

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
January 14, 2003

***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 Chamber at Town Hall. Other Council Members present were Gil Adams, Pete Chamberlin, Tim Holland and Dr. Ed Waligroski. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Police Chief Jay Hefner, Public Works Director Riley Hatch, Town Attorney David Paletta and Building Inspector Keith Cook. 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***

Mr. Barry Schorr – animal control was added under New Business, item f and the Avery County Republican Executive Committee topic was added under Other Business. The agenda was adopted as amended.

***2. Consent Agenda***

Mr. Chamberlin moved to accept the minutes of the December 10<sup>th</sup> Regular Meeting as submitted. Mr. Holland seconded the motion and it passed unanimously.

***3. Old Business – Proposed Water and Sewer Availability Fee Increases***

Mr. Lawless noted that the Building Inspector, Keith Cook, had put together a proposal based on heated square footage - 50¢/ft. for sewer and 50¢/ft. for water. Contractor Rick Miller, who had gone over the proposed rate increase, felt the Town was justified in asking for an increase, however when the amount was compared to the past years the availability permit fee more than doubles. Mr. Miller suggested that the Council consider a lesser increase.

Further discussion resulted in the Council asking Mr. Cook to circulate the proposed increase to the contractors working on the mountain and report his findings at the next meeting.

Dr. Waligroski asked about the commercial building requirements and rates for availability fees. Mr. Lawless reviewed the commercial availability fee structure, and added that very few new commercial buildings are permitted in a given year.

Mr. Miller asked if the Town had any news on the moratorium. Mr. Powell responded that he was in weekly contact with the office of the Department of Environment and Natural Resources in Raleigh and Winston-Salem. The contact person for the Town, Mr. Bob Sledge, had indicated that he would have an answer very soon on the Special Order of Consent, which could allow an additional 10,000 gallons per day discharge at the Grassy Gap station and an additional 30,000 gallons a day at the Pond Creek system.

Mr. Powell also reported that we were still waiting on the authorization to construct the Grassy Gap affluent discharge system and should have an answer very soon.

**4. New Business –**

a. Tax Release

Mr. Holland made a motion for a tax release of \$3,584.10 for Beech Mountain Resort Incorporated (Ski Beech). Some business equipment had been listed twice. Mr. Chamberlin seconded the motion and it passed unanimously.

b. Consider Resolution 03-01-01 – Requesting Authority to Regulate Golf Carts

After a reading of the resolution Mr. Chamberlin moved to adopt Resolution 03-01-01 asking the General Assembly for the authority to regulate golf carts within the Town limits. Dr. Waligroski seconded the motion and it passed unanimously.

Mr. Lawless was directed to send the Resolution to the legislative delegation and ask Senator Foxx to introduce the Bill.

c. Review Melville Complaint

Mayor Owen reported to the Council and audience that the Melville's had been delinquent in paying their property tax. The Tax Collector had not been able to find a proper address. After a lengthy discussion including the process followed after the Tax Collector turns over delinquent owners to the attorney for suit to be filed it was agreed that the ultimate responsibility was to the property owner in notifying the Town of their address.

Mr. Chamberlin made a motion to deny the abatement of the attorney fees. Mr. Holland seconded the motion and it passed unanimously.

d. Indoor Recreation Center

- Parks and Recreation Trust Fund Grant Certification

Mr. Lawless gave an overview of the Certificate noting that the figures in section #12 were estimates, not figures that the Town was committed to. The certificate

will allow the Town to apply for the Parks and Recreation Trust Fund Grant. Mr. Holland moved to approve the Parks and Recreation Trust Fund Grant Certification. Dr. Waligroski seconded the motion and it passed unanimously.

- Proposed Budget Amendment
- Proposed Capital Project Ordinance

After a brief discussion Mr. Chamberlin moved to accept the Proposed Budget Amendment and the Proposed Capital Project Ordinance for the Buckeye Recreation area. Mr. Holland seconded the motion and it passed unanimously.

e. Consider Davis, Martin & Powell Proposal and Budget Amendment

Mr. Lawless reported that the proposal was to study alternatives for two separate projects that the Town Engineer had been asked to look into. The first is the addition of a back up power supply systems at the water plant and several of the sewer pumping stations. The Pond Creek and Grassy Gap upgrades include back up power for the sewer plants. Another project would be at the water plant to do some upgrades to the outdoor basins. Mr. Adams made a motion to accept the Amendment from the Water & Sewer Fund for \$5,500. Mr. Holland seconded the motion and it passed unanimously.

f. Proposed Sanitation Department Budget Amendment

Mr. Lawless reported that the Amendment was to rebuild the engine in the garbage truck, a new engine for the truck was not available. Mr. Holland moved to approve the Sanitation Fund Budget Amendment for \$17,000. Dr. Waligroski seconded the motion and it passed unanimously.

g. Review TDA Quarterly Report

Mayor Owen noted that the Tourism Development Authority quarterly report was in the packet and asked if anyone had any questions about the report and also noted that Mr. Burleson was a TDA member and would be able to clarify and questions anyone might have. Hearing no questions the report was accepted as submitted.

h. Barry Schorr - Animal Control

Mr. Schorr, speaking on behalf of Genesis Wildlife Animal Sanctuary, informed the Council and audience that they had received a number of domestic animals, which Genesis is not equipped to care for. Mr. Schorr asked for clarification on the Town's procedure in dealing with domestic strays.

Mr. Lawless reported to the Council that Mr. Schorr had indicated to him that the Police Department had taken a few dogs to Genesis and that they had accepted them, but he would make sure that the police officers know that Genesis is not an animal shelter for domestic animals. Mr. Lawless went on to report that the county animal control would pick up an animal only if it were contained.

Mr. Schorr thanked the Council for clarifying the matter, and noted that he would pass the information on.

5. *Staff/Consultant Reports*

a. Town Engineer's Report.

Mr. Holland asked about the pavement on Skiway Circle to which Mr. Powell responded that Smith & Sons had committed to do the repairs in the spring.

b. Public Works Director's Report.

Riley Hatch reported: 1) Buckeye Construction had made it to Spicewood on Jackpine Road replacing sewer mains and manholes. 2) The new mechanic will start on the 20<sup>th</sup>. 3) We are still looking for a water plant operator. Mr. Hatch's report was accepted as submitted.

c. Town Attorney's Report.

Mr. Paletta had no report.

d. Police Report.

Chief Jay Hefner gave an overview of the report noting that the department was working on a number of thefts that had taken place and a faulty equipment stop had resulted in a fugitive arrest out of Virginia. Chief Hefner's report was accepted as submitted.

e. Quarterly Financial Report – Sally Rominger

The quarterly report was accepted as submitted with no questions.

f. Town Manager's Report.

Mr. Lawless reported the following: 1) The recreation surveys have had a return rate of 46% with the majority choosing a fitness center. The financing was basically split between occupancy tax only, and occupancy tax and property tax. 2) The City & County Manager's meeting is February 5 –7 in Raleigh, attendance will depend on whether or not the Council materials can be put together in time. 3) The TIP recommendations have been sent to the appropriate departments. 4) The Tourism Development Authority will meet on January 29<sup>th</sup> and the Recreation Committee will meet on February 10<sup>th</sup>. 5) Approximately 91% of the tax levy were collected prior to the January 6<sup>th</sup> deadline. 6) The Chamber of Commerce appointed Jim Brooks as President, Charlie Burleson is the Vice-President, Karen Brett is the Treasurer and Cindy Keller as secretary.

Mr. Lawless reported that the Chamber wanted to start closing the sledding hill and the bathrooms in the Chamber office at 5:00 p.m.

Mayor Owen indicated that it was up to the Chamber and whatever decision they made would be acceptable.

Charlie Burleson asked that a special meeting be held to discuss the problems relating to the sledding hill and invite everyone who had any involvement with it, including the businesses that sell the sleds.

Rick Miller noted that it would probably help not to advertise on WECR that there was free sledding.

- f. The Tax Collectors report was accepted as submitted.
- g. The Building Inspections Report was accepted as submitted.

#### 7. *Other Business*

Mayor Owen stated that the information on the Avery County Republican Executive Committee was informational only. The Committee was trying to create voting districts in Avery County.

#### 8. *Adjournment*

Mr. Holland moved for adjournment at 7:35 p.m. Mr. Chamberlin seconded the motion and it passed unanimously.

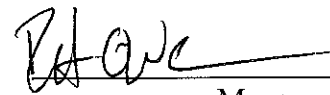
Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on February 11, 2003.

ATTEST:

  
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Mayor

  
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Town Clerk