

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
July 11, 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 Ed Powell and Town Attorney David Paletta. There were a number of interested parties in the audience.

Invocation – Charlie Burleson 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 – Mayor Owen added Item L under New Business, Davis-Martin-Powell & Associates, Inc. proposal for resurfacing the paved portion of Hornbeam Road and a portion of Beech Mountain Parkway. The Agenda was adopted as amended.

2. Consent Agenda – Minutes of June 7th Special Meeting, June 14th Regular Meeting & June 21st Special Meeting – Mr. Chamberlin moved to adopt the minutes of June 7th Special Meeting, June 14th Regular Meeting & June 21st Special Meeting as submitted. Mr. Piquet seconded the motion and it passed unanimously.

4. New Business –

A. Receipt of Ash Lane paving petition – Mayor Owen opened the discussion noting that prior to receiving the Ash Lane petition the Council had denied a paving request for Golf View Lane. Mayor Owen noted that the Council had discussed having the water lines upgraded whenever a gravel road was paved, and additionally having the property owners be responsible for the upgrades along with the paving cost. Town Engineer, Ed Powell, indicated that the water system couplings, located every 20', were nearing their life expectancy and the Town should consider the upgrading if a road were paved. Mr. Powell estimated that the cost would be approximately \$35 per foot to upgrade the old water lines. Mr. Chamberlin expressed his desires to see the water lines upgraded for safety reasons noting that the smaller lines would not support fire hydrants. Dr. Donald Berman, 116 Ash Lane, indicated that it had taken him two years to obtain the necessary signatures and he had hoped for support from the Council for the project. After much discussion, Mr. Piquet moved to table the discussion until the August 8th meeting. Dr. Waligroski seconded the motion. Mr. Piquet, Dr. Waligroski and Mr. Adams voted in favor of the motion. Mr. Chamberlin and Mayor Owen voted nay.

B. Consider Resolution approving Membership Agreement for Participation in the Interlocal Risk Financing Fund of North Carolina – Property and Liability Insurance – Mr. Chamberlin moved to approve Resolution 05-07-01 for participation in the Property and Liability Insurance through the North Carolina League of Municipalities. Mr. Piquet seconded the motion and it passed unanimously.

C. Consider Resolution approving Membership Agreement for Participation in the Interlocal Risk Financing Fund of North Carolina, - Workers' Compensation Insurance – Mr. Chamberlin moved to approve Resolution 05-07-02 for participation in the Workers' Compensation Risk Sharing Insurance through the North Carolina League of Municipalities. Mr. Piquet seconded the motion and it passed unanimously.

D. Proposed Contract for Interim Town Manager Services – Mr. Chamberlin moved to adopt the Employment Agreement was between Mr. Joe Perry and the Town for Interim Town Manager services beginning on July 27, 2005. Dr. Waligroski seconded the motion and it passed unanimously.

E. Citizen Request – Golf Cart Signs– Mayor Owen noted that golf carts were permitted on all Town maintained roads, traveling the most direct route from their homes to play golf. Mrs. Nancy Raymond, 519 Pine Ridge Road, had requested that the Town put up signs asking motorists to 'share the roads' with the golf carts. After a brief discussion, the Council was in agreement not to put up any additional signs on the Town roads. Dr. Waligroski asked that Mrs. Raymond reiterate the rules the Town has for the use of golf carts on Town roads at the next meeting of the Beech Mountain Ladies Golf Association.

F. Resolution 05-07-03 Town Depository – Mr. Lawless noted that Mrs. Rominger recommended that the Town move the banking to Highlands Union Bank. After a brief discussion, Mr. Chamberlin made a motion to move the Town's banking to Highlands Union Bank. Mr. Piquet seconded the motion and it passed unanimously. Mr. Lawless noted that the Town would see a substantial savings in the bank charges and credited Mr. Piquet with encouraging the Town to investigate other financial institutions charges for services.

G. Designation of Bank Signatories– After a brief discussion, Mr. Chamberlin moved to approve Mayor Owen, Interim Town Manager Joe Perry and Finance Officer Sally Rominger as signatories for the Town's various checking accounts. Mr. Piquet seconded the motion and it passed unanimously.

H. Review Attorney Recommendations re: Zoning Ordinance Amendments – After a brief discussion on the zoning issue for parking regulations – parking as a conditional use, Mr. Chamber moved, seconded by Mr. Piquet, to send the issue to the Board of Adjustments. The motion passed without dissent. Mrs. Raymond requested that Mr. Cook send her a copy of the Board of Adjustment agenda.

I. Consider Proposed Agreement re: Canine Officer Wetzel – Chief Hefner noted that the agreement was to relieve Officer Bob Johnson of any liability with regards to Officer Johnson's police trained dog, Wetzel. After a brief discussion, Mr. Adams moved to accept the agreement between the Town of Beech Mountain and Bob Johnson. Mr. Chamberlin seconded the motion and it passed unanimously.

J. Proposed Park Ordinance Amendment – Mr. Lawless noted that the proposed changes to the Parks and Recreation Ordinance were underlined and, after a brief discussion, Mr. Chamberlin moved to approve the addition of Section 6. General Rules for Facilities to Title IV Chapter 78. Mr. Piquet seconded the motion and it passed unanimously.

Mr. Chamberlin moved to approve the proposed Recreation Center Advisory Committee recommendations of Rules and Regulations for the Recreation Center, noting that the Committee has spent a lot of time researching and putting together the rules. Mr. Piquet seconded the motion and it passed unanimously.

K. Proposed Personnel Ordinance Amendments – Mr. Lawless indicated that the proposed ordinance attachment was based on the recommendations presented at the Planning Retreat by Mr. Bill Wilder of Wilder Consulting. Mr. Chamberlin moved to adopt the Personnel Ordinance Amendments. Mr. Piquet seconded the motion and it passed unanimously.

L. DMP Repaving – Mr. Paletta reviewed the Proposal for providing Design and Construction Service for the Town's 2005 street resurfacing program, including a portion of Hornbeam Road, approximately 1,250 L.F. and Beech Mountain Parkway approximately 3,225 L.F. After a lengthy discussion, Mr. Powell asked that the 'Standard Terms and Conditions' attached to the proposal be removed. Mr. Piquet moved to accept the Proposal for Services as amended. Mr. Chamberlin seconded the motion and it passed unanimously.

4. Staff/Consultant Reports

A. Town Engineer's Report – Ed Powell – Mr. Powell reported that the Pond Creek Wastewater Treatment Plant plans and application for funding were progressing. Mr. Powell also reported that he was working with the developers of the Grecco property on Cranberry Lane to get the road system into compliance prior to the July 21st deadline. Mr. Powell noted that the Zoning Administrator, Keith Cook, had contacted Mr. Grecco with a Notice of Violation for soil erosion and sedimentation violations. Mr. Powell noted that the Fox Crest Development was on track to start construction in the fall. Mr. Adams expressed his concerns for runoff into Buckeye Lake; Mr. Powell indicated that the developer was taking all necessary precautions and that an area had been set aside as dedicated green space. Mr. Lawless noted that Mr. Hatch had recommended that the agreement with the developers include a provision for adding the water and sewer system in the Town's GIS system. Mr. Powell's report was accepted as submitted.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported: 1) The sanitation crew was getting caught up on the trash situation, the holiday plus equipment breaking had put them behind. 2) The Town crews have a number of new water taps to install. 3) The right of way crews are being hampered by the weather, but every attempt is being made to keep up with the road clearing. Mr. Hatch's report is on file with the Town Clerk.

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 burglary of was from a house under construction. The vandalism was the result of an ongoing land dispute on the outskirts of Town; the matter has been referred to Civil Court. Chief Hefner indicated that the Department had purchased new weapons. Officers would be given the opportunity to purchase their old weapons; the value of the old weapons was determined to be \$225. The report is on file with the Town Clerk.

E. Quarterly Financial Report - The Quarterly Financial Report was accepted as submitted

F. Quarterly TDA Report – The Quarterly TDA Report was accepted as submitted. Mr. Lawless noted that the Tourism Development Authority had adopted their 2005-06 Budget

G. Town Manager's Report – Seth Lawless – Mr. Lawless reported: 1) Fox Crest Subdivision, approved by the Planning Board, would be presenting the Council with the final utility plans, extension agreement and performance bond at the August 8th meeting 2) The NC Department of Community Assistance facilitated a meeting to help the Planning Board review density requirements at their July 7th meeting 3) Repairs to the Town Hall foyer are scheduled for completion on the 11th. 4) The flower maintenance contract has been awarded to The Landsman for pay on a per treatment basis. 5) The road striping is 95% complete; St. Andrews will be the last road to be painted. Mr. Lawless ended his report by thanking the Council and citizens of Beech Mountain for allowing him the privilege to serve as Town Manager for the past 11 years.

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

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

5. Closed Session – NCGS 143-318.11. (5), (6). At 8:10 p.m. Mr. Chamberlin moved to go into Executive Session after a 5 minute recess. Mr. Piquet seconded the motion and it passed unanimously. The Council came out of Closed Session at 9:00 p.m. No action was taken.

6. Other Business – The Mayor made note that this was Mr. Lawless' last meeting. The Mayor and Council expressed their appreciation for Mr. Lawless' service to the Town and agreed to take Mr. Lawless and his wife to dinner.

Mr. Adams asked about the waterline replacement and how best to proceed. After a brief discussion, the Council felt that a Town wide study of the water system would be the best way to begin. No action was taken.

8. Adjournment – Upon a motion by Mr. Chamberlin, the meeting adjourned at 9:30 p.m. Mr. Piquet seconded the motion and it passed unanimously.

Minutes approved by Town Council on August 8th, 2005.


Mayor

ATTEST:


Town Clerk