

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
November 10, 1992

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. Other Council Members present were Greg Brown, Kakii Handley, Tim Holland, and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Joe Perry and Chief of Police Jay Hefner. Present in the audience were a number of interested parties.

One item was added to the agenda under "Other Business": Emerald Mountain Development Block C & D. David Paletta requested an Executive Session at the end of the meeting reference N.C. General Statutes 143-318.11(a)(5).

1. Consent Agenda.

Kakii Handley moved approval of the Consent Agenda. Reub Mooradian seconded the motion and the following item was unanimously approved:

- a. Minutes of the Regular Meeting of October 13, 1992.

2. Committee Reports.

There were no committee reports.

3. Old Business

- a. Consider Agreement with Tour duPont Committee. Al Greene reported that an agreement between the Town and the Committee would be in order to avoid any misunderstanding and to provide some clear separation between the Town and the Committee. Mr. Greene advised the Chairman of the Committee that these matters would be discussed at the Town Council meeting. Representatives of the Tour duPont Committee were uncertain as to whether or not money would be requested of the Town. Their intent was that all money would be paid by fund raising. Mr. Greene suggested that item 3 within the agreement be amended to read, "The Town shall pay all expenses incurred by the Committee not covered by the Committee's fund raising efforts out of the Town's Economic Development Committee's current budget." Tim Holland requested that item 5 of the agreement be amended to read that any money left be earmarked for next year in case the Tour duPont returns. Al Greene stated that any excess funds could be earmarked for EDC occupancy tax fund balance. He suggested that item 5 read as follows: "Any funds remaining in the Committee's bank account after the payment of all expenses incurred by the Committee shall be the property of the Town and shall be promptly transferred to the Town's occupancy tax fund. It would be the intent of the Council

MINUTES

November 10, 1992

should the Town decide to sponsor the Tour duPont in a subsequent year that these funds be used for that purpose." Mr. Greene stated that if Council desired, he would write a resolution for the next Town Council meeting for this purpose. Mr. Greene suggested that before a vote was taken on this agreement that the agreement with Medalist Sports be discussed since the two agreements were interrelated.

- b. Consider Agreement with Tour DuPont (Medalist Sports). Copies of changes to the agreement worked out by Fred Pfohl and David Paletta were distributed to Council. Al Greene reported that he felt very comfortable with the wording of these changes. He reported that Council had asked for letters of intent from lodgings and, to the best of his knowledge, these were in the hands of the EDC, in particular, Calder Smoot who is on the Committee. He reported that he did not have copies of the letters and could not verify that they were on hand. Mr. Greene suggested that if Council moved forward with this agreement it should be conditional upon Council first having these letters on hand. Mr. Greene pointed out that the starting line was to be in Banner Elk and, as far as he knew, Banner Elk had not agreed to do this. Mr. Greene asked David Paletta if there should be an agreement between the Town of Banner Elk or Lees McRae College and the Town of Beech Mountain. Mr. Paletta stated that there should be an agreement in order to avoid any misunderstanding. Al Greene stated that the Committee was handling discussions with Banner Elk and Lees McRae College and he did not know the status. Reub Mooradian recommended holding off on these two items before signing until reaching an agreement with Banner Elk and Lees McRae. Tim Holland stated that Banner Elk and Lees McRae were just waiting on the Committee. Sheila Fletcher stated that a meeting was scheduled for Thursday night. Rick Miller stated that these two items should go on next month's agenda and, hopefully, all letters of intent would be in hand. Sheila Fletcher asked if these agreements could be signed before the next Town Council meeting if everything was in hand. Al Greene suggested a special meeting to do this.
- c. Continued Discussion of Transmission Line Project; Booth & Assoc. Al Greene reported that at the last Council meeting he had been asked to contact Booth & Associates to see if they would be agreeable to answer specific, written questions from the Town concerning the transmission line. He stated that he had contacted Dick Booth who said they would be happy to answer our questions. Mr. Greene suggested four questions in his memo of October 29 and he amended question number one because of comments from Roger Bullock who had some excellent ideas. His recommendation at this time was to proceed with question number one which was outlined in his agenda memo (parts a, b, and c) and the remaining three questions from the October 29 memo and any other questions Council

November 10, 1992

might have or the rewording of these four questions. Council instructed Mr. Greene to proceed with these questions.

Before intermission, Rick Miller displayed a plaque that the Town had won at the annual Farm City Banquet - the Tuckwiller Award and a certificate.

INTERMISSION

5. New Business

- a. Consider Police Department Communication System Bids. Al Greene reported that one bid had been received from Communication Service, Inc. (Motorola) for \$22,160. The difference between this bid and Communication Service, Inc.'s first bid is that instead of bidding a Motorola base, a Zetron unit was quoted. Both Al Greene and Jay Hefner felt comfortable with the bid and unit. Wachovia and Southern National Banks gave the Town bids for a lease/purchase contract. Southern National had the low bid of 3.97% for two or three years. Al Greene recommended that Council pay outright for the equipment with a budget amendment of \$13,860 to the Police Department capital outlay account and offsetting revenue from fund balance. Reub Mooradian made a motion that the Town accept the bid from Communication Service, Inc. and pay up front. Tim Holland seconded the motion which passed unanimously. Rick Miller asked about the location of the tower. Jay Hefner stated that Motorola felt the current location was best and their bid was based on the current location. Mr. Hefner stated that it was felt that there would be interference with locating the tower next to other frequencies.
- b. Consider Replacements/Reappointments (effective January). It was reported that Don Fulkerson had been in contact with Jeff Hardwick and Bill Watson of the Planning Board and it would be next month before it is known if they are willing to serve. Rick Miller reported that Norm Smith of the Board of Adjustment would be willing to serve for three years. Andy Krecicki, an alternate for the Board of Adjustment would be willing to serve; Suzie Fisk and Larry Peraldo, also alternates for the Board of Adjustment will be moving off the mountain. It was also reported that Sherry Garris, Bob Pearce, and Gary Danio have volunteered to serve. Rick Miller asked Ellen Anderson to contact these three people and that the Council will vote on them at the next meeting.
- c. Consider Offers to Purchase Lots. Al Greene reported that the Town had received offers to purchase lots BHW-114 and 115 from Buddy Hale and lot RW-282 from Cynthia and Steve Brown in the amount of \$1,000 each. He stated that the Town had no expense for these lots and asked for authority to proceed with the upset bid process to sell these parcels if no upset bids were received and readvertise if upset bids were received. Reub Mooradian made the motion to

MINUTES

November 10, 1992

proceed with the upset bid process; Greg Brown seconded the motion which passed unanimously.

- d. Consider Amendment to Position Allocation Plan. Al Greene explained that for several months Joe Perry has had a Water and Sewer Treatment Plant Operator I position vacant. He stated that in reality this person spends as much time maintaining grounds and being pulled off to do various other laborer type tasks. He requested that the vacant position title be amended from Water and Sewer Treatment Plant Operator I to Water and Sewer Treatment Plant Operator I/Maintenance Laborer and revise the Position Allocation Plan to show two Water and Sewer Treatment Plant Operator I positions (formerly three) at salary grade #8 and the new position at salary grade #8 also. A job description revision would be established and the Town would begin looking for a qualified individual. Kakii Handley made the motion to amend the job description; Greg Brown seconded the motion which passed unanimously.
- e. Consider Budget Amendments. Al Greene explained that the first amendment was in the General Fund Police Department. The law enforcement grant of \$13,350 previously budgeted would not be pursued since Newland, Sugar Mountain, and Seven Devils have decided not to participate. He stated that the revenue line item for grant money be reduced and the various expenditure line items reduced also. Kakii Handley moved that the budget amendment be approved; Tim Holland seconded the motion which passed unanimously.

Mr. Greene explained that the second amendment was in the Water and Sewer Fund and was required by our recent interest rate reduction negotiations with Wachovia. While the Town will be saving significantly over the years, there are several one-time expenses. A prepayment penalty in the amount of \$11,300, legal fees in the amount of \$2,100 to effect the refinancing as well as a slight increase in this year's principle payment all need to be covered. The interest savings for this year of \$15,280 will be \$4,420 shy of covering these one-time expenses. For this reason, Mr. Greene recommended that an additional \$4,420 in Water and Sewer Fund Balance be appropriated. Reub Mooradian made the motion to approve the budget amendment; Kakii Handley seconded the motion which passed unanimously.

6. Staff/Consultant Reports:

- a. Town Engineer's Report. Ed Powell reported that the Bear Branch Project is almost complete; progress has been steady and the project is in the cleaning up stage at this time. He also reported that the Ultra-Violet Project is in a delay situation. The manufacturer has given a firm delivery date of December 8 and it will take one week

November 10, 1992

for the contractor to have the unit in place after delivery. The Division of Environmental Management has no problem with this. The unit should be installed before the peak ski season in December. Mr. Powell also reported on the recent damage at the Ashwood pumping station caused by a water surge. He expressed thanks to Joe Perry and his crew for the quick response; they sterilized and made repairs. The pumping station was out of service a little over 24 hours. Mr. Powell explained that the pump was running at peak speed when the accident occurred. There was a momentary power outage; the delay relays were damaged prior to that time and were not working. He also explained that there was no way to tell if the time delay relays were working properly just by looking at them.

- b. Public Works Director's Report. Joe Perry reported that the concrete was ready to be poured at Ashwood pumping station. He stated that there would be approximately \$3,400 in expense because of the water surge. Al Greene stated that Joe and his people did an excellent job in keeping the mountain with water during that time. Rick Miller agreed. Reub Mooradian asked if Pond Creek could be reactivated faster now because of using it during this emergency. Joe Perry stated that it would save time now because of the good cleanup that it was given but that there would be a 24 hour delay because of state requirements. Mr. Perry also reported that he had called the state regarding paint on the reflectors in the road. The division headquarters told him that they did not clean reflectors and that he could try different things to clean them or replace them.
- c. Town Attorney's Report. David Paletta stated he had no report.
- d. Chief of Police's Report. Jay Hefner stated that he had checked on animal control training for officers and that there was no state mandated training for officers; items would have to be purchased, the largest of which would be a containment facility which would heat to 50 degrees. He commented that since the last meeting the Police Department had enforced the Town's animal control ordinance. Reub Mooradian stated that he would like to see Watauga County have someone on call. Mr. Hefner responded that in emergency situations the Watauga County Sheriff's Department be contacted and they would call animal control. Al Greene stated that before they would come up the mountain, there would have to be a violation of their ordinance not ours. He also stated that Watauga County would not come to Beech Mountain for a violation of the leash law. He stated that the Town had an ordinance and that it had not been given a chance to work. Mr. Le O'Neal commented that he transports show dogs in a cage which costs \$150. He also stated that he could not take his dogs walking because of other dogs. John Hoffman asked the Police Chief how much time it would take to transport dogs off the mountain. Jay Hefner responded that it would take one hour and 45 minutes approximately. Rick Miller stated that the

MINUTES

November 10, 1992

Town's ordinance should be given a chance. Greg Brown commented that he thought Watauga County should be contacted. Phil Buchanan expressed concern over the bears on the mountain especially with ski season coming up. Jay Hefner stated that he had called the N.C. Wildlife Commission and they told him that bears were not a problem unless they mauled someone. Greg Brown stated that he had called also and was told the same thing. Al Greene stated that he had also called and their policy was that they would relocate a bear if there was an imminent threat to the bears or humans. It was agreed that Al Greene should contact the Wildlife Commission relative imminent threat of bears and/or humans.

Jay Hefner also reported concerning suspicious vehicle on the mountain that day that was stopped; the vehicle was stolen and the subjects are now in Boone jail under \$8,000 bond. They were messing around the Mariah units.

- e. Town Manager's Report. Al Greene reported that the tax bills were late but they had gone out; there were no tax receipts this month but there should be a report next month. He also reported on the clearing for the substation by Mountain Electric. He commented that he knew a lot of people were upset. He stated that Don Fulkerson had written a letter to Robert Oakes of Mountain Electric. Don has taken steps to get Mountain Electric to get with us to bring adequate buffer plans. Tim Holland asked if this was the same as the normal letter to a property owner. Mr. Greene responded that there were extenuating circumstances in that Mountain Electric had discussed this with the Town, but with an employee other than the Zoning Administrator. David Paletta stated that this situation is not as clear cut as for a private citizen. Ellen Anderson stated that she wanted to see Mountain Electric plant large trees to replace some of those they cut. John Hoffman stated that the Planning Board had discussed this situation prior to Don's letter. He stated that this situation could be a blessing because they could have planted hemlocks. Norma Buchanan asked if Mountain Electric does not have to follow the rules towns have. Al Greene responded that as far as he knew, they did. David Paletta stated that it was a complicated question. Reub Mooradian stated that he would like to wait for their response to the letter and have an amicable relationship. He stated that he wants to hold them as to type of screening - evergreen type shrubs. Rick Miller asked if Mountain Electric was willing to have a meeting. Al Greene explained that the reason the trees were cut was because they have to go in and do extensive borings to determine where the best site for the substation would be. It would be premature for them to draw up a site plan and meet with Don without the results of the borings. Al suggested that the Council let Don work with the Planning Board on this situation. Rick Miller stated that Council would do everything possible to get the desired screening.

November 10, 1992

- f. Financial Report. There were no questions or comments concerning the financial report.

7. Other Business.

Al Greene reported that in the original discussions with the developer of Emerald Mountain, the Town was asked to allow a small lift station to serve Block C & D and to require a larger lift station to serve a larger area to be constructed by the developer only when future development required. The Town agreed with the provision that the developer maintain sewage collection lines, the lift station and force main until the larger lift station was built. He asked the Council to reconsider this position and to require that the developer dedicate all these facilities to the Town at the time of final plat approval. The reasons were so that the Town could adequately control for inflow and infiltration and so that owners of property being served would not be dependant on a private developer for future service and maintenance of the system. Kakii Handley made the motion to accept this recommendation. Reub Mooradian seconded the motion which passed unanimously. Al asked the Council to grant the staff and attorney the authority to draft and enter into a maintenance agreement with the developer for all public facilities that have been constructed in Block D. The developer is seeking final plat approval for D and will probably ask the Planning Board for that approval within the month. Unfortunately, the Town does not have the drafting of the agreement completed. Rick Miller suggested that Council wait to approve this at special meeting for Tour duPont.

8. Executive Session. Reub Mooradian moved that the Council go into executive session pursuant to N.C.G.S. 143-318.11(a)(4 & 5). Greg Brown seconded the motion and the Council went into executive session at 8:20 PM. The Council came out of executive session at 8:58 PM.

ADJOURN

There being no further business to come before the Council, Tim Holland moved that the meeting be adjourned. Greg Brown seconded the motion and the meeting was adjourned at 9:00 PM.

Respectfully submitted,




Sally Rominger
Deputy Town Clerk

SLR /hs

MINUTES

November 10, 1992

Minutes approved by Town Council on December 8, _____, 1992



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, November 17, 1992

CALL TO ORDER

Mayor Rick Miller called a special meeting of the Beech Mountain Town Council to order at 6:00 PM in the Council Chamber at Beech Mountain. Other Council Members present were Tim Holland, Greg Brown, Kakii Handley and Reub Mooradian. Also present were Town Manager Al Greene and Town Attorney David Paletta. Present in the audience were Fred Pfohl, Calder Smoot, Sheila Fletcher, Rick Owen, Jim Rickard, Marla and Riley Hatch and Norma and Phil Buchanan.

Mayor Miller explained that the purpose of the meeting was to consider various ramifications of having the Tour duPont bicycle race at Beech Mountain, to include what type of entity would be best as legal sponsor for the event. He asked Al Greene to go over the various possibilities.

Mr. Greene explained that the Town Council's appointment of a citizens committee to work with the Tour producers constituted the creation of a "public body" with all of the statutory regulations connected with such a body, i.e., the open meetings law, the budget and fiscal control constraints, and so forth. He felt he needed to point out to the Council the dangers inherent in the Town's sponsorship of the event and various other structures which might protect the Town and its public funds.

Three possible structures have been identified: The first would be as presently constituted, i.e., Town sponsorship handled by an appointed committee. This would, as mentioned, involve all the statutory regulations connected with a public body. Mr. Greene said he felt the committee might find this method of operation too constricting, and also needed to point out that the Town would be faced with the dangerous commitment to making up any shortfall in fund raising up to an unlimited amount.

The second possible structure would be for the Chamber of Commerce to sponsor the event. The Chamber is already an existing non-profit entity, with credibility within the community. He suggested this as being the most appealing way to go, from the Town's standpoint. The Chamber would be the body contracting with Medalist Sports, and thus responsible for any shortfall. The Chamber would, in turn, request funds from the Town to cover the worst-case scenario, which the Town could approve, protecting the Chamber while, at the same time, creating a "cap" on the amount of money for which the Town would be responsible.

The third possibility would be the creation of a separate, private non-profit organization, which the Town would agree to support with a certain amount of funds based upon a proposed budget. The advantages to the Town would be the same, except that the new organization may lack the public acceptance the Chamber may have. This possibility would cause a certain amount of funds to be spent by the committee in legal and accounting fees, and also make the committee responsible for cost overruns or revenue shortfalls. Individual committee members may fear legal action against them personally, and Medalist

MINUTES

November 17, 1992

Sports might be averse to accepting such an organization as a sponsoring agency.

In any event, Mr. Greene urged a public hearing be held before committing public funds, either by the Town directly, as sponsoring agency, or to either the Chamber or a private organization.

Reub Mooradian said he was glad that Mr. Greene had dug a little deeper into possible ramifications for the Town, since they are valid reasons for concern. He said this should in no way imply that the Council or Town staff does not have confidence in the committee, or that they do not want the Tour duPont to come to Beech Mountain. He expressed his support for the Chamber of Commerce to act as sponsoring body.

Mayor Miller noted that he had gotten notification of a Chamber meeting that afternoon and asked if the Chamber had discussed the possibility of sponsoring the Tour duPont.

Norma Buchanan said the only discussion about the Tour duPont had been concern that the Council might be pledging the same monies for the Tour that the Chamber had budgeted for advertising. Since the Chamber did not know what monies, if any, out of their current-year's budget might be necessary to pay for the Tour duPont, the Chamber tabled their discussion on the matter.

Mayor Miller asked if they had discussed the possibility of actually sponsoring the event, and Mrs. Buchanan indicated that Tim Holland had brought up the fact that it might be one of three options the Council would consider at this meeting. There are a number of concerns for the Chamber, notably that if it sponsored the event it would be pledging the same monies already budgeted for advertising. The Chamber needs to be assured that they are not going to have to pledge monies they have already committed in order to pick up any shortfall.

Al Greene said the Town had to consider what would happen if costs overrun and the Town is liable. The monies would have to come either from the EDC current budget, the occupancy tax fund balance or the general fund. Mayor Miller voiced his disapproval of the monies coming out of the general fund.

David Paletta said that Mr. Greene is looking at the program from the standpoint of the Town, and that he (Paletta) was looking at it from the attorney standpoint, which is rather narrow. From the beginning it was clear that the Town is 100% liable for everything and needs to be aware of it. Specifically, in the proposed agreement between the Town and the committee, Section 3 states that the Town will cover any expenses not covered by fund raising.

Mr. Paletta agreed there are two ways the committee could be structured: either a public body or a private civic association, in which case the public meetings law would not apply. His personal view would be to lean towards the public body structure, complete with appropriate public meetings, duly advertised, minutes kept, etc. He went over the various possibilities inherent in the Town's

November 17, 1992

contracting with Medalist Sports, and indicated he had sent Medalist a six page list of amendments the Town requested in order to minimize the risk as much as possible. He has not gotten a detailed response to his letter yet, but Medalist is looking over the proposed changes.

Calder Smoot spoke, in his role as Chairman of the Economic Development Committee, about the strides the Committee has made in getting the Chamber of Commerce to budget ahead, and what an adverse impact it would have if any shortfall should be taken from the current year's budget. It would be extremely difficult for the Chamber to plan its advertising if it was necessary to wait until all bills come in from the Tour duPont, not being held until May, 1993, before committing funds.

Rick Miller said he thought the feeling behind taking monies from the current year's Chamber budget was twofold: First, that the advertising which would result from having the Tour duPont finish a lap at Beech Mountain would far exceed that which the Town receives from the Chamber's normal forms of advertising; and, second, that the Town wished to keep occupancy tax reserves as healthy as possible in the event that either or both counties should enact an occupancy tax which would override the Town's.

Jim Rickard pointed out that the advertising the Chamber currently does reaches a wide variety of people in a wide variety of locations with a wide variety of interests, while the Tour duPont exposure would reach people interested in cycling. Mr. Greene again pointed out that it was not his intent to tie up EDC or Chamber's monies, but simply to find a way to place a cap on the Town's liability.

Calder Smoot asked if the contract with Medalist could be rephrased to indicate that the Town is willing to commit only to a certain, specified dollar amount. Mr. Paletta said that could be done, but questioned whether or not that would actually help protect the Town.

Greg Brown said he felt that the Town was going to be liable for overruns no matter which way the sponsoring entity was structured, but that the benefits to the Town in advertising would be enormous. Kakii Handley asked if the committee had gotten the letters of intent it needed with regard to housing and feeding the participants, and Calder Smoot indicated they had all but two -- Archer's Inn and the Pinnacle Inn needed to fine-tune their letters.

Mrs. Handley asked the committee what it felt was the best avenue, through the Chamber of Commerce or a separate entity. Fred Pfohl said he felt setting up a separate non-profit organization would take too much time and cost too much. He said he did not have a problem with the Chamber sponsoring the event; it was simply a matter of everyone working in the same direction to achieve the same goal. He said he was disappointed that after all the work which has already been done these problems should suddenly surface. Al Greene pointed out again that he was trying to protect the Town by creating a cap on possible expenditures.

MINUTES

November 17, 1992

Mr. Pfohl asked what liability the Chamber would face if it were to sponsor the event, and Mr. Greene stated that the Chamber would request funding from the Town based upon a budgeted amount. Mr. Pfohl indicated he was more concerned about possible liabilities with regard to lawsuits if someone were to be injured, and so forth. The Chamber would have to investigate the cost of additional insurance to cover such eventualities.

Mr. Greene pointed out that he had felt the Chamber was the proper entity to sponsor the event from the beginning, and asked if the Chamber had ever been asked to sponsor it. Mr. Pfohl said he had mentioned it to the President of the Chamber's Board, who felt it would not be acceptable to the Chamber. Rick Owen said he felt that Fred Pfohl had gone about the project in the right way and that a separate committee, under the Town, not a part of the Chamber, was the proper way to go.

Rick Miller said he assumed that even if the Chamber was the official sponsor the committee would remain intact and continue to coordinate the planning. He did not feel that Mr. Greene was suggesting that the Chamber take over the planning, but simply be the official sponsor.

Sandi Parise said she agreed with Mr. Owen regarding Mr. Pfohl's work and the time he has spent on the project. She also agreed with Mr. Greene that the Town's liability had to be protected. She saw no reason the Events Committee of the Chamber could not work with the Tour duPont committee on the event.

Mr. Paletta said he felt that Medalist Sports was most concerned with the terms of the contract concerning provision of a number of rooms and food service, and was not looking at the exposure -- that aspect could be covered in the contract at any rate. Mr. Greene indicated that even if the Council agreed to, say, a \$15,000 expenditure, and the Chamber encountered a shortfall, it could come back to the Council and ask for additional funding. The request would probably be looked at favorably. That would at least allow the Town to try and place a cap on its expenditure, rather than signing a contract which is open ended as to possible expenses.

Phil Buchanan said he felt the Chamber's advertising was very effective in promoting Beech Mountain, and that while the Tour duPont might be a big deal briefly, he did not feel that most people in the room could even name one town which the Tour duPont visited during last year's race. Kakii Handley said she felt it would have a positive effect in name recognition for the Town.

Mr. Buchanan said he was not against the event, but did not want all of the Chamber's monies to go to only one event. Jim Rickard asked the degree that the Chamber would be responsible if it sponsored the event, and Mr. Paletta said it would be responsible for any failure to perform under the terms of the contract. Mr. Rickard asked if this would mean that the Chamber was liable only up to its ability to pay, and Mr. Paletta agreed. He pointed out that this is why Medalist Sports would want to deal with the Town, if possible.

November 17, 1992

Gary Danio asked if anyone knew of any major liabilities other towns or entities had faced in past races and Fred Pfohl said he didn't know of any. Calder Smoot pointed out that they know of at least three towns hosting the event this year that have held the event before, so it would seem that they, at least, encountered no problems. Fred Pfohl said that previous sponsoring towns had been so positive about their experience that they want the event again and again. He pointed out that everyone is thinking of the worst case scenario, but that it is not the intent that the Town bear any expense. The committee is working very hard, and will continue to do so, to get corporate and individual sponsorships to cover expenses.

Norma Buchanan repeated that she did not want the Town Council to pull the rug out from under the Chamber of Commerce's advertising efforts by committing already-budgeted funds. She brought up the possibility of another group coming up with another idea for the Town next year, or wanting the Tour duPont again, and what havoc this would play with any budgeting efforts of the Chamber. She did not feel that the Chamber's advertising efforts should be threatened this year or in the future.

There was continued discussion about the pros and cons of the Chamber sponsoring the event or the committee remaining an entity created by the Town and operating as a public body.

Reub Mooradian said he agreed with Mrs. Buchanan that the Chamber should not be under the gun every year with regard to their budget. Kakii Handley said she thought the monies should come from occupancy tax reserves, as well, and asked Fred Pfohl how he would like to see the problem worked out. Fred said he would like to continue the way it is now, as a committee of the Town. The commitment has been made to Medalist Sports by virtue of passing the resolution of intent, and that it would be a bad idea to try and change things at this point.

Tim Holland asked Mr. Greene what guidelines would have to be followed if the committee remains an entity created by the Town, and Mr. Greene said that a line item would have to be set up in the budget, the Council would probably have to pass a budget amendment to authorize the Finance Officer to make payments. Meetings would have to be scheduled through the Town Hall at least 48 hours in advance. A secretary would have to be appointed from within the committee to take minutes and so forth. Mr. Holland asked how donations would be handled, and Mr. Greene said they would be revenue to the Town into the specific fund. Calder Smoot asked if this could be dedicated, and Mr. Paletta said he thought it would definitely be dedicated.

Reub Mooradian moved that any funds which the Town proposes to use on the Tour duPont come from the occupancy tax fund balance and not from the current year's Chamber budget. Tim Holland seconded the motion. There was general discussion on the motion and the question was called. The motion passed four votes to one, with Mayor Miller dissenting.

MINUTES

November 17, 1992

Rick Owen said he did not feel that the Chamber could possibly agree to be the sponsor without doing a great deal of research on liabilities, costs, and so forth. Norma Buchanan said she agreed, that she would want to see a budget before considering the matter. She said she had no problem with the committee as it presently exists. Kakii Handley recommended that the Chamber be asked to vote as to whether or not it would accept the sponsorship of the Tour duPont.

Greg Brown said he favored the Town sponsoring the event. He said he felt the Town would face the responsibility for any shortfall no matter who sponsored the event. After further discussion, Greg Brown moved that the Town sponsor the Tour duPont race with the understanding that the committee would be under the constraints of the open meetings law as well as financial and budgetary constraints. Tim Holland seconded the motion. After further discussion, Mr. Brown amended his motion to include the provision that Council ask both the Chamber of Commerce and the EDC their opinion of sponsorship of the Tour duPont, set up a public hearing on the matter, and have the letters of intent from service/lodging providers in hand.

Reub Mooradian pointed out that there was only one position the Town could take at this point, either agree to sponsor the event or not. Al Greene suggested an alternative would be to agree to consider funding if the Chamber would accept sponsorship. Mr. Mooradian wondered about the propriety of voting to sponsor the event prior to receiving public input from the public hearing, and Mr. Paletta pointed out that the Town is not liable until it signs the contract, which is currently under negotiation. The question was called and the motion passed three votes to two, with Mayor Miller and Mrs. Handley dissenting.

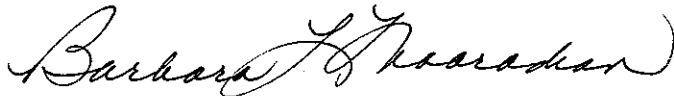
The Council set 6:00 PM Monday, December 7, 1992 as the date and time for a public hearing on the Tour duPont.

It was suggested that since two members of the EDC are also members of the Tour duPont Committee, and that two is a quorum, any meetings of the committee should be advertised as joint EDC/Tour duPont Committee meetings. Fred Pfohl pointed out that a meeting is set for 9:30 AM on Tuesday, November 24 in the Council Chamber and asked that proper notice be given.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:10 PM.

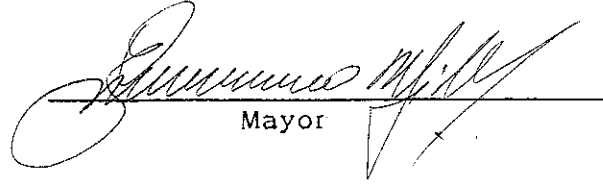
Respectfully submitted,



Barbara L. Mooradian
Town Clerk


November 17, 1992

Minutes approved by the Town Council on December 8, _____, 1992.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, November 23, 1992

CALL TO ORDER

Mayor Miller called a special meeting of the Beech Mountain Town Council to order at 12:00 noon on Monday, November 23, 1992, in the Council Chamber at Town Hall. Other Council Members present were Tim Holland and Greg Brown. Council Members absent were Kakii Handley and Reub Mooradian. Also present were Town Manager Al Greene, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson

1. Discussion of Vernon Kelly Setback Violation, GH-191. After general discussion, Tim Holland moved that the Town grant two feet of its right-of-way in front of GH-191 to Vernon Kelly conditioned upon Mr Kelly providing the Town with a permanent easement for streets and water and sewer construction and maintenance within the two feet; that Mr. Kelly construct adequate parking on his property; and further that Mr. Kelly bear all legal expenses involved in the matter. Greg Brown seconded the motion and it passed unanimously.

Council instructed the Town staff to make a study and suggest means, as soon as possible, for avoiding such encroachments in the future.

2. Maintenance Agreement, Block D, Emerald Mountain. Tim moved that Council approve the maintenance agreement covering the first year's maintenance of utilities in Block D of Emerald Mountain. Greg Brown seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council, Greg Brown moved to adjourn the meeting. Tim Holland seconded the motion and it passed unanimously. The meeting was adjourned at 12:34 PM.

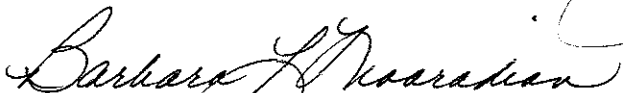
Respectfully submitted,


Al Greene
Town Manager

AG/blm

Minutes approved by Town Council on December 8, 1992.

ATTEST:


Town Clerk


Mayor

