

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
December 14, 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 Gil Adams, Pete Chamberlin, Paul Piquet and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Police Chief Jay Hefner, Public Works Director Riley Hatch, Building Inspector Keith Cook, and Town Attorney David Paletta. 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 with the addition of a discussion on the Soil Erosion Plan under Other Business item ‘A’ and the deletion of #4 ‘Special Presentations’ as well as the Town Engineers report.

2. Consent Agenda – Minutes of November 9th Regular – Dr. Waligroski moved to accept the minutes of the November 9th meeting as presented. Mr. Piquet seconded the motion and it passed unanimously.

3. Public Hearing –

A. Proposed Zoning Ordinance Amendment - Section 1114, Tree Cutting, and Trimming Regulations and Section 1401 Penalties. Mayor Owen opened the Public Hearing at 6:07 p.m. asking for comments from the public on the proposed changes to the tree cutting section of the Zoning Ordinance. Hearing no comments from the public, Mayor Owen closed the Public Hearing at 6:09 p.m.

B. Proposed Paving Project – Golfview Drive – Mayor Owen opened the Public Hearing at 6:09 p.m. asking for comments from the public on the proposed paving of Golfview Drive. Dr. Mark Grodin of 110 Golfview Drive addressed the Council noting that the number of petitions exceeded the requirements and also the footage requirements had been exceeded. Mr. Grodin was hopeful that the paving project would be approved.

Mayor Owen reported that Mr. Joseph Cappelli of 109 Golfview Drive had written a letter in opposition to the paving. Hearing no further comments from the public, Mayor Owen closed the Public Hearing at 6:10 p.m.

4. Old Business — Proposed Amendment to Sections 1114 and 1401 of the Zoning Ordinance – Mr. Piquet indicated that the Planning Board and Town Council had spent a great deal of time on the amendment and made a motion to approve Section 1114 and Section 1401 of the Zoning Ordinance. Dr. Waligroski seconded the motion. Mr. Paletta felt it in the

Town's best interest to make one additional change in Section 1114.02, replacing the word 'may' with 'shall', thus giving the Town more flexibility. Mr. Piquet and Dr. Waligroski amended their motions to accept the recommendation made by Mr. Paletta

Mr. Adams indicated that his position on the issue was that the burden was on the property owner and felt the tree cutter should not be included in the amendment and that it was unclear as to when the tree cutter would have to sign the permit. After much discussion, Mayor Owen called the motion, the motion passed without dissent

5. New Business -

A. Resolution 04-12-01 – Directing the Improvement of Golfview Drive – Mr.

Lawless reported that the Town Engineer, Ed Powell, had reported to him that the Town did not have enough of a right of way for a cul-de-sac at the end of Golfview Drive. The Town would have to acquire easements from the property owners to satisfy the requirements. Mr. Lawless noted that he had an estimate from Mr. Powell on the paving, and it was significantly higher than the estimate that Moretz Paving had given to Dr. Grodin. Mr. Hatch indicated that the estimate may not have taken into consideration the water valve's that would have to be raised and the catch basin that would have to be installed. After further discussion, Mr. Lawless informed the Council that once the resolution directing the improvements to Golfview Drive was passed, the project would begin. The Council was in agreement for Mr. Lawless to ask Mr. Powell to stake out the easement necessary for the cul-de-sac at the end of Golfview Drive. Mayor Owen indicated that the matter would be on the Council's agenda for the next meeting.

B. Proposed Warranty Agreement with Joe Coakley –

Mayor Owen indicated that the Town had received a 'Letter of Agreement' from Mr. Coakley with regards to need for 'Certificates of Occupancy' for two of his buildings at the Klonteska condominium site. Mr. Lawless reported that the water and sewer had been installed, tested and passed and that the pump station was operable – Mr. Lawless and Mr. Hatch were recommending to the Council that the Town take over the daily operations of the water and sewer system.

Mr. Lawless then addressed the 'Performance Bond' from Travelers Casualty and Surety Company of America on the two buildings and after a brief discussion Mr. Chamberlin made a motion to accept the agreement and performance bond for Joseph D. Coakley, Jr. Mr. Adams seconded the motion. Charlie Burleson responded by letting the Council know that Mr. Coakley had not completed the easement agreement allowing him to cross his property. After much discussion with Mr. Benji Greene, realtor for Mr. Coakley, assuring the Council that he would follow up on the matter, Mr. Chamberlin amended his original motion to say the following: Pending a copy of the recorded easement agreement between Charles Burleson and Joseph D. Coakley, Jr. is received by the Town of Beech Mountain and Mr. Coakley conveying to the Town such easement that is satisfactory to the Town's Attorney. Mr. Adams seconded the amended motion and it passed unanimously.

C. Consider Offer to Donate CR-253 –

After a brief discussion Mr. Piquet made a motion to accept Lot CR-253, 212 Foxgrape Hollow Road, from William & Annabelle Kelly without stipulations. Mr. Chamberlin seconded the motion and it passed unanimously.

D. Committee Appointments -

1. **Planning Board: 2** – Mr. Chamberlin moved to reappoint Marge Bailey and Bill Watson to the Planning Board, each for a 3 year term. Mr. Piquet seconded the motion and it passed unanimously.
2. **Board of Adjustment: 2** – Mr. Chamberlin moved to reappoint Norm Smith and Kakii Handley to the Board of Adjustment, each for a 3 year term. Mr. Piquet seconded the motion and it passed unanimously.
3. **Board of Adjustment Alternates: 3** – Mr. Piquet moved to reappoint Jim Weaver, Ron Nichols and Russ Reiman as Alternates to the Board of Adjustments, each for a 1 year term. Mr. Chamberlin seconded the motion and it passed unanimously.
4. **Tourism Development Authority: 3** – Mr. Chamberlin moved to reappoint Charlie Burleson and Candi Catoe to the Tourism Development Authority, each for a 3 year term. Mr. Piquet seconded the motion and it passed unanimously. The Council will consider nominations for the position left vacant by Brian Barnes.
5. **Parks Committee:**
6. **Recreation Center Advisory Committee:**

The Council discussed a few individuals to fill the TDA vacancy as well as members for the Parks Committee and the Recreation Center Advisory Committee. The vacancies will be slated for discussion at the January meeting. Mr. Piquet asked Mr. Paletta about the legality of individuals serving on two different committees, i.e. an elected official serving on the Parks Committee or TDA, Planning Board member serving on an advisory committee. Mr. Paletta indicated that he would have to investigate the issue and get back with Mr. Lawless.

6. Staff/Consultant Reports

A. Town Engineer's Report – Mr. Powell did not stay for the meeting due to the weather

B. Public Works Director's Report – Mr. Hatch reported 1) An extra dumpster had been ordered for Christmas for the recycling center and Ray Ledford was back at work manning the center, this should help keep it in shape during the holidays 2) F E M A. is still working with the Town on the flooding experienced a few months ago. 3) Specs will be submitted for the new 4 wheel drive dump truck and Mr. Hatch will try a reverse auction on the Govdeals.com site on December 20th.

C. Town Attorney's Report. – Mr. Paletta had no report.

D. Police Report – Chief Jay Hefner reported that it had been another slow month for the police department. Officers had written a few violations for speeding on Charter Hills. The report is on file with the Town Clerk.

E. Town Manager's Report - Mr. Lawless reported: 1) The TDA had authorized spending up to \$15,000 on a piece of equipment to groom the sledding hill. The Town will demo a

Bobcat this week to see if it will do the job. 2) The basketball court part of the Recreation Center is being erected, photos are on Channel 2. 3) Storm damage reports have been completed and forwarded to F.E.M.A. and the NC Department of Emergency Management from Francis and Ivan. The first payments have been received. 4) The Gov Deals auction for the 2001 Jeep netted the Town \$4,417. 5) The Chamber of Commerce reelected Jim Brooks as their President and Aldolfo Sanmartino of Destiny's Inn was elected as the Vice-President at today's meeting.

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

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

7. Other Business –

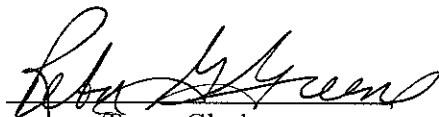
A. Soil Erosion Plan - Mr. Lawless reported that Mr. Cook had proposed a Soil Erosion Plan based on State standards. The State had representatives in Town a few months ago to look over the Town's program. The proposed changes to the plan will meet the State's model ordinance. The Planning Board will review the proposed changes at their upcoming meeting Wednesday, January 5th.

8. Adjournment - Upon a motion by Mr. Piquet the meeting adjourned at 8:10 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

Minutes approved by Town Council on Jan 11th, 2004.


Mayor

ATTEST:


Town Clerk