

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
May 10, 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 Town Hall Council Chambers. 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 Mike Slusher and Town Attorney David Paletta. There were a number of interested parties in the audience.

Invocation – Dominic Simon opened the meeting with scripture reading and 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 two items, “Persons Wishing to Address Council”, Item B. Brian Barnes and “New Business” Item C. Resolution 05-05-02. Mr. Piquet moved to accept the Agenda as amended. Mr. Chamberlin seconded the motion and it passed unanimously.

2. Consent Agenda – Minutes of April 12th Regular Meeting – Mr. Chamberlin noted a correction to the minutes that Hornbeam Road would only be resurfaced on the paved portion. Mr. Chamberlin moved to approve the minutes of April 12th as amended. Mr. Adams seconded the motion and it passed unanimously.

3. Person’s Wishing to Address Council –

A. Dr. Murray Miller – Dr. Murray Miller reported that the newly completed Banner Elk EMS Station would be turned over to Avery County on Sunday, May 15th. Dr. Miller also noted that next week was EMS appreciation week. Dr. Miller also asked for the Town’s continued support for the Mountain Ambulance Service.

Dr. Miller asked that the Council reconsider the paving of Golf View Drive. Mayor Owen indicated that interested parties should discuss the matter further with Council members.

B. Brian Barnes – Mr. Brian Barnes, General Manager for The Beech Mountain Club presented a request for the Club to upgrade the irrigation system. Mr. Barnes asked that the Town allow the Club to cross Lakeledge Road just before the gravel portion by Lake Coffey. After a brief discussion, Mr. Piquet made a motion to allow the cut in the pavement on Lakeledge Road. Mr. Chamberlin seconded the motion and it passed unanimously.

Mr. Lawless asked about the painting of the golf cart crossing on Grassy Gap Loop Road to which Mr. Barnes indicated that it would be professionally painted this week.

Mr. Piquet asked who owned the golf crossing signs located on Grassy Gap Loop Road that were metal. It was determined that they were the Towns. The Council agreed that they should be replaced with the routed signs.

4. Old Business –

A. Review Planning Board Recommendation for Klonteska Condominiums –Mayor Owen informed the audience that the Planning Board had reviewed the preliminary development plans for Klonteska Condominiums prepared by Davis, Martin & Powell, Inc. dated February 28, 2005 Project #E3636, and recommended it for approval. In summary, the Klonteska plan calls for adding approximately 8 acres of undeveloped property to the existing 3.0 acres, reducing the number of 12 bedroom buildings (6 units each) previously approved from 5 to 4, and constructing 3 new buildings containing 12 bedrooms each (4 units each). As presented, a total of seven buildings would be built on approximately 3.8 acres containing 36 condominium units with a total of 84 bedrooms. A memorandum (attached) from Town Manager Seth Lawless had been presented to the Council that listed items for Council to consider as conditions for approval.

Councilman Adams stated that he did not object to the project but did not favor conditions #1 and #3 on the existing project from Mr. Lawless' memo. Mr. Adams also stated that the Ridge Law would govern the maximum height restrictions. Councilman Chamberlin spoke in favor of the project, stating that the property would eventually be developed, and by proceeding with the proposed agreement the Town would gain some control over the future land use. Mr. Chamberlin also cited the benefits of being able to extend the existing water line to loop back into the Town system and adding a second access into the condominium parking lot. Councilman Piquet expressed opposition to the project, stating that the proposed density was too high and that he and others in the Town did not like the appearance of the present buildings. Councilman Dr. Waligroski stated that people often have a difference of opinion on appearance, as evidence by the sale of 14 of the existing units.

Mr. Chamberlin moved for approval of the project with the conditions listed on the memorandum. Dr. Waligroski seconded the motion. During discussion, Mr. Paletta suggested that an agreement be drafted between the developer, Front Row Builders, and the Town to incorporate the list of conditional items as well as the details included on the development plan drawn by Davis, Martin & Powell. Mr. Chamberlin requested permission to amend his motion to incorporate the comments of Mr. Paletta. No objections were raised to the amendment. The vote on the question was called with Council members Adams, Chamberlin, Owen and Waligroski voting in favor. Paul Piquet voted nay. The motion carried 4-1.

B. Proposed Lease with Aisling Broadcasting – Antenna Request –Mayor Owen stated that Mr. Jonathan Hoffman, Aisling Broadcasting of Banner Elk LLC, had approached the Town Council about gaining permission to replace the existing radio station antenna on the Town owned lot above Ski Loft Road at the March 8th Town Council meeting. The new structure would be 16½ feet taller and be used to broadcast WECR-FM and WZJS-FM. Following the March 8th meeting Mr. Lawless and Mr. Hoffman met to draft a proposed lease agreement, which was now before the Council.

Mayor Owen asked for input on the terms of the lease from Council members. Consensus was gained on all items, including that the document needs to include a survey of the property with

the locations of the tower, guy wire and pump house. Distances between the guy wires and property lines would need to be approximately 25 feet and indicated on the survey. Agreement was also reached on the placement of no less than three shrubs planted around each guy wire anchor, and permission from the Town prior to any third party use of the tower.

Mr. Paletta suggested that a final draft of the lease be brought before the Town Council at the next meeting. All agreed.

5. New Business –

A. Call for Public Hearing – Planning Board Chairman Randy Corn addressed the Council with regards to a request from the Beech Mountain Club for a zoning reclassification. The property is .75 acre lot located on Club House Road and has a zoning of R2 (single family). The request is to rezone to PS (public service). Mr. Corn advised the Council that the property is being used as a parking lot by the club and the appropriate zoning is PS. Mr. Chamberlin moved to call for a Public Hearing on June 14th at 6:00 p.m. for the rezoning of the Beech Mountain Club property. Mr. Piquet seconded the motion and it passed unanimously.

B. Resolution 05-05-01- NC Transportation Improvement Plan – Mr. Lawless informed the Council and audience that the Department of Transportation updated their plans to improve the state highway system. Resolution 05-05-01 was to request improvement to NC 184. Mr. Adams asked that the Resolution be amended to include a bicycle lane along NC 184. After a brief discussion, Mr. Piquet made a motion to accept Resolution 05-05-01, a Resolution from The Town of Beech Mountain Requesting Improvements to NC 184, as amended. Dr. Waligroski seconded the motion and it passed unanimously.

C. Resolution 05-05-02 – Pond Creek Wastewater Treatment Plant – Mr. Lawless reported that Resolution 05-05-02 is a requirement for the Town to obtain funding for the Pond Creek Wastewater Treatment Plant Project. Mr. Chamberlin moved to approve Resolution 05-05-02 for the Pond Creek Wastewater Treatment Plant improvements. Mr. Adams seconded the motion and it passed unanimously.

6. Staff/Consultant Reports

A. Town Engineer's Report – Mike Slusher – Mr. Slusher reported that the plans for the Pond Creek Wastewater Treatment Plant were complete and that the state had not received any comments with regards to the FONSI (Finding Of No Significant Impact) that had been advertised. All necessary steps were in place for the loan application for the project. Mr. Slusher noted that Mr. Lawless would be meeting with the state officials later this week with regards to the loan.

Mr. Slusher indicated that Mr. Powell would have the bids for the road resurfacing projects by the end of the week. Mr. Slusher's report was accepted as submitted.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported: 1) A large portion of the Town experienced water outages due to a pressure problem, 4 major leaks resulted in the crew working until 1:00 a.m. Tuesday morning. 2) The Mill Pond water holding tank had been painted and sterilized. A water sample will be tested and sent to the state allowing the tank to be put back into operation by the end of the week. 3) The crew is

of Pond Creek Trail, down to Lake Coffey, is being repaired. Mr. Hatch's report is on file with the Town Clerk.

Ms. Cindy Keller request that Mayor Owen look into having the ski lift areas cleaned up, noting there was a lot of trash. Mayor Owen indicated that he would entertain the idea.

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

D. Chief of Police's Report – Jay Hefner – Chief Hefner reported there were no open cases for the month of April; Arrest had been made in both the DWI and vandalism cases. The report is on file with the Town Clerk.

E. Town Manager's Report – Seth Lawless – Mr. Lawless reported: 1) Town Hall Day was May 11th. The meeting with the Construction Grants staff for the State Revolving Loan on the Pond Creek Wastewater Plant improvements was scheduled for May 12th. Both meetings are in Raleigh. 3) The Municipal Association is scheduled for May 19th, 6:00 p.m. at the Seven Devils Town Hall. 4) The 2004 Drinking Water Quality Report is available and will be distributed in the next several weeks. 5) Road striping is scheduled for the end of May/first of June. 6) The Town Safety Committee will have the Town's Safety policies revised and ready to present to the Council at the July meeting. 7) Flowers should be available for planting next week. Barrels are in place and the beds are being prepared. 8) The Recreation Center Committee is working on staffing and hours for the facility.

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 –

There was no other business for the Council to discuss

8. Adjournment – Upon a motion by Mr. Chamberlin the meeting adjourned at 7:45 p.m. Mr. Piquet seconded the motion and it passed unanimously.

Minutes approved by Town Council on June 14, 2005.


Mayor

ATTEST:

Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
SPECIAL MEETING
May 31, 2005

1. CALL TO ORDER

Mayor Rick Owen called the Special Meeting to order at 4:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Paul Piquet, Dr. Ed Waligroski and Town Manager Seth Lawless. There were a number of interested parties in the audience.

2. BUDGET PRESENTATION

Mr. Lawless presented the Council with the proposed 2005-2006 fiscal year budget for the Town. Mr. Lawless noted the proposed budget as follows: General Fund budget of \$3,280,630, Mr. Lawless reported that the Tax Rate was proposed to remain at \$ 625 for every \$100 of assessed value. Mr. Lawless further noted that each 1¢ of the tax rate generates \$34,626. The total General Fund revenues are recommended to be increased 5.4% over the current year estimate. General Fund expenses are proposed to increase 6.5% over FY 2004-2005 estimated expenditures with no significant changes to Departmental operations. Water and Sewer Fund budget of \$1,103,880. This reflects a 3% increase in water and sewer rates and a 20% increase in availability fees, proposed effective date of July 1st. The additional income would be transferred into the Water and Sewer Capital Improvements Reserve and slated for future debt service payments on the Pond Creek Wastewater Plant Improvement Project.

Mr. Lawless noted that the Capital Improvement Plan (CIP) included capital assets (vehicles and equipment valued at more than \$5,000 with a useful life more than one year), capital projects and more expensive maintenance functions such as road resurfacing and water tank painting. The planning period includes the 2005/2006 fiscal year and three subsequent years. Mr. Lawless also noted that the largest CIP proposed expense was the Pond Creek Wastewater Treatment Plant upgrade.

Mr. Lawless indicated that the Sanitation Fund revenues and expenditures were recommended to decrease approximately 22.4% from the 2004/05 estimate. Mr. Lawless noted a \$1.00 per month increase in non-dumpster and a \$6.00 per month in dumpster charges were proposed. A \$10,910 fund balance appropriation is recommended.

Mr. Lawless reported that in April '04 the Town became eligible for State collected wireless phone subscription taxes. The new revenue is dedicated to improvements in the E-911 System's ability to assist calls from wireless phones. Mr. Lawless further indicated that wireless funds are accounted for separately from the standard phone taxes; both are placed in an equipment reserve and are restricted by NC Statute to equipment purchases. No fund balance appropriation is recommended.

Mr. Lawless reviewed the Capital Outlay noting the following recommendations; Administration- \$15,000 for phase I of new financial software and \$10,000 for the purchase of lots at foreclosure; Building Inspections Department - \$19,000 for a four wheel drive vehicle; Road Maintenance - \$21,000 for a four wheel drive pickup truck and \$25,000 for a leaf vacuum; and the Water Department - \$21,000 for a four wheel drive pickup truck. The total Capital Outlay recommendation is \$111,000.

Mr. Dale Waterhouse, 131 Raven Road, asked about the purchase of new software - questioning whether or not it would be more economical to purchase all the updates the Town needs at one time. Mr. Lawless responded that the types of software used by municipalities were a set price and with the pending retirement of the utility clerk, there was some question to training and then retraining a replacement.

Mr. Waterhouse then asked about the transfer of funds from the General Fund into the Water and Sewer Fund. Mr. Lawless indicated that the Water and Sewer Fund has historically relied upon a contribution from the General Fund. This is due to the relatively low number of users spread out over six square miles.

3. **ADJOURN**

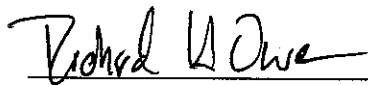
There being no further business to come before the Council, the meeting adjourned at 4:25 p.m. Mayor Owen reminded the Council that a workshop is scheduled for Tuesday, June 7th at 6:00 p.m. and a public hearing on the budget will be held on Tuesday, June 14th.

Respectfully submitted,

Reba G. Greene
Town Clerk

Minutes approved by Town Council on June 14, 2005

ATTEST:



Mayor



Town Clerk