded the motion and it passed unanimously.

- b. Resolution 03-05-02 – Approving Watauga County Solid Waste Management Plan

Mr. Lawless reported that a copy of the Watauga County Solid Waste Management Plan was available for inspection. Mr. Holland moved to adopt Resolution 03-05-02. Dr. Waligroski seconded the motion and it passed unanimously.

- c. Consider Date for Public Hearing – Zoning Ordinance Amendment for Minimum Housing Standards

Mr. Lawless asked Mr. Paletta if the Zoning Ordinance could be amended to include the proposal, to which Paletta agreed. Mr. Lawless reported that the Planning Board had done a good job on the Minimum Housing Code and noted that it was to ensure that housing within the Town remains safe.

The Council agreed to hold a public hearing on June 10th at 6:00 p.m., prior to the regular Council meeting.

- d. Consider Date for Special Meeting to Review Bids and Award Contract – Grassy Gap Effluent Line Relocation

Mr. Lawless reported that the bids for the relocation of the Grassy Gap Effluent Line had a deadline of May 28th. After a brief discussion the Council agreed to hold a Special Meeting on May 29th at 10:00 a.m. to award the bid. Mayor Owen did note that he would not be in attendance.

- e. Review Draft Special Order of Consent

Mr. Lawless, Mr. Powell and Mr. Paletta reviewed the Special Order of Consent the Town had received resulting from a request placed with D.E.N.R. in the fall of 2002. Mr. Powell reported that after reviewing the S.O.C., two changes were necessary. The first was to change the S.O.C. expiration date for the Pond Creek plant from May 5, 2005 to November 1, 2005. The other change is to the interim fecal coliform limits from 200/100ml to 400/100 ml. The state has given the Town the go ahead to make these two changes and Mr. Powell recommended that the Council approve the S.O.C. per the noted amendments. After further discussion, Mr. Holland made a motion to enter into the S.O.C. with the recommended changes. Dr. Waligroski seconded the motion and it passed unanimously.

f. Proposed Loan Modification Agreement

Mr. Lawless reported that the refinancing of the loan for the Pinnacle Ridge paving, Pine Ridge water line and the Buckeye Lake Park project would reduce the interest rate from 4.56% to 3.63%. This would save the Town \$1,000 per year over the remainder of the loan. Mr. Chamberlin made a motion to accept the Proposed Loan Modification Agreement. Mr. Holland seconded the motion and it passed unanimously.

g. Proposed Capital Project Budget Amendments

1. Wastewater Improvement Project

Mr. Lawless presented a budget amendment that would transfer \$232,800 from the General Fund line item to the Grassy Gap improvements.

2. Buckeye Recreation Project

The budget amendment would transfer \$17,000 from the General Fund Recreation Department with \$16,200 going toward the walking trail and \$800 toward the hiking trail.

Mr. Holland moved to accept both Budget Amendments. Mr. Chamberlin seconded the motion and it passed unanimously.

h. Review Proposed Water and Sewer Ordinance Amendment

Mr. Lawless gave an overview of the amendment to the water and sewer ordinance, which proposed an increase in the amount of the bill that the Town Manager was allowed to write off in the event of a water leak. This would be on water bills over \$500 due to a leak and, the homeowner would have to prove that a private cut-off had been installed between the Town's meter and the house. The reduction would be fifty (50%) percent. Mr. Chamberlin moved to adopt the amendment to the Water and Sewer Ordinance. Dr. Waligroski seconded the motion and it passed unanimously.

i. Discuss Proposal to Buy Boats for Buckeye Lake

Mayor Owen reported that the Parks and Recreation Committee had proposed to the Council the purchase of 6 kayak type boats at an approximate cost of \$3,500. The boats would be stored and used at Buckeye Lake. The Chamber of Commerce would be in charge of the rental of the boats and the boats would only be available for rent when the Chamber office was open.

Mayor Owen indicated it was the recommendation of the Parks and Recreation Committee to purchase the boats.

Mr. Burleson, Chamber and Recreation Committee member, asked the Town Attorney David Paletta about the Town liability if someone rents a boat owned by the Town. Mr. Paletta indicated that the Town did have insurance

and any liability would be turned over to the insurance carrier. Mr. Paletta further indicated that should a boat be proven defective, the Town could be liable for negligence even if a disclaimer were signed. It was also noted that the Chamber also had insurance and would also share some liability.

Dr. Waligroski asked if people could take alcohol on the lake and Mr. Paletta stated that a disclaimer could indicate that it was not allowed and also include the rules of conduct.

Peggy Coscia, who works in the Chamber office and would be renting the boats, asked how she would know the condition of a boat that was down at Buckeye Lake. Mr. Paletta indicated that someone would have to inspect the boats. The Town could be negligent if they leased damaged equipment.

Rachael Dunn of 105 Briarcliff Road expressed her opposition to the boats at Buckeye Lake.

Dr. Waligroski felt the area was too small for this type of activity and further indicated that it is the source of the Town's drinking water. To this, Mr. Holland indicated that people are permitted to take their own boats out on the lake.

Mayor Owen agreed that the lake was small, however it was the recommendation of the Recreation Committee. Mr. Chamberlin noted that he too felt the Lake was small, but he could see where someone might like to use it for boating.

Jim Dunn, 105 Briarcliff Road, noted that the Beech Mountain Club had had canoes but has discontinued their use. Mayor Owen indicated that the canoes were for club members while these would be available to anyone on the Mountain.

Mr. Chamberlin moved to adopt the Recreation Committees proposal. Mr. Holland seconded the motion.

Further comments and discussion followed. Mr. Adams expressed his opinion that he thought it was a good idea, but he thought it was premature. He felt a more appropriate time for boating would be after the recreation center was constructed. Mr. Burleson asked for clarification on B.J. Hughes position noting that the committee was under the impression that recreation was his job. Mr. Hatch indicated that he was indeed a recreation employee and this included maintenance of the hiking trails and the picnic area. Mr. Hatch further noted that Mr. Hughes ends his day at 3:30 and does not work weekends.

Ms. Norwood commented that Price Lake has an attendant to rent the boats on site and that the honor system seemed proven not to work in like situations.

Mayor Owen called for a vote: Mr. Chamberlin and Mr. Holland voted yea, Mr. Adams and Dr. Waligroski voted nay on the issue. Mayor Owen broke the tie voting nay, defeating the proposal 3 to 2.

6. Staff/Consultant Reports

a. Town Engineer's Report.

Mr. Powell had no further report.

b. Public Works Director's Report.

Mr. Hatch reported: 1) The right-of-way clearing crew is working on the roads and Beech Mountain Parkway is currently being filled in on the sides with top soil and grass seed. 2) The Town crew will also do some asphalt work on patching the roads. Mr. Holland asked about the area by Village Road to which Mr. Hatch responded that it would be patched. Mr. Dunn asked when the Parkway would be completely resurfaced to which Mr. Hatch reported that it was a state road and it was about 6 years out; they have a 10-year schedule on resurfacing.

Mayor Owen asked about Skiway to which Mr. Powell indicated that he was planning to meet with Mr. Smith of Smith & Sons Paving to set up a schedule. Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report.

Mr. Paletta reported that 8 Watauga County lots sold on April 25th at the public auction. The owner of the house scheduled for tax auction had agreed to a payment schedule to retain his property. Another auction would be scheduled soon. Mr. Paletta also reported that the Greco zoning case was on the court docket for May 14th. Mr. Paletta indicated that he would notify Mr. Lawless of the action taken.

d. Police Report.

Chief Jay Hefner gave an overview of his report, which was accepted as submitted.

e. Town Manager's Report.

Mr. Lawless reported the following: 1) Town Hall Day is Wednesday May 21st, Council members are invited to attend. 2) The sprinkler system in the Council room has been repaired 3) Road striping is scheduled to be done in the next 3 weeks. The Managers Report was accepted as submitted.

Margaret Jenkins asked about Holiday Beech Villas brush pick up. Mr. Hatch responded that they would take care of the matter.

Mayor Owen congratulated Mr. Lawless on his recent recognition as a Credentialed Manager with the International City and County Management Association.

- g. It was noted that the tax collection was at 98.91%. The Tax Collector's report was accepted as submitted.
- h. The Building Inspector's Report was accepted as submitted.

7. ***Other Business***

There was no other business to discuss.

8. ***Adjournment***

Mr. Adams moved for adjournment at 7:30 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

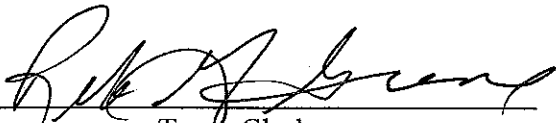
Respectfully submitted,

Reba G. Greene
Town Clerk

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Minutes approved by Town Council on 6/10, 2003.

ATTEST:



Town Clerk



Mayor

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
SPECIAL MEETING
May 22, 2003

CALL TO ORDER

Mayor Rick Owen called the Special Meeting to order at 5:10 p.m. in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland and Dr. Ed Waligroski. Town Manager Seth Lawless and intern Lisa Greene were also present.

Budget Presentation

Mr. Lawless presented the Council with the proposed 2003-2004 fiscal year budget for the Town. Mr. Lawless noted that the proposed budget included \$232,800 from the General Fund to continue with the Grassy Gap Wastewater Collection System Capital Improvement Project as well as a \$112,000 request for road resurfacing.

Mr. Lawless also noted that the budget proposed a 3% cost of living pay increase, based on the Consumer Price Index to help balance out the increased cost of insurance expenses borne by the employees.

In addition to a brief overview of the proposed budget, Mr. Lawless passed out letters from various organizations soliciting contributions from the Town.

ADJOURN


There being no further business to come before the Council, the meeting adjourned at 5:25 p.m. Mayor Owen reminded the Council that a Public Hearing and Workshop were scheduled for Tuesday, June 3rd at 2:00 p.m.

Respectfully submitted,

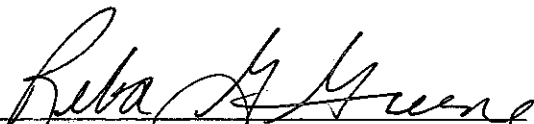
Reba G. Greene
Town Clerk

Minutes approved by Town Council on 6/10, 2003.

ATTEST:



Mayor



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
SPECIAL MEETING
May 29, 2003

CALL TO ORDER

Vice Mayor Tim Holland called the special meeting of the Beech Mountain Town Council to order at 10:10 a.m. in the Council Chamber at Town Hall. Other Council Members present were Gil Adams and Pete Chamberlin. Dr. Ed Waligroski arrived at 10:20 a.m. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Public Works Director Riley Hatch and Town Intern Lisa Greene.

Mr. Lawless reported that the purpose of the special meeting was to award the bid for the Grassy Gap Waste Water Treatment Plant Effluent Relocation. Bids were received and opened by the Town on Wednesday, May 28, 2003.

Mr. Lawless explained to the Council that the Town had applied for an Appalachian Regional Commission Grant (ARC) with the United States Department of Agriculture (USDA). A representative of the USDA did an environmental study for this grant and listed an area as having a wet land, which is incorrect and would disqualify the Town from receiving the grant.

Mr. Lawless was in favor of the Council awarding the bid to the lowest bidder, this was also Mr. Powell's recommendation. However, Mr. Lawless felt in anticipation of receiving some grant money, it would be a good idea to hold off on giving the contract to the construction company, noting that the bids are good for a 60-day period.

Mr. Chamberlin asked if breaking up the bid between contractors could save any money. Mr. Powell indicated that on the overall project R & G Construction had given the lowest prices.

Mr. Chamberlin made a motion to award the bid to R. & G Construction Company, the low bidder. Mr. Adams seconded the motion and it passed unanimously.

Mr. Powell indicated that he would delay giving Mr. Mike Eggers the contract until Tuesday, thus allowing Mr. Lawless time to find about the ARC Grant.

ADJOURN

There being no further business Mr. Chamberlin moved to adjourn the meeting. Mr. Adams seconded the motion and it passed unanimously. The meeting adjourned at 10:30 a.m.

Respectfully submitted,

Reba G. Greene
Town Clerk

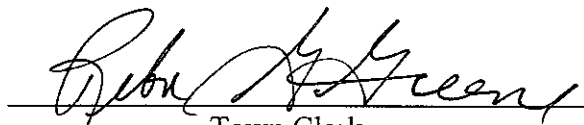
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Minutes approved by Town Council on 6/1/03, 2003.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN BID OPENING
May 28, 2003

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

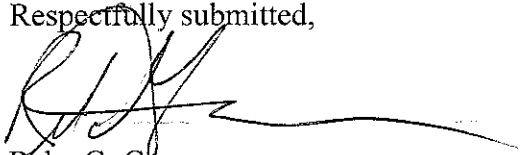
Ed Powell of Davis, Martin, Powell & Associates, P.A. Consulting Engineers opened the following bids:

Buckeye Construction Company	License number 23096	\$396,725.00
Iron Mountain Construction Co.	License number 26784	\$597,961.65
R & G Construction Company	License number 4097	\$284,303.00

Mr. Powell 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

