

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
APRIL 21, 1992

CALL TO ORDER

Mayor Rick Miller called the meeting to order at 6:00 p.m. Council members present were Kakii Handley, Tim Holland, and Greg Brown. Council member absent was Reuben Mooradian. Also present were Al Greene, Town Manager, Joe Perry, Public Works Director, David Paletta, Town Attorney, and Sally Rominger, Deputy Town Clerk. Persons present in the audience were Ed Calvin, Ellen Anderson, Jim Rickard, Bill Sposato, John Hoffman, Jim Lindquist, and Pattie Pacifico.

1. Consent Agenda.

- a. Kakii Handley moved that the minutes of March 10, 1992 be approved as presented. Tim Holland seconded the motion which passed unanimously.
- b. Tim Holland moved approval of the resolution in support of Make-a-Wish day on May 17. Kakii Handley seconded the motion which passed unanimously. Al Greene explained that wishes are granted to terminally ill children and it is an excellent program.

2. Committee Reports.

Kakii Handley reported that Watauga County Recreation is presently doing their budget which will be presented to the County. They have recommended to the County to give Beech Mountain \$1,500 for a path and exercise trail.

Tim Holland had no report.

Greg Brown had no report.

Rick Miller reported that he attended the Region D meeting the previous evening and that they were also working on the budget. This year's proposed budget for Region D is a little over \$4,000,000 with funds come from federal, state, and local taxes. The budget has been cut down from \$5,000,000 originally.

3. Unfinished Business.

a. Consider Lease of Marshalling Yard.

Al Greene reported that a letter had been received from Dr. Ron Shane who owns the marshalling yard. Dr Shane has let the Town use the marshalling yard since the existence of the Town for no charge. Dr. Shane expressed a need to discontinue this practice. He indicated that if the Town would make a proposal for monetary

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compensation he might consider it. The tax value of this property is \$8,600 and Dr. Shane pays approximately \$110 per year for taxes. Mr. Greene indicated that it would cost the Town to move our materials to another location. Mr. Greene recommended that we offer Dr. Shane \$50 per month for continued use of the marshalling yard beginning July 1. Tim Holland suggested that we negotiate a lease but Mr. Greene stated that Dr. Shane did not offer to do that. Mr. Holland asked if worst case scenario, where we could move. Joe Perry stated that the only place would be on lots that the Town owns. Council agreed that it would be unsightly and directed Mr. Greene to proceed with his recommended offer to Dr. Shane.

b. Bear Branch Outfall Bids.

Al Greene reported that bids had been taken on Bear Branch Tuesday, April 14 and that three bids were not received. The bids were returned and readvertised. The bids will be opened April 28 by Joe Perry and Ed Powell. A special meeting was set for May 1 to award the bid for Bear Branch.

5. New Business.

a. Set Date for Workshop on Five Year Plan.

May 11 at 6:00 p.m. was set for workshop on five year plan.

b. Consider Sale of Lots.

Al Greene reported that offers had been received on lots C-91, LG-220, RW-313, and CR-312; C-91 and LG-220 have been advertised and an upset bid on C-91 has been received. The time has expired for an upset bid on LG-220. Mr. Greene recommended that the bid on LG-220 be accepted. Lot C-91 will be readvertised. The offers on lots RW-313 and CR-312 were below the Town's expenses. Mr. Greene recommended that the Town contact the bidders and attempt to get an offer of at least the amount the Town has expended for these lots. Tim Holland made a motion to accept the bid on LG-220. Greg Brown seconded the motion. The vote was unanimous.

c. Consider Donation of Lot RW-402 to Town.

Al Greene reported that a letter had been received offering the donation of lot RW-402 to the Town. Outstanding Town taxes are approximately \$21 and outstanding County taxes are approximately \$13. Mr. Greene recommended the Town accept the donation of lot RW-402. Kakii Handley made a motion that the Town accept this offer; Greg Brown seconded the motion; all in favor except Rick Miller who voted nay.

d. Resolution Authorizing Work with Councilman Brown.

Al Greene reported that normally Town's cannot do business with elected officials but an exception is granted in the general statutes for towns under 7,500 population if a resolution is adopted by the Town Council. The Town can do business not to exceed \$5,000 in any 12 month period if the resolution is adopted. Councilman Brown had asked that the Council consider this resolution. A draft resolution was given to the Council. Mr. Greene recommended caution; not that anything improper would be done but simply that any contracting with council persons might appear shaky on the part of its citizens. Mr. Greene recommended that the appearance be considered. No motion was made.

e. Tax Releases.

Al Greene reported that release #59 was a standard double billing release; release #60 was for a tax listing penalty on Mr. George Hall III of Lewisburg, N.C. Mr. Hall owns Holiday Villa F122. There is also a Mr. George Hall III of Charlotte, N.C. The county tax office assumed that they were one in the same and sent Mr. Hall, III of Charlotte both listing forms. Mr. Hall of Lewisburg requested that the listing penalty be released. Mr. Greene reported that Melissa Norwood-Forbes had struggled with this release and she was concerned about setting a precedent but she also felt it unfair to charge this penalty to Mr. Hall in Lewisburg. Tim Holland made a motion to release #59; Kakii seconded the motion which was unanimous. On release #60 Tim Holland made a motion to release the listing penalty; Greg Brown seconded the motion. All voted in favor of the motion except Kakii Handley who voted nay. Mrs. Handley compared the release to the recent Pinnacle Inn situation brought before Council.

f. Consideration of Gravel Bids.

Mr. Joe Perry reported that bids had been opened April 21 at 11:00 a.m. He explained that bids had been taken previously and only two received so readvertisement was done. Still, only two bids were received - one from Brown Brothers for \$8.60 per ton and one from Vulcan Materials for \$9.35 per ton. Mr. Perry recommended that the bid be awarded to Brown Brothers at \$8.60 per ton. Tim Holland moved to award the bid to Brown Brothers; Greg Brown seconded the motion which passed unanimously. Mr. Perry reported that the Town paid \$8.35 per ton two years ago to Brown Brothers.

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6. Staff/Consultant Reports.

a. Town Engineer's Report.

Ed Powell was absent. Joe Perry reported that Eggers Construction had been drilling and shooting but had not taken out any materials at the Emerald Mountain tank site. He reported that they were proceeding rather rapidly.

Mr. Perry also reported that Mr. Powell had completed the engineering work on the ultra-violet unit at the sewer plant and submitted it to the State for approval. Bids have been advertised and they will be opened on May 12 and presented to Council that night to award.

b. Public Works Director's Report.

Joe Perry reported that because of the downpour of rain, several culverts had overflowed and several roads washed. Most of the culverts were opened. Greg Brown asked about a possible situation where a culvert overflows and damages someone's property as to whether the Town is responsible. David Paletta responded that if the Town's insurance policy covered that sort of thing that it would be liable; if not, the Town would not be liable. The Town would not have any out-of-pocket expense except for the deductible. Ellen Anderson commended the street crew for putting a lot of gravel down on Hornbeam Road in spite of the rain. Al Greene commended the street crew for keeping the culverts cleaned. Because of their efforts, Beech Mountain did not have many problems with the heavy rains and the possibility of erosion. Rick Miller also commented that the street crew did a wonderful job 3 weeks ago when the snow came. Greg Brown commented that he received calls from people about how good the roads were kept during the snow. Tim Holland asked Joe Perry what the Town could do to keep the State from messing up the shoulders of the roads that the Town spent two days fixing. Mr. Perry said that he had narrowed it down to one motorgrader operator and that he would personally talk to him about the situation. Mr. Perry explained that the situation could not be blamed on one motorgrader operator because of the wear and tear and people driving on the shoulders of the road. Ellen Anderson asked if the State would be lining the roads again. Al Greene reported that the State had received our request to line the roads.

c. Town Attorney's Report.

Mr. Paletta reported that Watauga County had done a tax foreclosure on Buckeye Gap 1 previously owned by Francis Ralph Crandon. The attorney's office that did the foreclosure made a mistake and

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conveyed 50 percent ownership to the Town of Beech Mountain. The County attorney called Mr. Paletta requesting that the Town sign a non-warranty deed conveying the 50 percent back to the County. Tim Holland moved that the 50 percent ownership be conveyed back to the County; Greg Brown seconded the motion which passed unanimously.

Mr. Paletta commented on the price that we pay for tax foreclosures. He said that included in the price is usually between \$200 and \$300 for Town taxes which he sends back to us. The price of lots for foreclosure includes Mr. Paletta's fee, court costs, delinquent taxes, and advertising.

d. Chief of Police's Report.

Jay Hefner was absent. Al Greene reported that for one and one-half years a sergeant's position with the Town has been vacant. Kevin Frye for several months has been serving as acting sergeant. Chief Hefner has promoted Frye to sergeant.

e. Town Manager's Report.

Al Greene reported that the day before Rick Miller had received a call from Harris Prevost with Grandfather Mountain. Copies of a fax had been distributed to Council. Mr. Greene explained that a number of candidates for county commissioner propose that Avery County seek authorization to impose a 6% to 10% room occupancy tax, meals tax, recreation fee tax, etc. Mr. Morton had Mr. Prevost call Mayor Miller to ask for our endorsement of opposition to any such plans. The deadline to have the ad in was yesterday and Mayor Miller assumed that Council would support opposition and asked that his name be added. Rick Miller explained that if the County imposed this tax it would override our 3% occupancy tax. Mr. Miller was against it and took the liberty of speaking for the Council. Mr. Miller said that the advertisement would be in Thursday's paper, the Avery Journal, a full page ad. Kakii Handley responded that she did not think the matter had been researched and that she did not support it; she wanted to hear from the people that were running for county commission. Rick Miller reported that Joe Perry was running and that he voted against it at the "meet the candidates". Al Greene responded that he thought it was fairly reactionary and that all the facts were not there but if there was any truth to it that the Town should oppose any attempt to take our occupancy tax away.

Al Greene reminded the Council of the League of Municipalities regional meeting in Asheville on April 28 and that we could pre-register. Greg Brown, Rick Miller, Kakii Handley, and Al Greene plan to go. Mr. Greene reported that he had received notice from the

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Institute of Government that due to popular demand, they will be holding another session of the school for elected officials in Chapel Hill at the Institute of Government July 21-23. If anyone is interested they should let him know.

Mr. Greene reported that the E 9-1-1 installation is going real well. InterAct will be here Thursday to install the hardware in the dispatch office and to download the data that has been entered. He estimated that two-thirds of the data had been entered. Follow-up letters have been sent. There will be at least a month of testing the system before it is switched over. Ellen Anderson said that Avery County is working toward having 911. She asked if this would eliminate Beech Mountain's or double the fee. Al Greene explained that a fee could not be charged to anyone they are not providing with 911 service.

Al Greene reported that the 92/93 budget is well underway and information is being put together.

Mr. Greene reported that the water bills may be late next month due to the conversion to the new computer system. Carolyn is having to input a lot of the information. Rick Miller asked if we could extend the period for paying. Al Greene said he did not know if we had the capability to do this. Rick Miller requested Al Greene to look into this.

Mr. Greene reported that for some time TVA and Mountain Electric have been trying to get a new substation on the mountain. It appears that TVA will be running the transmission line from the back of the mountain somewhere. TVA has established a 1,000 foot wide corridor and they would like to put the line somewhere within that corridor. They want input from Beech Mountain as to where within the corridor would be most appropriate. The Planning Board has already contacted Mountain Electric and requested that their representative be present at this next meeting. Mr. Greene thought that the Planning Board should not make the decision on this matter for the Town. They would be establishing policy, and that is not the role of the Planning Board. He thought what they were doing by looking into the matter was excellent as this is the role of the Planning Board. He thought that they should make a recommendation to the Council in this matter. He also said that it would not be out-of-line for the Council to delegate this responsibility to the Planning Board. TVA and Mountain Electric want public input. Rick Miller suggested that there be one or two public hearings on this matter and have a representative from TVA at the meeting. Al Greene reported that a representative from TVA will be at the Planning Board's next meeting on May 6.

f. Financial Report.

Kakii Handley made a motion that the budget amendment of \$10,500 for purchase of lots be approved; Tim Holland seconded the motion which passed unanimously.

Kakii Handley made a motion to approve the establishment of a capital project fund for the Pond Creek ultra-violet unit and the appropriation of \$2,580 for engineering and inspection fees. Tim Holland seconded the motion which passed unanimously. Al Greene reported that once bids are received we can amend the budget for this project.

g. Other Business.

Rick Miller reported that suits and ties would be required at the May 12 Council meeting because pictures would be taken.

Al Greene reported that Mayor Miller had asked that we get some figures on paving the lot we just purchased adjacent to the town hall and Mr. Perry did this; the lowest quote was \$2,681. This would give us nine additional parking spaces for town personnel and open up parking out front. Mr. Perry reported that he had requested three bids by Friday. Mayor Miller requested that this be placed on the next agenda.

Tim Holland reported that the annual town clean-up would be the coming Saturday and people were to meet at the fire house at 10:00. He also reported that the annual community covered dish supper would be Friday, May 1 at 6:30 at the Club.

Kakii Handley asked about the joint advertising proposal from Bill McClung. Al Greene reported that all of David Paletta's comments had been sent to Mr. McClung with a request that he furnish us with names of any chambers that had similar programs. Mr. McClung has not responded at this time.

Rick Miller asked Council to pull out the Holland letter from their agenda packet; it will be on next agenda.

7. Executive Session, N.C.G.S. 143-318.11(a)(1) To Consider the Acquisition of Real Estate.

Tim Holland made a motion that Council go into Executive Session; Greg Brown seconded the motion. Council went into Executive Session at 7:30. The Council came out of Executive Session at 7:36.

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ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:38 PM.

Respectfully submitted,

Sally Rominger
Sally Rominger
Deputy Town Clerk

Minutes approved by Town Council on MAY 12, 1992.

Guinnal [Signature]

Mayor

ATTEST:

Barbara [Signature]

Town Clerk