

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
September 13, 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, Assistant Police Chief Dana Crawford, 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 – 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 the following items: 5) D. State Loan Offer, 5) E. Sewer Line Request – CR-321 and 7) B. Memorial Park.

2. Consent Agenda – Minutes of August 8th Regular Meeting – Mr. Chamberlin moved to adopt the minutes of the August 8th Regular Meeting as submitted. Mr. Piquet seconded the motion and it passed unanimously.

3. Public Comment –

Mr. Dale Waterhouse asked the Council for an explanation to the transfer of \$124,000 from the General Fund to the Recreation Center Capital Project Construction Contract and the \$4,500 from the Contingency funds to the Supplies and Materials line item for the Recreation Center. Mayor Owen noted that the Public Comment portion of the meeting was for comments and would not be used as a question/answer segment. Mayor Owen invited Mr. Waterhouse to meet with him after the meeting for further explanation of any issues he might like to discuss. Mr. Waterhouse indicated that he was not satisfied with Mayor Owen's response.

4. Old Business –

A. Zoning Ordinance Change – Mayor Owen – Mayor Owen reported that the zoning issue was for the Beech Mountain Club parking lot. The Planning Board reviewed the matter and referred it back to the Council along with recommendations suggested by David Paletta, Town Attorney. Mayor Owen further noted that parking decks are also prohibited. Mayor Owen informed the Council and audience that further input would be accepted at the public hearing. Mr. Chamberlin moved to set the Public Hearing for the Zoning Ordinance Change for 6:00 p.m. at the October, 2005 Council meeting. Mr. Piquet seconded the motion and it passed unanimously.

B. Foreclosures Update – David Paletta – Mr. Paletta reviewed the foreclosure list indicating that Watauga County had already foreclosed on one of the lots. After a lengthy discussion the Council agreed that Ms. Norwood should contact the County tax collector to attempt collection of the unpaid Town tax. Mr. Piquet questioned the foreclosure method as compared to a quit claim deed and after a lengthy discussion the Council deemed it worthy to foreclose on three unclaimed lots, giving the Town a clear Deed to the properties. Mr. Paletta noted that he was in negotiations for payment on another of the lots listed. The property had been conveyed to new owners and Mr. Paletta felt the monies due the Town would be paid.

C. Ash Lane Paving – Certificate of Sufficiency – Mayor Owen reported that the clerk had submitted the ‘Certificate of Sufficiency’ for the petitions for the Ash Lane paving request. Mr. Piquet made a motion irrespective of any previous actions taken by this Council, that we resolve to put a hold on any new paving projects with the exception of resurfacing already paved roads until: 1) A study of the Town’s water line infrastructure can be undertaken and completed. 2) The results of that study is used to determine action needed to be taken. 3) A plan formulated to address needs by priority. 4) A determination made as to how these needs will be implemented and funded. Mr. Adams seconded the motion. Dr. Berman of 116 Ash Lane addressed the Council asking that Ash Lane be exempt from Mr. Piquet’s motion. Ms. Kakii Handley noted that the Town would be remiss to pave any roads without first having a plan to fix the water and sewer problems. Mayor Owen called the vote: Mr. Chamberlin and Mayor Owen voted nay. Mr. Adams, Mr. Piquet and Dr. Waligroski voted yea. The motion passed.

D. Golf View Paving - Ed Powell – The Golf View paving was not discussion due to the decision on the Ash Lane paving issue.

E. Emerald Court As Built Surveys – Joe Perry – Mr. Perry reported that he had been in contact with Mr. Lapsey and the surveys would be forthcoming.

5. New Business –

A. Award Resurfacing Contract – Mr. Powell reported that the bid opening for the resurfacing of a portion of Beech Mountain Parkway from the entrance to Ski Beech to Lake Road and the paved portion of Hornbeam Road received one bid. Mr. Powell noted that the bid from Lakeview Construction and Equipment, Inc. was for \$88,310 for the Parkway section and \$53,425 for a portion of Hornbeam Road. The bid total was \$141,735, the estimated cost of the project had been about \$171,000. Mr. Powell recommended that the Council accept the bid from Lake View Construction and Equipment, Inc. Mr. Chamberlin moved to award the project to Lake View Construction and Equipment, Inc. Mayor Owen seconded the motion and it passed unanimously.

B. Budget Transfer Reports

i. Administration to Indoor Recreation – Mr. Perry noted that the transfer of \$1,000 from Administration to the Indoor Recreation was to cover the moving expenses of the new Recreation Director. Mr. Piquet moved to approve the Budget Transfer as requested. Dr. Waligroski seconded the motion and it passed unanimously.

ii. Administration to Tax Administration – Mr. Perry reported that the transfer

and 18th in Hickory and asked that all who wanted to attend please let him know by Wednesday, September 21st.

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

G. Building Inspection Report – Keith Cook – Mr. Cook reported that his new vehicle had been ordered. Mr. Cook also indicated that he anticipated 6 to 10 new building permits to be issued before the end of the season. The report is on file with the Town Clerk.

7. Other Business –

A. TVA Agreement – Mrs. Handley asked about the agreement between the Town and TVA in which TVA had indicated that low growing shrubs would be planted under the power lines. Mrs. Mary Frisbee indicated that she had been a signer on the agreement and that TVA had told the signers that they would spray vegetation should it get too high. Mr. Perry indicated that he would check the agreement the Town had with TVA.

B. Memorial Park – Mr. Piquet noted that Mrs. Handley had resigned from the Memorial Park Committee and he had agreed to be her replacement. Mr. Piquet reported that one lot remained to be obtained to complete the section the Committee had agreed upon for the Memorial Park. Mr. Lawless had not been successful in finding a suitable trade for the lot owner. Mr. Perry noted that he had been in contact with the lot owner and was working with him to find a lot suitable for trade. After a brief discussion, the Council authorized Mr. Perry to offer the owners three lots for his one. Mayor Owen noted that the next step in the process would be to obtain a survey.

C. Utility Drafting – Mayor Owen noted that the Town charged the utility customers 25¢ to draft their checking account for their utility bill. After a brief discussion, the Council agreed to do away with the surcharge.

Mayor Owen also noted that the new Recreation Director, Rosemary Burnett, started work on the 6th of September. Ms. Burnett's office is currently in the Town hall. She will move to the Recreation Center once it is completed.

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 7:50 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 8:17 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 Tuesday, September 20th at 2:00 p.m. in the Town Hall Council Chambers. The motion and it passed unanimously.

10. Reconvened – Mayor Rick Owen reconvened the regular meeting of September 13, 2005 of the Beech Mountain Town Council on September 20th at 6:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Paul Piquet, and Interim Manager Joe Perry.

would cover the cost of software to update the tax program. Mr. Piquet moved to approve the Budget Transfer of \$14,940 from Administration to the Tax Administration. Dr. Waligroski seconded the motion and it passed unanimously.

C. Consider Budget Amendment – Adjust Funding for New Pay Plan- Mr. Piquet moved to approve the transfer of funds into Public Safety and the Outdoor Recreation Department. Mr. Adams seconded the motion and it passed unanimously.

D. State Loan Offer – Mr. Chamberlin moved to accept the loan from the North Carolina Environmental Management Commission, Resolution 05-09-01. Mr. Piquet seconded the motion and it passed unanimously.

E. Sewer Line Request – CR-231– Mr. Perry reported that the owners of CR-231, 139 Chestnut Way, had requested permission to hook onto the Town's sewer system. Mr. Perry recommended that the Council grant the request. After a brief discussion, Mr. Piquet made a motion would allow 139 Chestnut Way to hook on to the Town's sewer system, at the owner's expense. Mayor Owen seconded the motion and it passed unanimously.

6. Staff/Consultant Reports

A. Town Engineer's Report – Ed Powell – Mr. Powell noted that the bid opening and loan approval had already been discussed. Mr. Powell continued by informing the Council that the North Carolina Department of Environment and Natural Resources (NCDENR) instituted a new rule regarding the effects disinfectant byproducts have on our drinking water. In January 2004, the Town began monitoring for the Haloacetic Acids or HAAs. The standard of HAAs is 0.060 milligrams per liter and the Town's average level of HAAs between July 1, 2004 through June 30, 2005 was .06157 milligrams per liter, slightly above the required level. Mr. Powell noted that the Town's water supply had been checked and found to be back in compliance. Mayor Owen indicated that special mailing would not be sent with this information, however, it would be reported in the upcoming edition of the MountainEar. Mr. Powell's report was accepted as submitted.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported; 1. The Town and the Volunteer Fire Department is working with the State to get the State ISO rating lowered. A representative from the State will be checking hydrants on Monday 19th through Wednesday 21st to determine if the rating can be lowered. 2. The road maintenance crew had replaced a number of culverts.

C. Town Attorney's Report – David Paletta – Mr. Paletta reported that he had a conflict and asked that the Council consider rescheduling the October 2005 Council meeting. After a brief discussion, the Council agreed to change the meeting from the second Tuesday to the second Wednesday, October 12th at 6:00 p.m. in the Town Hall Council Chambers.

D. Assistant Chief of Police's Report – Dana Crawford – Assistant Chief of Police, Dana Crawford indicated that the police report is on file with the Town Clerk. There were no questions for Assistant Chief Crawford.

E. Interim Town Manager's Report – Joe Perry – Mr. Perry reported that the North Carolina League of Municipalities would be holding its annual meeting on October 16th, 17th

11. Municipal Agreement – Resolution 05-09-02– Mr. Perry indicated that Resolution 05-09-02 would allow the Department of Transportation to inspect the bridge located at the beginning of Buckeye Lake Road pursuant to the Federal-Aid Highway Bridge Replacement and Rehabilitation Program. Mr. Chamberlin made a motion to adopt Resolution 05-09-02. Mr. Piquet seconded the motion and it passed unanimously.

12. Capital Project Ordinance – Mr. Perry explained to the Council that a requirement of the Grants and Loan Section of DENR required a Capitol Project Ordinance, in accordance with N.C. G.S.159-12.2, be adopted. The Capital Project Fund is required to account for all draft instrument proceeds used to finance construction of the West Pond Creek Wastewater treatment plant upgrades. After discussion Mr. Piquet made a motion to adopt the Capital Project Ordinance. Mr. Adams seconded the motion and it passed unanimously.

13. Budget Amendment Request – Mr. Perry reported that one of the Town employees, Mr. Sean McNay, was a member of the National Guard and that Mr. McNay had been called to active duty to serve in Iraq for 18 to 24 months. The Town has hired a replacement, Mr. Thomas Brown, to work in Mr. McNay's position until his return. The Budget Amendment is needed to fund Mr. Brown's benefit package. Mr. Perry further noted that the final arrangements for the benefit package would be presented to the Council at the October 12th meeting.

14. Discuss Quote to furnish Propane Gas for Recreation Center Building – Mr. Perry informed the Council that he had received 3 quotes for propane gas to heat the Recreation Center Building. The following companies had provided quotes: a. Suburban Propane \$1.47239 per gallon. b. Blue Ridge Energies \$1.419 per gallon. c. Heritage Propane \$1.39 per gallon. After a brief discussion, Mr. Chamberlin moved to award the agreement for services to Heritage Propane @ \$1.39 per gallon. Mr. Piquet seconded the motion and it passed unanimously.

15. Executive Session – NCGS 143-318.11(5), (6). Personnel Matter - Upon a motion by Mr. Chamberlin, seconded by Mr. Piquet, the Council entered into Executive Session at 6:25 p.m. under NCGS 143-318.11 (5), (6) to discuss a personnel matter. Upon a motion by Mr. Chamberlin, seconded by Mr. Adams, the Council came out of Executive Session at 7:19 p.m. No action was taken.

16. Other Business – Mayor Owen and Council discussed the public comment section of agenda agreeing that the time limit would 3 minutes per speaker. The Council also agreed that large groups would be required to appoint a spokesperson to represent their concerns.

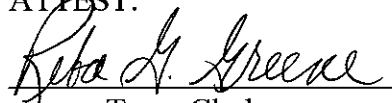
17. Adjourn – Having no other business to discuss the Council adjourned upon a motion by Mr. Piquet at 7:20 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

Minutes approved by Town Council on OCTOBER 12, 2005.



Mayor

ATTEST:



Town Clerk

NOTICE TO PUBLIC

The Beech Mountain Town Council has added the following items to the Recessed September 13th Regular Meeting. The Regular Meeting will reconvene on Tuesday, September 20th at 6:00 p.m. in the Town Hall Council Chambers

ADDED AGENDA ITEMS:

1. Executive Session NCGS 143-318.11(5),(6. Personnel Matter
2. Other Business –
 - a. Municipal Agreement – Bridge Inspection by NC DOT
 - b. Capital Project Ordinance – Upgrade Pond Creek Wastewater Treatment Plant
 - c. Budget Amendment – Request

