

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
August 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 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 Captain Dana Crawford, Public Works Director Riley Hatch, Building Inspector Keith Cook, Tax Administrator Missy Norwood, Town Attorney David Paletta, Town Engineer Ed Powell 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***

Mayor Owen deleted #5 Old Business – Proposed Agreement with Tom Ziol Regarding Utility Extensions from the proposed agenda. The agenda was adopted as amended.

***2. Public Hearing***

Mayor Owen opened the public hearing on the proposed change to the Zoning Ordinance, Section 1112, on Tank Screening Requirements. Mr. Lawless briefly explained that the Planning Board had proposed an exemption of heating or propane tanks with a storage capacity of 100 gallons or less unless it was located on the front (addressed) side of the house. Hearing no comments from the public Mayor Owen called for a motion to close the public hearing. Mr. Holland moved to close the Public hearing at 6:05 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

***3. Wastewater Update***

Mr. Lawless reported that the design for the Pond Creek upgrades were complete and submitted to the Department of Environment and Natural Resources by the July 31<sup>st</sup>, the deadline set by the Special Order of Consent. Town Engineer Mike Slusher will hold a pre-construction meeting in the near future; a date has not yet been set.

Mr. Lawless further reported that a pre construction meeting was held regarding the Grassy Gap Plant improvements today with R & G Construction, the USDA and Ed Powell and Robert Davis of Davis, Martin & Powell. Mr. Davis will be in charge of inspecting the construction project. The notice to proceed will be issued on August 25<sup>th</sup> and will have a 150-day timetable of completion – with weather events being excluded from the timetable. The contractor only foresaw one item that could be a

potential problem, that of the back-up generator which requires a 15-week delivery date

**4. Consent Agenda**

Mr. Holland noted a correction to the minutes with regard to the number of units remaining in the allotment for the Grassy Gap Sewer plant. Mr. Holland moved to accept the minutes of June 10<sup>th</sup> as amended. Mr. Chamberlin seconded the motion and it passed unanimously.

**5. New Business**

a. Proposed Amendment to Zoning Ordinance – Tank Screening

Mr. Chamberlin moved to adopt the proposed changes to Zoning Ordinance Section 1112 on Tank Screening Requirements. Dr. Waligroski seconded the motion and it passed unanimously.

b. Consider Lease Agreement w/Rondinaro Broadcasting

After a brief discussion, the Council agreed that a two (2) year term should be incorporated in the lease with WECR/Rondinaro Broadcasting. Dr. Waligroski moved for Mr. Lawless to sign the lease on behalf of the Town, with the indicated change. Mr. Holland seconded the motion and it passed unanimously.

c. Proposed Golf Cart/Utility Vehicle Ordinance

After a brief review, Mr. Chamberlin made a motion to adopt the Golf Cart Utility Vehicle Ordinance as amended. Dr. Waligroski seconded the motion, Mr. Holland voted nay.

d. Tax Matters

1. Avery County Vehicle Settlement
2. Watauga County Vehicle Settlement
3. Beech Mountain Property Tax Settlement
4. Charge Tax Administrator to Collect 2004 Levy

Mr. Holland moved to accept the vehicle tax settlements for Avery and Watauga County as well as the property tax settlement for Beech Mountain. Mr. Chamberlin seconded the motion and it passed unanimously.

Dr. Waligroski moved to charge the tax administrator with the collection of the 2004 taxes. Mr. Holland seconded the motion and it passed unanimously.

e. Proposed Budget Amendments

1. Wastewater (3)
2. Police Department

Mr. Lawless explained that 3 of the budget amendments were a bookkeeping formality to transfer \$12,500, which was left in the Buckeye Phase II Capital Project to the water and sewer fund for the wastewater treatment plant improvements. This is because the falls hiking trails bridge was in the hiking line item and had to be moved into the wastewater project line item since the contractor doing the improvements to the outfall line will be doing the bridge installation. The other amendment was to transfer grant monies of \$2,250.00 that the police department had received for bulletproof vests from the revenue line item to the public safety capital outlay line item.

Mr. Chamberlin made a motion to accept the budget amendments. Mr. Holland seconded the motion and it passed unanimously.

f Discussion of Town Speed Limits

Mr. Lawless briefed the Council and audience on the prior discussion regarding the speed limit on gravel roads indicating that it was not necessary to post each gravel road to enforce a speed limit – a motion to amend the motor vehicle and traffic ordinance would be adequate.

Mr. Lawless then noted that Cindy Keller, Manager of Emerald Mountain, had requested that the speed limit on Oz Road in Emerald Mountain have a lower speed limit. Twenty miles per hour had been agreed to at the July 14<sup>th</sup> Council meeting. Mr. Lawless indicated that he would bring a revised motor vehicle and traffic ordinance to the Council at the September 9<sup>th</sup> meeting.

Mr. Chamberlin asked if the location of a road in a gated community made any difference in the enforcement to which Mr. Paletta indicated, if the road was included in the Powell Bill Mapping, the Town had control.

Mr. Lawless indicated that he would present the Council with the appropriate amendment to the ordinance at the September meeting.

g Consider Donation of BHW -20

Mr. Holland moved to accept Donation of 153 Buckeye Creek Road (BHW-20) from the First Presbyterian Church of Mooresville, North Carolina. Mr. Chamberlin seconded the motion and it passed unanimously.

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

a Town Engineer's Report.

Mr. Powell's reported that the work on both the Grassy Gap and Pond Creek facility were progressing with the time line set by the S.O.C. Mr. Powell also stated that the pavers, Smith & Sons Paving, were being contacted on a regular basis with regard to the repairs they have committed to make on Skiway and Skiway Circle. Mr. Powell reported that R & G Construction would be starting on the Grassy Gap Plant improvements in the near future.

Mr. Holland asked about repairs to Lake Road. Mr. Powell indicated that the proposal was to do an overlay to fill in the potholes and come back and pave the road.

Mr. Powell's report was accepted as submitted.

b. Public Works Director's Report

Mr. Hatch reported: 1) The patching on the roadways has been hampered by the rain, but it is still on the schedule when possible. 2) The Department of Transportation met with contractors on doing the repair work in front of O'Shaughnessy's Restaurant on Beech Mountain Parkway, if the work cannot be scheduled the DOT has indicated that they may do some repair work to the shoulder of the road and proceed as planned in the spring. The DOT representative did indicate that when the work is done that the plans include the resurfacing of the Parkway from Charter Hills to the entrance of Ski Beech where the state maintenance ends. 3) The rock facing is still scheduled to be put on the culvert on Beech Mountain Pkwy.

Ms. Keller thanked the Town for the striping of the Oz Circle area and asked when the bridge work would be completed to which Mr. Hatch responded that it was still on schedule, they were behind because of the rain.

Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report

Mr. Paletta reported that a foreclosure sale would take place, set by the Court, on August 25<sup>th</sup>. Mr. Paletta indicated that property owner, Mr. Johnson, had set up a payment plan and he had made an attempt to keep up with the payments but had failed. Mayor Owen asked if a road assessment was an issue to which Mr. Paletta responded that he had not mentioned to any of the calls he had made to him and further indicated that the address he had was not longer good.

Ms. Norwood noted that the original amount had been approximately \$2,000 and that Mr. Johnson had made two payments and at no point had he requested a payment plan from her.

Mr. Paletta was asked to update the Council at the September meeting.

d. Police Report

Captain Dana Crawford gave an overview of the report noting that a forced entry was probably lightening; a vandalism was kids throwing rocks, the assault was from a domestic dispute and the right of way crew had cut a tree on a passing car. Mr. Hatch explained that the tree-cutting incident was an accident because the tree broke while the crew was notching it. The police report was accepted as submitted.

e. Town Manager's Report.

Mr. Lawless reported the following: 1) The Avery County Commissioners had agreed to another meeting with regards to the ambulance situation, as of November 1<sup>st</sup> the Town will only be serviced by Watauga County which will grossly increase response time for assistance 2) A preconstruction meeting on the Grassy Gap Plant work will be held on Monday the 11<sup>th</sup> at 2:00 p.m. with Davis, Martin, Powell & Associates and R & G Construction at Town Hall. 3) The Department of Transportation will hold a public hearing on the 421 Scenic By Way designation on August 20<sup>th</sup> at 6:30 p.m. in the Broyhill Inn. 4) Mr. Lawless expressed the Town's appreciation to Lisa Greene whose internship ends on Tuesday the 12<sup>th</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**

There were no other items to discuss.

**8. Adjournment**

Mr. Chamberlin moved to adjourn the meeting at 7:15 p.m. Mr. Holland seconded the motion and it passed unanimously

Respectfully submitted,

Reba G. Greene  
Town Clerk

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

ATTEST:

  
Mayor

  
Town Clerk