

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
November 9, 2004

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 Chambers of Town Hall. Other Council Members present were Paul Piquet and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Police Chief Jay Hefner, 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 Bureson 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 with the addition of a change order from G.E.M. Construction under Other Business item ‘A’.

2. Consent Agenda – Minutes of October 12th Regular – Dr. Waligroski moved to accept the minutes of the October 12th meeting as presented. Mr. Piquet seconded the motion and it passed unanimously.

3. Public Hearing – Proposed Amendment to Section 1114, Tree Cutting, of the Zoning Ordinance – Mayor Owen opened the Public Hearing at 6:08 p.m. asking for comments from the public on the proposed changes to the tree cutting section of the Zoning Ordinance. Mayor Owen noted that, with the changes, the property owner contracting the work and the tree cutter would have to sign the permit and the permit would have to be posted on the job site while the work was being done. In addition to these changes the fine for violation would be \$500.00. Dr. Grodin of Golfview Drive asked for, and received clarification on the ordinance. Mr. Piquet asked that clarification of the \$500 fine show that it was per tree and also asked why the changes did not include a violation for the tree cutter if he violated the ordinance. Ms. Peggy Coscia of 100 Hemlock Circle stated that the final responsibility was on the property owner. After much discussion Mayor Owen closed the Public Hearing at 6:40 p.m. with the topic scheduled for discussion later in the meeting.

4. Person's Wishing to Address Council – Peggy Coscia and Jennifer Ball – Peggy Coscia of 100 Hemlock Circle addressed the Council asking that something be done about the speeding on Charter Hills Road, perhaps a speed limit sign could be placed by the end of Tamarack Road and Charter Hills in the ‘roller coaster’ area. Jennifer Ball of 709 Charter Hills Road also expressed her concerns about the speeding – Ms. Ball asked if a hidden drive sign could be put up. Mayor Owen responded by indicating that there were a number of areas that fell into the category described and more signs would probably not help because the offenders would ignore the signs. Chief Hefner indicated that he had the officers keeping a watch on the area, but it was difficult to have one stationed for extended periods of time in one spot. Mr. Lawless recommended that the mobile radar trailer sign be borrowed from Newland and placed in that area. All agreed that this might be a good option.

Ms. Coscia took the opportunity to let the Council know that Ms. Ball had once again taken charge of the Christmas decorations for the Town. The Council expressed their thanks.

5. New Business -

A. Proposed Amendment to Section 1114 of the Zoning Ordinance – Tree Cutting

After a discussion by the Council Mr. Paletta recommended that the amendment to the Zoning Ordinance be placed on the agenda for the December 14th Council meeting allowing the public to review the changes in writing. Mr. Lawless indicated that the Council needed to hold an additional Public Hearing on the Pond Creek Wastewater Treatment Plant improvements – this Public Hearing would require a 30 day notice to the public, thus the need to set the date tonight. Mr. Piquet moved to reschedule the proposed amendment to Section 1114 of the Zoning Ordinance on the agenda for December 14th and to hold a Public Hearing on the Pond Creek Wastewater Treatment Plant on January 11, 2005 at 6:00 p.m. Dr. Waligroski seconded the motion and it passed without dissent.

B. Consider Golf Cart Ordinance Amendment – Mr. Paletta reported that the changes proposed in the Golf Cart/Utility Ordinance would take away the discretionary designation of approved streets by the Police Chief. Mr. Lawless indicated that the map printed on the back side of the ordinance would be an attachment to the Ordinance defining the streets that would be covered by the Ordinance. Mr. Lawless further indicated that home owners would have to come before the Town Council for exceptions to the Ordinance. Dr. Waligroski moved to approve the amendment to Title VI Chapter 79 Golf Cart/Utility Vehicle Ordinance. Mr. Piquet seconded the motion and it passed unanimously.

C. Consider Resolution 04-11-01 Preliminary Assessment – Golf View Drive – Mr. Lawless reported that the Clerk had verified the petitions of the property owners for the improvements to Golf View Drive. Mr. Powell was asked to look at Golf View Drive for the addition of a cul de sac that would allow for trash and fire trucks to turn around. After a brief discussion Mr. Piquet moved to approve Resolution 04-11-01, Preliminary Assessment Resolution for Golf View Drive and to schedule a Public Hearing to receive comments from the public on December 14th at 6:15 p.m. Dr. Waligroski seconded the motion and it passed unanimously. Mr. Lawless noted that all the property owners with property adjacent to Golf View Drive would be notified of the Public Hearing and invited to make comments either in writing or in person.

D. Resolution 04-11-02 – Pedestrian Planning Grant Application - Mr. Lawless reported that the Pedestrian Planning Grand Application Resolution would permit the Town to apply for an 80% grant, the Town would be required to provide matching monies of 20%, for the study of a pedestrian walkway or bicycle trails to promote safety. Mr. Lawless indicated that the Town would ask the Chamber of Commerce, Beech Mountain Ski Resort and the Tourism Development Authority to write letters in support of the trails. Mr. Piquet moved to approve Resolution 04-11-02. Dr. Waligroski seconded the motion and it passed unanimously.

E. Position Classification Study Proposal – Mr. Lawless, upon the request of the Council, had researched a number of entities to do the pay and classification study. Mr. Lawless recommended Wilder Consulting and after a brief discussion Mr. Piquet moved to have Wilder Consulting conduct a pay study on Town employees. Dr. Waligroski seconded the motion and passed unanimously.

F. Review Stop Sign Request – Mr. Lawless reported to the Council and audience that he was in receipt of a letter requesting that the Town install a stop sign at the intersection of Dogwood One and Dogwood Two, by Lake Road. Mrs. Renee Miller of 107 Golf View Drive felt it was a dangerous intersection. Mr. Piquet indicated that he had driven by the area and, in his opinion; the problem was the position of the current stop sign. After further discussion the Council agreed that another stop sign was not appropriate and asked that Mr. Hatch look at the location of the stop sign.

G. Review Easement Request – John Sams– Mr. Lawless reported that John Sams had requested an easement from PA-55 and then follow Hawthorne Road for approximately 130 feet, travel 60 feet along the lot line of PA-27 and the Town property because of the steep, rocky terrain prohibiting a septic system. After a brief discussion noting that the request was similar to one made by Broker Jim Brooks at the October 12th meeting and that the home owner would maintain the utility line as well as repair the road, Dr. Waligroski moved to approve the easement request. Mr. Piquet seconded the motion and it passed unanimously.

H. Tax Releases

- A. Lance Corporation – Business Personal Property
- B. AA-379

Mr. Piquet moved to approve the two tax release request as presented. Dr. Waligroski seconded the motion and it passed without dissent.

6. Staff/Consultant Reports

A. Town Engineer's Report – Mr. Powell reported that Chris Ryder Construction had poured the last of the concrete for the alum sludge basin and planned to complete the job before the end of the year. Mr. Powell also reported that his firm had responded to the state with regards to the 201 Amendment for the Pond Creek Wastewater Treatment Plant and the next step was the informational Public Hearing, scheduled for January 11, 2005. Mr. Powell mentioned that the Town should gather positive comments from the Chamber of Commerce and some of the realtors in the Town.

B. Public Works Director's Report – Riley Hatch's report is on file with the Town Clerk.

C. Town Attorney's Report. – Mr. Paletta gave an overview of the proposed changes to the Tree Cutting Ordinance noting that no person shall be allow to register as a tree cutter until all civil penalties have been paid in full, civil penalties will be \$100 per violation. The penalty for property owners not hiring a registered tree cutter was agreed to be \$100. Mr. Paletta indicated that he would have the changes to Mr. Lawless prior to the December Council meeting

D. Police Report – Chief Jay Hefner reported that it had been a slow month for the police department with only a few misdemeanor violations. Chief Hefner did report that the drug task force was doing well with a meth lab arrest in Newland. The report is on file with the Town Clerk.

E. Town Manager's Report - Mr. Lawless reported; 1) The Town's Volunteer Fire Department was recognized at the annual Watauga County Farm City Banquet as an outstanding community organization for their assistance during Hurricane Ivan. 2) The first section of the Indoor Recreation Center is scheduled for delivery on November 17th and GEM Construction will hold its monthly progress meeting on the 23rd. 3) The Chamber of Commerce annual meeting will be at Jackalopes View on November 18th. 4) The accounting firm of Bryce Holder C.P.A. will present the annual audit for the Town at the December 14th meeting. 5) Town employees will be off on Thursday, November 11th in honor of Veteran's Day. A few Town Hall employees have chosen to work, thus the office will be open. 6) The Gov Deals auction for the 2001 Jeep would end at 10:00 a.m. on November 10th; currently the bidding is just under \$3,900. &) Lastly, Mr. Lawless reported that the paving contractors were scheduled to return to work on the road repairs and Mayor Owen made a special request for the utility cut for the new fire station to be included in the repairs. Mr. Piquet indicated that Pinnacle Ridge Road was in serious need of patching. Mr. Lawless' report was accepted as submitted.

E. Tax Collection Report - On file with the Town Clerk.

F. Building Inspections Report - On file with the Town Clerk.

7. Other Business -

A. Recreation Center Building - Mr. Lawless directed the Council's attention to the GEM Constructors, Inc. change order for the recreation center that listed the addition of the Town logo, color keys and striping for the basketball and tennis court area. After a brief discussion Mr. Piquet made a motion to approve all three changes. Dr. Waligroski seconded the motion and it passed unanimously.

8. Adjournment - Upon a motion by Mr. Piquet the meeting adjourned at 8:00 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

Minutes approved by Town Council on 12-14, 2004.



Mayor

ATTEST:



Town Clerk