

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**September 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 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, Town Attorney David Paletta and Town Engineer Ed Powell. 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 submitted.

***2. Wastewater Update***

Mr. Lawless reported that the Special Order of Consent had officially been signed by the Department of Environment and Natural Resources. The Town was meeting the reporting requirements set by the S.O.C., which started on August 19<sup>th</sup>. Mr. Lawless also reported the amount of flow available at each plant.

***3. Consent Agenda***

Mr. Chamberlin moved to accept the minutes of August 11<sup>th</sup> as amended. Mr. Holland seconded the motion and it passed unanimously.

***4. Old Business – Proposed Amendment to Title IV, Chapter 40 – Motor Vehicles and Traffic Ordinance***

Mayor Owen noted that the amendment to Title IV Chapter 40 was to lower the speed limit on Oz Road, Oz Circle, Misty Hollow and Emerald Forrest, located in the Emerald Mountain subdivision, to 20 miles per hour. Mr. Holland moved to adopt the changes to Title IV Chapter 40. Mr. Chamberlin seconded the motion.

Mr. Adams asked about the city wide speed limits, especially the gravel roads indicating that he felt this would be a good time to looking at changing the citywide speed limit to 20 miles per hour. After a brief discussion Mayor Owen asked if the Council wanted to send the issue to the Planning Board. There was no action taken to send the issue to the Planning Board.

Mayor Owen called for a final vote on the original motion to amend Title IV Chapter 40. The motion passed 4-1, Dr. Waligroski voting against the motion.

**5. New Business**

**a. Call for Public Hearing – Flood Damage Prevention Ordinance**

Mr. Lawless reported that the Planning Board had recommended an ordinance that would allow the Town to participate in the National Flood Insurance program thus allowing homeowners to purchase flood insurance. The Town does not currently have any designated flood areas and the ordinance would not be enforced, it would just allow participation in the flood insurance program.

The public hearing was scheduled for 6:00 p.m. on October 14<sup>th</sup>, prior to the regularly scheduled council meeting.

**b. Proposed Smallpox Vaccination Policy**

Mr. Lawless informed the Council and audience that the NC General Assembly had passed legislation with regards to smallpox related conditions, including an adverse reaction to the vaccination, as occupational illnesses that are eligible for coverage by workers compensation.

After a brief discussion Mr. Holland moved to adopt the Smallpox Vaccination Policy allowing workers compensation coverage to the police department (temporary, part-time, full-time) who volunteer to be exposed to the smallpox vaccine, as designated by the Homeland Security Act. Dr. Waligroski seconded the motion and it passed unanimously.

**c. Consider Budget Amendment – Occupancy Tax**

Mr. Chamberlin moved to accept the budget amendment. Mr. Holland seconded the motion and it passed unanimously. The amendment was the result of a recommendation from the independent auditor to transfer the gross occupancy tax collections to the Tourism Development Authority and then receive back the administrative fee and the required percentage for capital outlay.

Mayor Owen asked Mr. Paletta to consider drafting a contract that would define the distribution of occupancy tax funds between the Town and the TDA.

**d. Offer to Donate C-534**

Mr. Holland moved to accept the donation of the lot 355 Locust Ridge Road, C-534, from Mr. & Mrs. Richard Hamel. Mr. Chamberlin seconded the motion and it passed unanimously.

**e. Road Assessment Release**

Mr. Chamberlin moved to release the road assessment and interest of \$9,007.71 on lot LG-167, donated to the Town in November 2002. Mr. Holland seconded the motion and it passed unanimously.

## 6. *Staff/Consultant Reports*

### a. Town Engineer's Report.

Mr. Powell reported that the R & G Co., contractor for relocation of the discharge at the Grassy Gap Sewer Plant had started work on the project.

The 201 amendment for the state revolving loan funds, for the Pond Creek plant project has been turned into the state and the Town is on the allocation list. The loan interest rate is 2.4%.

The bid opening for the street resurfacing project for Lake Road, Lakeledge Road and a section of Beech Mountain Parkway has been set for September 26<sup>th</sup> at 11:00 a.m.

Mr. Chamberlin indicated that the Skiway/Skiway Circle paving was getting 'old' and he requested that Mr. Powell 'light a fire' under Mr. Smith of Smith & Sons Paving. Mr. Powell indicated that he continues to be in contact with Mr. Smith to get the job done. Mr. Powell also noted that he would meet with the crew when they came up to do the job to make sure it was done to the Town's satisfaction.

Mr. Powell's report was accepted as submitted.

### b. Public Works Director's Report.

Mr. Hatch reported: 1) The rock facing for the culvert on Beech Mountain Pkwy. has been completed. 2) The road patching is ongoing and two loads of asphalt have been used with more to do. 3) The repair work at the Emerald Mountain bridge will be completed before Oz day. 4) The public works employees are cleaning culverts. 5) 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. 6) A homeowner requested a stop sign at the intersection of Staghorn and Spring Branch.

Mr. Hatch's report was accepted as submitted.

### c. Town Attorney's Report

Mr. Paletta had no report.

### d. Police Report

The police report was accepted as submitted.

### e. Town Manager's Report.

Mr. Lawless reported the following: 1) Engineers with Hobbs, Upchurch & Associates will be at Town Hall tomorrow, September 10<sup>th</sup>, to go over the plans for the sewer line rehabilitation – Phase II. 2) Kip Turner, District Engineer with the Department of

Transportation is working on how to best deal with the utility relocations associated with the culvert replacement on Beech Mountain Parkway near O'Shaughnessy's Restaurant. One possibility would be a bridge as opposed to putting in another culvert. The repairs will be made in the spring and the DOI will ask for the Council's input. 3) Mr. Lawless indicated that he would be attending the ICMA conference in Charlotte on September 22<sup>nd</sup> and 23<sup>rd</sup>,

Mr. Lawless indicated that he would be working the host city booth passing out information on the Town. 4) The Planning Board has requested that research to draft a proposed ordinance requiring carbon monoxide detectors in rental houses and condominiums be done.

Mr. Chamberlin indicated that he was in support of writing a letter to the DOT in favor of a bridge. Mrs. Handley asked about the Memorial Park issue. Mr. Lawless indicated that the intern, Lisa Greene, had written letters and it had been suggested that the Town sell some of their lots held in inventory to raise the funds to purchase the necessary lots.

Mr. Lawless was asked to investigate the issue and find out how much money would be necessary to purchase the lots in question and report back to the Council.

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

Phil Buchanan asked that the Council consider looking into the condominium issue. After a brief discussion the Council agreed to reconvene at 2:00 p.m. on Tuesday, September 16, 2003. There were no other items to discuss.

8. Adjournment

Mr. Chamberlin moved to recess the meeting until 2:00 p.m. on Tuesday September 16<sup>th</sup>. Mr. Holland seconded the motion and it passed unanimously.

The Council came out of Executive Session at 7:30 p.m. The session will be reconvened on September 16<sup>th</sup> after the Council meeting.

**Reconvened September 16, 2003**

Mayor Owen reconvened the recessed meeting from September 9<sup>th</sup> at 2:05 p.m. in the

Town Hall meeting room. Other Council Members present were Gil Adams, Tim Holland and Dr. Ed Waligroski. Pete Chamberlin arrived at 2:17 p.m. Also present were Town Manager Seth Lawless, Director of Public Works Riley Hatch, Town Attorney David Paletta and Town Engineer Ed Powell. There were a number of interested parties in the audience.

Mayor Owen announced that the purpose of the meeting was to continue the discussion on the condominium complex proposed by Joe Coakley. A contract between Mr. Coakley and the Town had been prepared that provided the details on how the property would be developed. A rendering of the complex by Davis Martin Powell & Associates identified the proposed site of the 5 buildings consisting of 30 units, 60 parking spaces and the location of the pump station. The property designated for the pump station would be deeded over to the Town once the station was completed. The total area was 2.959 acres and would be 2.88 acres after the property was deeded to Town.

After a brief discussion on the proposed contract, Mr. Holland moved to accept the contract between the Town and Mr. Joe Coakley, as amended. Mr. Adams seconded the motion.

Cindy Keller pleaded with the Council to work around the building site to preserve some very large trees that were located in the area of the proposed buildings. Mayor Owen indicated that the Council would not ask the developer to move the building in order to save the trees, however the developer was aware of Ms. Keller's request.

Mrs. Model indicated her disappointment with the landscaping plan provided to which Mayor Owen indicated that he did not have an issue with the landscaping plan presented by Mr. Powell. Mr. Adams called the question and the motion carried unanimously.

Upon a motion by Tim Holland, seconded by Dr. Waligroski, the Council entered into Executive Session at 2:45 p.m. All agreed.

Upon a motion by Tim Holland, seconded by Dr. Waligroski, the Council came out of Executive Session at 3:30 p.m. Mayor Owen announced that the purpose of the Executive Session was to conduct the annual performance appraisal of the Town Manager. Upon a motion by Mr. Holland, seconded by Gil Adams, the Manager received a 3% salary increase and a \$1,500 bonus. All agreed. The meeting adjourned by consent at 3:35 p.m.

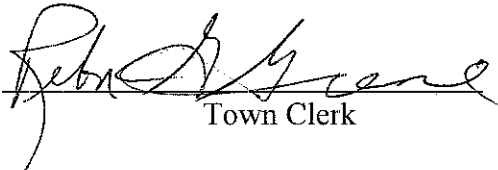
Respectfully submitted,


Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on 10 - 14, 2003.

ATTEST:

  
Town Clerk

  
Mayor