

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 8, 2005

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, Town Engineer Ed Powell 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 an Executive Session after Other Business

2. Consent Agenda – Minutes of January 11th Regular Meeting – Mr. Piquet noted an error on the Recreation Center change order. Mr. Chamberlin moved to approve the minutes as amended. Mr. Piquet seconded the motion and it passed unanimously.

3. Public Hearing – Proposed Zoning Ordinance Amendment – Soil Erosion Regulations – Mayor Owen opened the Public Hearing at 6:03 p.m. Mr. Cook informed the Council and audience that the changes to the Soil Erosion Regulations were required by the State in order for the program to be maintained by the Town. Mr. Cook further noted that the Planning Board had reviewed the changes and recommended that the Council give their approval. Hearing no comments from the public, Mr. Chamberlin moved to close the Public Hearing at 6:10 p.m. Dr. Waligroski seconded the motion and it passed unanimously.

4. Old Business

A. Committee Appointments – Parks (4), Recreation Center (3) - Mayor Owen indicated that the appointments would be considered later in the meeting.

B. Golf View Drive Paving – Town Engineer Mr. Powell reported to the Council and audience that the iron stakes for the area at the end of Golf View Drive had been located. Mr. Powell stated that the Town would have to obtain easements at the end of Golf View Drive in order to have the necessary area for a turn around. The easements would have to be granted from the owners of lots #5, 6, and 7. Mr. Powell proposed that, should the project be approved, that a ditch be installed on both sides allowing for the run-off to be directed to the creek below Golf View Drive. Mayor Owen asked if the property owners had seen the proposed easement area to which Mr. Powell indicated that they had not. Mr. Lawless noted that a patch of trees on lot #5 would have to be taken out. Mr. Adams asked who was responsible for the expenses being incurred for this preliminary work to which Mr. Lawless indicated that, should the project be

approved, it would be included in the engineering expenses. Mr. Adams made a motion against the paving of Golf View Drive. Mr. Piquet seconded the motion. Mr. Chamberlin asked if the Council could reject a project that the property owners had petitioned to which Mr. Paletta responded that the final decision was the Town Council. Mayor Owen indicated that he was not opposed to the paving project and Mr. Chamberlin agreed with Mayor Owen. Mr. Lawless asked if the Council could take a 10 minute recess. Mayor Owen called for the Council to recess until 6:30 p.m.

Mayor Owen reconvened the meeting at 6:30 p.m. Mayor Owen called for a vote on the motion against the paving of Golf View Drive. Dr. Waligroski asked to be excused from voting on the paving issue due to a personal conflict. Mr. Chamberlin made a motion to excuse Dr. Waligroski from the voting. Mr. Piquet seconded the motion and it passed unanimously. Mayor Owen then called the question on the original motion. Mr. Piquet and Mr. Adams were in support of the motion not to pave Golf View Drive. Mr. Chamberlin and Mayor Owen were against the motion. The motion against the paving of Golf View Drive did not pass. Mr. Chamberlin made a motion contingent upon the property owners approving the necessary easements and site plan as drawn up by Davis-Martin-Powell & Associates, Inc. to approve the paving of Golf View Drive. Mayor Owen seconded the motion in support of paving Golf View Drive. Mayor Owen called for votes: Mr. Chamberlin and Mayor Owen voted aye, Mr. Adams and Mr. Piquet voted nay. The motion died.

Mr. Powell indicated that he had no further items to report and asked to be excused from the meeting.

5. New Business

A. Proposed Zoning Ordinance Amendment – Soil Erosion Regulations – Mayor Owen asked Mr. Cook if the \$5,000 per day penalty exceeded the state requirement. Mr. Cook indicated that the penalty was the amount stated in the Model Ordinance. Mr. Chamberlin made a motion to amend the Zoning Ordinance as recommended by the Planning Board. Mr. Piquet seconded the motion and it passed unanimously.

B. Discussion Proposed New Stop Signs – Mr. Lawless reported that he had received a letter from LaVon K. Franklin of 148 Mariah Circle asking that a stop sign be installed at the end of Mariah Circle, on the West side of the Circle and another at the intersection by North Pinnacle Ridge Road. After a brief discussion Mr. Piquet moved to approve the installation of two stop signs by Mariah Circle. Mayor Owen seconded the motion and it passed unanimously.

C. Harris Mones Easement Request – Mr. Lawless explained that Mr. Harris Mones was considering the purchase of RW-190 (318 Pinnacle Ridge Road), a lot currently without a sewer hook up. Mr. Hatch reported that in mapping of the Town's sewer system they were unable to determine where that sewer line ended. The original developer did not make it a practice to put a manhole at the end of the sewer lines and the camera system the Town used would only extend up Pinnacle Ridge Road 250' – this was from the last manhole in the vicinity of RW-190. Mr. Piquet asked if it were possible that the sewer line went all the way to RW-190 to which Mr. Hatch indicated that there was a chance that it did. After further discussion, Mr. Piquet made a motion to grant the easement with the Town staff being instructed to find the best route for granting sewer service to the proposed home site. Dr. Waligroski seconded the motion and it passed unanimously.

D. Bruce and Eva Jones Request to Abolish Easement – Mr. Bruce Jones addressed the Council and audience with a request to abolish an easement located on two lots he and his wife wish to purchase, D-82 (110 East Blueberry Lane) and D-83 (143 Wild Daisy Lane). The Jones' have an offer to purchase the two lots with the intent of combining the properties and building a home. Mr. Jones pointed out that the easement as it is located, would allow sewer lines from East Blueberry Lane to potentially go across their proposed driveway, close to their house or through the creek, obscuring the waterfall. After much discussion on how to best relocate the easement, Mr. Paletta recommended that topographical data be obtained to help the Council determine a suitable site. Mr. Jones indicated that he would follow up with the recommendation and report back to the Council.

E. Offer to Donate LG-251 – Mr. Lawless reported that Judith and James C. Burns, III had written the Town with a request to donate LG-251 (112 Thistle Lane). After a brief discussion Mr. Chamberlin made a motion to accept the donation of LG-251. Mr. Piquet seconded the motion and it passed without dissent.

F. Discuss Planning Retreat Date/Location – Mr. Lawless asked the Council to set a date for the annual Planning Retreat. The Council agreed upon April 1st. Mr. Adams suggested that the meeting be held in the new Region D building. Mr. Lawless indicated that he would report back to the Council on reserving a room. Ms. Peggy Coscia asked about having access to the minutes of the retreat to which Mayor Owen indicated that it was open to the public and anyone could attend the meetings and also read the minutes.

6. Staff/Consultant Reports

A. Town Engineer's Report – Ed Powell – Mr. Powell's report was received in item 4-b.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported that the department had been busy locating water leaks. This, in addition to sanding roads, had kept everyone busy.

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

D. Chief of Police's Report – Jay Hefner – Chief Hefner reported that the department had been tipped off to a possible arson, which did happen but, the suspects were apprehended. Chief Hefner further reported that the suspects were responsible for approximately 16 other arsons as well as the thefts of 19 heat pump units. The police had seized the suspect's vehicle and found drugs and a large sum of cash. The case has been turned over to the A.I.F. and the D.E.A. Chief Hefner highlighted a few other cases and also asked that the Council note that there was a typographical error in his report in the gallons of gas used. The report is on file with the Town Clerk.

E. Town Manager's Report – Seth Lawless – Mr. Lawless reported: 1) The Chamber of Commerce has rescheduled their meeting for Friday at 9:30 a.m. in the Council Chambers 2) The Municipal Association will meet on Thursday, 17th at Seven Devils.

F. Tax Collection Report – Melissa Norwood – The report is on file with the Town Clerk.

G. Building Inspection Report – Keith Cook – The report is on file with the Town Clerk.

7. **Other Business** – Mayor Owen asked Mr. Paletta if committee appointments could be discussed in Executive Session. Mr. Paletta replied that they could not. Mayor Owen then asked the Council to resume discussion of Old Business item A, Committee Appointments. The Council agreed to list potential candidates for the openings on the Parks Committee and the Recreation Center Committee and each Councilman suggested a number of residents. Mr. Chamberlin suggested candidates be interviewed by the Council. Mr. Piquet stated that the duties and responsibilities, as listed in the Parks Ordinance, should be given to potential members for review prior to their appointment. Mr. Chamberlin agreed that presenting the duties would be sufficient for members to understand what was being asked of them.

Mr. Chamberlin moved to transfer Fred Pfohl from the Parks Committee to the Recreation Center Committee. Mr. Piquet seconded the motion and it passed unanimously. Mr. Piquet moved to appoint Barbara Piquet to the Recreation Center Committee. Mr. Chamberlin seconded the motion and it passed unanimously. All agreed to appoint the remaining member and designate the chairperson at the March 8th meeting.

Mr. Chamberlin moved to appoint Brad Mettee, Gayle Cooper and Reub Mooradian to the Parks Committee. Mr. Piquet seconded the motion and it passed unanimously. Mr. Piquet moved to appoint Reub Mooradian Chairperson of the Parks Committee. Mr. Chamberlin seconded the motion and it passed without dissent. The final opening on the Parks Committee, to be filled by a Council member, will be discussed at the March 8th meeting.

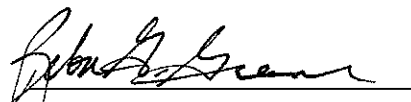
8. **Adjournment**– There being no further business to come before the Council, Dr. Waligroski moved to adjourn the meeting. The motion was seconded by Mr. Adams and passed 5 – 0. The meeting adjourned at 8:30 p.m.

Minutes approved by Town Council on March 8, 2005.



Mayor

ATTEST:



Town Clerk