

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
August 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 Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Paul Piquet and Dr. Ed Waligroski. Also present were Interim Town Manager Joe Perry, 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 – The Agenda was adopted as presented.

2. Consent Agenda – Minutes of July 11th Regular Meeting – Mr. Piquet moved to adopt the minutes of the July 11th Regular Meeting as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

3. Persons Wishing to Address Council – Mr. Weidner Abernathy – Mr. Weidner Abernathy of 120 Slopeside Road addressed the Council with concerns about the dumpster that is located on Slopes Road, next door to his property. Slopes Road is a private road and the dumpster is privately owned by the Slopes Association. Mr. Abernathy passed out photos showing the debris around the dumpster and pointing out the lack of lids on the dumpster. Mr. Abernathy noted that he had contacted the Town Manager on previous occasions asking that the area be kept more orderly. Mr. Hatch indicated that the dumpster was privately leased and the Town only empties it for the property owners association. Mr. Hatch further indicated that the lids for the dumpster had been lost due to a fire and they had been ordered. A follow up call would be placed about the order. Mayor Owen apologized for the fact that Mr. Abernathy had to come before the Town Council in order to get the matter cleared up and assured him that the staff would handle the situation.

4. Old Business – Road Paving Discussion –

Ash Lane paving petition – Mayor Owen opened the discussion noting that his personal feelings were for a study or survey of the Town's water lines allowing the Town to determine which lines needed to be upgraded. Mayor Owen also indicated that he felt the Ash Lane petition before the Council should be separate from the water line discussion. Mr. Piquet moved to place a moratorium on paving until a complete study could be completed on the Town's water lines, a plan to implement the priorities established and a plan for paying for the improvements. Mr. Adams seconded the motion. Mayor Owen felt the word 'moratorium' was a strong word and again stated that he felt the water line and the Ash Lane paving were two separate issues. Mr. Chamberlin agreed, stating that Ash Lane and Golf View were separate from the water line improvements. Mr. Chamberlin also indicated that he felt the

water line study was a priority. Mr. Perry asked that Mr. Hatch obtain quotes for the model of the water system. Mr. Adams indicated that he considered the Golf View issue dead and noted that the Town had a paving priority list from a number of years ago. Mr. Adams indicated that he felt the Town could not afford to take on any additional expenses at this time, such as paving and water lines. Dr. Waligroski indicated that he felt that the property owners should not have to pay for the water line improvements. Mr. Piquet made a motion to replace the word "moratorium" with "hold" in his original motion. Dr. Waligroski seconded the change in the motion. Mr. Adams asked how long the petition signatures were valid for the Ash Lane paving to which Mr. Paletta indicated as long as the signer owned the property and was in favor. Mr. Paletta noted that a petition signer could write a letter requesting his removal from a petition request. Mr. Chamberlin asked about exceptions to the assessments for paving noting that a few property owners on Ash Lane had lots that fronted Upper Grouse Ridge. Mr. Paletta responded that there were no exception to the assessments, other property owners could absorb the cost, but the liability was still on the property owner. Mr. Paletta noted that it had been some time since he had taken a look at the case law in regards to paving and that he would review the laws and report back to the Council at the September 13th meeting. Mr. Piquet restated the motion to place a hold on paving until a complete study could be obtained on the Town's water lines, a plan for implementing the priorities established and a plan for paying for the improvements. Mr. Adams seconded the motion. Mayor Owen called the motion. Mayor Owen, Mr. Chamberlin and Dr. Waligroski voted nay. Motion denied 3 to 2. Mr. Chamberlin made a motion to direct the clerk to verify the petitions for Ash Lane. Mayor Owen seconded the motion. Dr. Waligroski and Mr. Adams voted yea. Mr. Piquet voted nay. The motion carried 4 to 1.

Dr. Mark Grodin, 110 Golfview Drive, addressed the Council noting that he had presented petitions for paving of Golfview Drive and had been turned down. Mr. Paletta indicated that the petitions could be presented to the Council again so long as ownership had not changed. Mr. Powell indicated that Golf View had a 4" water line. Mr. Chamberlin indicated that he had looked at the cost of maintaining a gravel road compared to the cost of paving and found it to be less for paved roads. Mr. Adams indicated that he traveled the roads on a bicycle on a regular basis and felt the paved roads did not hold up and could list a lot of areas in need of repair, even on roads that do not have a lot of traffic. Mr. Chamberlin made a motion to have the Town Engineer revisit the engineering for Golfview Drive and bring the issue back before the Town Council. Mayor Owen seconded the motion. Dr. Waligroski made a motion to excuse himself from the voting on the Golf View Drive issue. Mr. Piquet seconded the motion and it passed unanimously. Mr. Powell indicated that he would look at the right of way issue at the end of Golf View Drive for the required turn around. Mr. Powell noted that the property owners would have to be contacted when the necessary information had been put together. Mr. Powell also indicated that the turn around had to be a 3 point turn. Mayor Owen, Mr. Adams and Mr. Chamberlin voted in favor of the motion. Mr. Piquet voted nay. The motion carried 3 to 1. Mr. Chamberlin moved to have Dr. Waligroski brought back into the meeting. Mr. Piquet seconded the motion and it passed unanimously.

Ms. Coscia asked the Council about the striping on Beech Mountain Parking indicating that it was very difficult to see on foggy nights. Mr. Perry responded that the state would stripe the road after further patching had been completed.

5. New Business –

A. Consider Proposed Agreement – Fox Crest Subdivision – Mayor Owen indicated that the proposed Fox Crest Subdivision had been approved by the Planning Board prior to being

submitted to the Town Council. Mr. Piquet moved to approve the Fox Crest Subdivision as submitted. Mr. Chamberlin seconded the motion and it passed unanimously.

B. Annual Tax Settlement

i. Beech Mountain Property Tax – Mr. Chamberlin moved to accept the Beech Mountain Property Tax settlement as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

ii. Watauga County Vehicle Tax – Mr. Chamberlin moved to accept the Watauga County Vehicle Tax settlement as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

iii. Avery County Vehicle – Mr. Chamberlin moved to accept the Avery County Vehicle Tax settlement as submitted. Dr. Waligroski seconded the motion and it passed unanimously.

C. Charge Tax Collector with Collection of 2005 Taxes – Mr. Adams moved to charge the Tax Administrator with the collection of the 2005 Property Tax. Mr. Chamberlin seconded the motion and it passed unanimously.

D. Consider Request from Beech Mountain Club, Irrigation Line – Rory Ellington, Grounds and Greens Superintendent for the Beech Mountain Club, addressed the Council asking that the Town allow the Club to cross Chestnut Way and Grassy Gap Loop Road with an irrigation line for the Beech Mountain Club Golf Course. Mr. Hatch asked that the line on Grassy Gap Loop Road be installed in conduit to which Mr. Ellington agreed. After a brief discussion, Mr. Adams moved to approve the Club's request to cross Chestnut Way and Grassy Gap Loop Road. Dr. Waligroski seconded the motion and it passed unanimously.

E. Consider Lease Agreement – Aisling Broadcasting of Banner Elk, LLC – Mayor Owen noted that Aisling Broadcasting, lease request had been previously discussed by the Council. Mayor Owen asked if the Council had any further recommendations or questions. After a brief discussion, Mr. Chamberlin moved to approve the lease agreement with Aisling Broadcasting of Banner Elk, LLC, upon the condition that the Town is able to secure a lease with Beech Mountain Resort Inc. and the Town is in receipt of the required survey indicating the building site and property line. Mayor Owen noted that the motion would allow the lease to be advertised. Dr. Waligroski seconded the motion and it passed unanimously.

F. Consider Lease Agreement – Beech Mountain Resort, Inc. – Mayor Owen reported that the lease agreement between the Town and Beech Mountain Resort, Inc. was the result of a survey the Town had requested Aisling Broadcasting obtain as a condition of the lease agreement for property located by the ski slopes. Mayor Owen noted that the survey had shown that the building owned by the Town was actually on B.M.R.I.'s property. B.M.R.I. had agreed to allow the Town to continue to use the building and agreed to formalize a lease agreement for the building. After a brief discussion, Mr. Piquet made a motion to approve the lease between the Town of Beech Mountain and Beech Mountain Resort, Inc. Mr. Adams seconded the motion and it passed unanimously.

G. Consider Resolution 05-08-01–Seth Lawless - Mayor Owen indicated that Resolution 05-08-01 was in appreciation for Mr. Seth Lawless' service to the Town as Town Manager. Mr. Piquet moved to approve Resolution 05-08-01 Honoring Seth Lawless' Service as Town Manager for The Town of Beech Mountain. Dr. Waligroski seconded the motion and it passed unanimously. Mr. Piquet indicated that he would have a plaque of the Resolution made for the Council to send to Mr. Lawless.

H. Consider Budget Amendment

i. Sanitation Fund – Mr. Piquet moved to approve the Sanitation Fund Budget Amendment allowing for the transfer of funds received in fiscal year 04/05 for the new sanitation department truck that will be received in fiscal year 05/06. Mr. Adams seconded the motion and it passed unanimously.

ii. E-911 Fund – Mr. Chamberlin moved to approve the E-911 Fund Budget Amendment transferring monies from the Reserve E-911 Fund to cover the cost of the mailing of the updated E-911 forms. Mr. Piquet seconded the motion and it passed unanimously.

iii. Indoor Recreation Fund– Mr. Piquet made a motion to Transfer \$124,000 from the General Fund to the Recreation Center Capital Project Construction Contract and to transfer \$4,500 from the Contingency fund to the Supplies and Materials line item for the Recreation Center. Dr. Waligroski seconded the motion and it passed unanimously.

6. Staff/Consultant Reports

A. Town Engineer's Report – Ed Powell – Mr. Powell reported that that he was soliciting bids for resurfacing the following roads; Beech Mountain Parkway from the entrance to Ski Beech to Lake Road, Hornbeam Road, paved portion only, Charter Hills Road to Tamarack Road and St. Andrews Road from Pine Ridge to Fire Station II. Mr. Powell noted that West Pond Creek Wastewater Treatment Plant plans are in review by the Construction Grant and Loan Department in Raleigh. We have received their comments and the project is on schedule to start the last quarter of 2005. Mr. Powell's report was accepted as submitted.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported; 1. The crew had repaired a water leak on a 12" water main between the Mill Pond tank and Spruce Hollow tank. 2. The Watauga County trash compactor is still out of order. 3. The road maintenance department is still cleaning out culverts. 4. The Emerald Court water line has been pressure tested and a sample of the water tested and approved. Mayor Owen asked if the Town had been given an "as built" for Emerald Court, Phase I, which was completed 4 years ago. Mr. Hatch responded that he did not have the as built surveys for Phase I or II. Mr. Perry indicated that he would contact the engineer, Mr. Lapsey, and ask for copies of the surveys.

C. Town Attorney's Report – David Paletta – Mr. Piquet asked Mr. Paletta about the foreclosures 2004 list that the Council had received. Mr. Paletta reported that he would check the list and report back to the Council at the September 13th meeting. Mr. Paletta noted that it was important for a parcel to have value worthy of the expense of foreclosure. Mr. Paletta's report was accepted as submitted.

D. Chief of Police's Report – Jay Hefner – Chief Hefner reported that he had received a phone scam complaint, but did not have sufficient information to do any follow up. Chief Hefner reported on some other minor offences that the department had checked on and noted that his report is on file with the Town Clerk.

E. Interim Town Manager's Report – Joe Perry – Mr. Perry reported that a recently passed bill required public meetings to set aside time for one public comment per month. The Agenda for September would reflect the new law. Mr. Perry also noted that another bill passed dealing with electronic purchase and sale of local government property. Mr. Perry reported that the High Country Municipal Association would be meeting on the 18th at Fire Station II on St. Andrews Road and Mr. Chamberlin had volunteered to cater the event.

Mayor Owen announced the League of Municipalities meeting scheduled for October 16th and 17th, which would be held in Hickory, NC. Mayor Owen encouraged everyone to attend.

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 – Dr. Waligroski noted that the Council would meet on the regular schedule, the 2nd Tuesday of the month, now that the Lees McRae Forum had ended.

8. Executive Session – NCGS 143-318.11(5), (6). Personnel Matter – Upon a motion by Mr. Piquet, seconded by Mr. Adams the Council entered into Executive Session at 8:30 p.m. under NCGS 143-318.11 (5), (6) to discuss a personnel matter. Upon a motion by Mr. Chamberlin, seconded by Dr. Waligroski the Council came out of Executive Session at 9:28 p.m. No action was taken.

9. Recess – Upon a motion by Mr. Piquet, seconded by Mr. Adams, the meeting recessed at 9:30 p.m. to resume on Thursday, August 11th at 3:00 p.m. in the Town Hall Council Chambers. Mr. Chamberlin seconded the motion and it passed unanimously.

10. Reconvened – Mayor Rick Owen reconvened the regular meeting of August 8, 2005 of the Beech Mountain Town Council on August 11th at 3:05 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Paul Piquet, Dr. Ed Waligroski and Interim Manager Joe Perry.

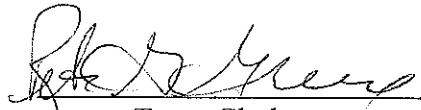
11. Resumes – Interim Town Manager Joe Perry passed out copies of the applications received for the Town Manager position, noting that he would personally deliver Mr. Pete Chamberlin's copies to him. After a brief discussion the Council agreed to meet in Closed Session on Thursday, August 25th at 2:00 p.m. in the Town Hall Council Chambers to discuss the applicants.

12. Adjourn – Having no other business to discuss the Council adjourned upon a motion by Mr. Piquet at 3:15 p.m. Mayor Owen seconded the motion and it passed unanimously.

Minutes approved by Town Council on Sept 13, 2005.


Mayor

ATTEST:


Town Clerk