

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
January 11, 1994

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. Other Council Members present were Tim Holland, Shiela Fletcher, Kakii Handley, and Ed Waligroski. Also present were Town Manager Al Greene, Town Attorney David Paletta, Police Chief Jay Hefner, Public Works Director Joe Perry, and Town Engineer Ed Powell. A number of interested spectators were present in the audience.

1. Adjourn Meeting of December 14, 1993. Tim Holland moved to adjourn the meeting of December 14, 1993. Ed Waligroski seconded the motion which passed unanimously.
2. Consent Agenda. Tim Holland moved for approval of the consent agenda. Shiela Fletcher seconded the motion and the following items were unanimously approved:

- a. Minutes of the meeting of December 14, 1993.
- b. Minutes of the Tour DuPont meeting of January 10, 1994.

3. Committee Reports.

Tim Holland reported that the Region D Council of Governments meeting was canceled because of snow.

Kakii Handley reported that she would attend the Watauga County Parks and Recreation meeting the next day.

Ed Waligroski reported that there was a meeting of the Avery County Commissioners but he was not aware of the meeting at the time. Al Greene commented that he would obtain a schedule of the Commissioners meetings for Ed Waligroski.

Shiela Fletcher reported that she went to the meeting of the Watauga County Commissioners but that it was canceled because of snow.

4. Old Business.

- a. Confirm Award of Bid on Police Department Blazer. Al Greene reported that the high bidder for the blazer was Blevins Auto with a bid of \$3,050. Since Blevins needed the vehicle as soon as possible the Council members had previously been contacted by telephone and they had accepted the bid but Council should affirm this decision. Shiela Fletcher moved to accept the bid of \$3,050 from Blevins Auto; Tim Holland seconded the motion which passed unanimously.

MINUTES

January 11, 1994

5. New Business.

- a. Accept Resignation of Town Manager. Mayor Pfohl reported that Al Greene had accepted a job in York County, South Carolina as Assistant County Manager. Mayor Pfohl stated that the Town would miss Mr. Greene and complimented him on the fine job that he had done for the Town during the past four years. Tim Holland made the motion to accept the Manager's resignation; Kakii Handley seconded the motion which passed unanimously.
- b. Appoint Interim Town Manager. Kakii Handley made a motion to appoint Joe Perry as Interim Town Manager who currently serves as Assistant Town Manager; Ed Waligroski seconded the motion which passed unanimously. Ed Waligroski suggested that the Council serve as liaison to each of the departments until a new Town Manager is appointed. Al Greene asked in this case to whom the departments would report. It was decided to meet with Town employees on Tuesday, January 18 at 8:30 a.m. for further discussions.
- c. Consider Introduction of Local Bills:

(1) Increase in Force Account. Al Greene reported that there were two ideas for local bills that the Town may want to consider asking the local legislature to authorize in the upcoming session which would probably be in February and run through the spring. He reported that the Town is in the process of obtaining funding through the Appalachian Regional Commission that would allow the Town to extend the Bear Branch outfall line to its desired terminus at Raven Road. Two years ago the Town built a pumping station and extended a sewer outfall line approximately 3,128 linear feet using funds obtained from the State Revolving Loan Fund. The Town would like to complete the outfall line, which would allow it to serve a relatively large area of land that is practically undevelopable without sewer.

If awarded the grant through the Appalachian Regional Commission, the Town would use its forces and equipment to complete the project. The Town would receive \$101,000 in grant funds and, in addition to the in-kind services that the Town would provide, the Town would have to contribute approximately \$52,524 in cash. Of this amount, \$8,495 would be for contingencies.

N.C.G.S. 143-135 prohibits local governments from undertaking public works projects with its own forces when the estimated cost of the project exceeds \$75,000. Obviously, this project exceeds that amount. Many municipalities have obtained an exemption from this legislation for specific projects which they desire to undertake. For this project to be feasible as outlined, the Town would have to get an exemption in the form of a local bill from the Legislature for Bear Branch Phase II.

MINUTES

January 11, 1993

Mr. Greene further explained that local bills are fairly easy to obtain. You must simply find a House of Representatives member willing to introduce the legislation for you. Generally, if no one in the Legislature objects, the bill easily passes.

Mr. Greene recommended that the Town pursue a local bill in this coming spring session of the Legislature that would provide the Town with an exemption from this legislation for this project. Tim Holland made a motion to proceed with the local bill; Ed Waligroski seconded the motion which passed unanimously.

(2) Assessment of Property Owners Without Petition. Al Greene reported that most municipalities in North Carolina may not assess any or all of the cost of road construction and improvements against benefited properties unless the municipality has first received a valid petition from 51% of the benefited property owners representing over 50% of the linear feet involved.

Several dozen municipalities, however, are exempt from this petition requirement. Should the Town decide to undertake future street paving projects, it appears that to use the money most effectively, the Town would want to have the authority to choose what roads would be most appropriate to pave. With the petition requirement, the Town does not have that flexibility. Mr. Greene recommended that the Town pursue authorization to assess the cost of street improvements without a petition. Mr. Greene was not sure if this authorization could take the form of a local bill. More commonly, those municipalities that are given this exemption have it so stated in their charter. This is a minor detail that would be worked out during the process.

Mr. Greene stated that if for some reason this effort should fail, then he would recommend that the Town consider Plan B, which would be to identify in advance those major roads which it feels should be paved and attempt to obtain an exemption from the petition requirement for those specific streets only, as opposed to a blanket exemption. It may be that Plan B would be more palatable to the Legislature.

Mr. Greene explained that he was not proposing any specific level of street paving activity in the future. However, he believed without the exemption, money spent on street paving would not be directed where it needed to go. If an exemption can be obtained, the Council may want to consider some level of additional paving. In particular, with Bear Branch Phase I and II either completed or substantially in the works, if Pinnacle Ridge Road could be paved, that area would possibly develop much more quickly. Tim Holland moved to proceed with the local bill; Ed Waligroski seconded the motion which passed unanimously.

MINUTES

January 11, 1994

d. Consider Offer to Donate Lot BHW-201 to the Town. This item was tabled until the next meeting in order to find out how much is owed for back taxes.

e. Consider Water Line, Crest of Beech, and Agreement. Al Greene reported that Dr. Ed Calvin is in the process of developing a good sized area of land in and around his home. Before the Town incorporated, Dr. Calvin received subdivision approval from Watauga County for land extending beyond the Town's Shamrock Lane. Plans at that time called for Dr. Calvin to construct a 6" water line beginning at the Town's existing line in Spruce Hollow Road up through the woods to Shamrock Lane, and then down Shamrock Lane adjacent to the properties that were subdivided. Years ago Dr. Calvin had plans and specs approved by the State for this water line construction. He is now prepared to proceed, but would be required to have his permit renewed. This would require that the plans be recertified by an engineer.

The line that Dr. Calvin would connect to in Spruce Hollow is a 4" line. The Town has an existing 2" line in Shamrock Lane up to the beginning of his property. Dr. Calvin has proposed to the Town that he will buy the materials for us to upgrade our 2" line in Shamrock Lane to a 6" line if the Town will allow him to simply extend from that point as opposed to going several hundred feet through the woods down to Spruce Hollow. The Town would replace its 2" line with Town forces, but Dr. Calvin would be required to hire a private contractor to install the 6" line beyond that point onto his property. What Dr. Calvin would get out of this arrangement would be that the Town Engineer would submit plans for the entire project to the State for approval. In this way Dr. Calvin would not have to deal with an engineer or the State of North Carolina, and he feels that this would be compensation enough for him. The Town staff and the Town engineer have discussed this proposal and feel that the Town would certainly benefit from it. Shiela Fletcher made a motion to accept this agreement with Dr. Calvin; Ed Waligroski seconded the motion which passed unanimously.

f. Consider Budget Amendment, Road Maintenance. A budget amendment of \$9,600 was presented to the Town Council to cover additional expense for salaries, benefits, vehicle and equipment maintenance in part due to the cold, snowy weather that the Town has experienced recently. Tim Holland moved to adopt the budget amendment; Shiela Fletcher seconded the motion which passed unanimously. Both Public Works and Police Departments were complimented for their efforts during the snowy weather.

MINUTES

January 11, 1994

6. Staff/Consultant Reports.

a. Town Engineer's Report. Ed Powell reported that the water line replacement project was complete with the exception of two tie-ins and some asphalt replacement at the upper end of Charter Hills Road. The contractor will come back in the spring and complete these items and also repair any damage during the winter. The next project on Charter Hills is for paving which has been budgeted. The bid documents and bidding process will be completed in the spring but the resurfacing would be delayed until August in order to allow the road to cure.

Mr. Powell also reported that the Emerald Mountain booster pumping station is operating as intended. Mr. Lapsley has advised that the control system for the new pumping station provided by Emerald Mountain will be in place by the end of January. The relocated tank is over on the area above the Summit. Joe Perry has an agreement with the contractor to do the blasting and the painting of the tank. This is probably another spring project also.

Mr. Powell stated that the Town had received another letter from the Division of Environmental Health regarding a violation of the new lead and copper rule effective July 1, 1993. He stated that the Town needed to perform six water tests in the next two weeks and that he will be doing a corrosion control study which he will be sending to the State before June 30, 1994. He also reported that the Town has to notify all utility users of the violation within the next sixty days. The Town will also need to have an ongoing public education program on the effects of lead in the water and how the property owner can correct the problem. The Town's water supply has some background lead in the water but the Town's treating process and delivery system does not add any lead. Most of the lead contamination comes from lead fixtures or lead solder used to install the water system in the home. The lead and copper testing is to be done on houses built between 1982 and 1986 which have lead solder used in the installation of the water pipes.

Roger Bullock suggested that a press release be done in order to answer any questions from the public. Consideration was also given for a notice on Beech Vision instead of the local newspapers.

Kakii Handley commented that she was concerned about the lead in the water. Since most of the lead is coming from the inside of the house, it was agreed that a public education program is needed in order that the homeowner can know what corrective measures can be taken.

b. Public Works Director's Report. There was no formal report from Joe Perry.

MINUTES

January 11, 1994

c. Town Attorney's Report. David Paletta reported that he had 30 tax foreclosures in different stages, four of which have contacted the Town and offered to donate the lots to the Town. The Town has three options: accept the offer of donation, proceed with foreclosure, and stop foreclosure. Mr. Paletta recommended acceptance of the donation of the lots and not to proceed with foreclosure because of the cost involved. Mr. Paletta stated that he wanted to update new Council members and set a new policy for foreclosures. Mr. Paletta asked for Council's decision on the four offers of donation. Al Greene stated that he did not have a recommendation since he did not know the specifics of the four lots involved. It was decided to act on this matter at the next Council meeting.

Mr. Paletta stated that he would be in Baltimore, Maryland on February 8, 1994, the date of the next Council meeting. He requested that Council change the date of their next meeting. The date was set for February 9, 1994.

d. Chief of Police. Jay Hefner reported that December had been a busy month for his department. He praised Lee O'Neil for his help during an EMT call at the Beech Alpen Inn.

e. Town Manager's Report. Al Greene reported that the meeting between Town Council and employees set for January 4 was canceled due to bad weather. The meeting was rescheduled for January 18 at 8:30 a.m.

f. Financial Report, Tax Report and Building Inspections Report. Council had no comments on these reports.

7. Other Business.

Fred Pfohl thanked Al Greene, Vern Holland, and Roger Bullock for going to Raleigh to meet with the Utilities Commission in reference to power outages on the mountain. The results of this meeting won't be known for 60 days.

Vern Holland came before the Council and presented verbally and in writing a request to the Council for a firm policy regarding parking in the roadways (see attached letter). There was a lengthy discussion on this problem which everyone agreed cropped up each winter. Tim Holland stated that he thought the Town had a policy in place. Jay Hefner asked for permission to work on a recommendation for the Council along with the Public Works Director and the Town Manager. Council agreed that they would need to have a work session on this matter. It was suggested that an article be printed in the Beech Mountaineer concerning this situation.

MINUTES

January 11, 1994

ADJOURN

There being no further business to come before the Council, Tim Holland moved that the meeting be adjourned; Kakii Handley seconded the motion which passed unanimously. The meeting adjourned at 7:45 p.m.

Respectfully submitted,



Sally Rominger
Deputy Town Clerk

Minutes approved by Town Council on February 10, 1994, 1994.


Mayor

Attest:


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting
General Orientation for the New Council
January 27, 1994

CALL TO ORDER

The meeting was called to order at 8:45 A.M., with all Council members present. First, the Town Manager reviewed several administrative items for the Council as follows:

1. All Northwest Community Awards -- Judges will be on Beech Mountain on Tuesday, February 1, from 2:00 to 3:30 P.M., to review the Town's current application for the Town's Awards Program. Greene asked if Mayor Pfohl and Councilperson Fletcher could be on hand to assist Greene and Public Works Director Perry in the review.
2. Small Business Administration's Tree-Planting Grant Program -- Mr. Greene advised that applications for this program had been received in the mail for this program. He stated that Greg Stamey, with Region D, would be glad to assist the Town with an application, should the Town decide to participate. He recommended that possibly a committee could be appointed to study the prospect of participating in this program.
3. State and Local Watershed Regulations -- Mr. Greene and Mr. Perry gave the new Council a brief overview of the State and local watershed regulations. This overview focused somewhat on the differences in the restrictions in the WS-2 and WS-3 designations. After these administrative summaries were complete, Council began to meet with staff members to discuss with them the current issues facing the Town that relate to their area of responsibility.
4. Staff Personnel Reporting to Council --
 - a. Sally Rominger -- Mrs. Rominger reviewed with Council the current status of fund balances and reserves, as well as capital project funds.
 - b. Public Works\Utilities -- Public Works/Utilities issues and projects were broadly discussed. Mr. Perry advised Council of his procedures and methods for road maintenance. He explained to them what the I & I project consisted of, and the need for continued I & I work.

Mr. Perry also advised Council of the need for a budget amendment that would allow him to purchase more sand for streets. Kakii Handley moved that the budget amendment be approved in the amount of \$10,350. Tim Holland seconded the motion and it passed unanimously.

1971

1972

1973

1974

1975

1976

1977

1978

1979

1980

1981

1982

1983

1984

Joe Perry and Sally Rominger advised Council of the need for another budget amendment at their next meeting for additional funds for overtime in the Public Works Department.

- c. Chief of Police -- Council acknowledged receipt of Police Chief Jay Hefner's memorandum about the parking situation. Mr. Hefner told them that he didn't have the answers, that he had sent the memorandum to them for their information and consideration.

Tim Holland asked Mr. Hefner to explain the Police Department's manpower and how it was scheduled, which he did.

Dr. Waligroski stated that he had been approached by some citizens who were concerned about people sitting in the Dispatch area who were not authorized as law enforcement personnel, and that after Council meetings, it looked like a hangout for citizens. Also, with the DCI computer terminal in the Dispatch area, there should be more confidentiality in the Dispatch area. Mr. Hefner stated that he would address the problem and try to keep citizens out of the area unless they were authorized personnel, that in no way did he want to present an image that the Police Department was not open and friendly.

Mayor Pfohl stated that he had been approached by some citizens about the patrol vehicles being off the mountain, and that he had observed someone coming in with a Hardee's bag full of food. He further stated that he did not feel it was proper for our officers to take Town vehicles off the mountain to get food unless they were on official business. Mr. Hefner explained to Mayor Pfohl and the Council that on most occasions the officers would stop at Hardee's on the mail and bank run. He further stated that on occasion he would give permission to officers to pick up meals at Mike's Seafood, but he had never felt that they had abused the privilege. He assured Council that he would look into this situation and correct it.

Mayor Pfohl questioned why there was so much security for the mail and bank run for the Town, that he didn't think there was enough cash to warrant such security. Mr. Hefner stated that he didn't know why it was done, that ever since he had been here, the Police Department had done the mail and bank run, and he had not questioned why it was done. Mayor Pfohl stated that he felt someone else might take care of the mail and bank run on the way home, and that Council would look into it.

Mayor Pfohl stated that he felt better about the Police Department than he had in a long time, that he thought they were doing a good job.

...the ... of ...

...the ... of ...

...the ... of ...

...the ... of ...

...the ... of ...

...the ... of ...

...the ... of ...

...the ... of ...

Special Meeting
Town Council
January 27, 1994
Page 3

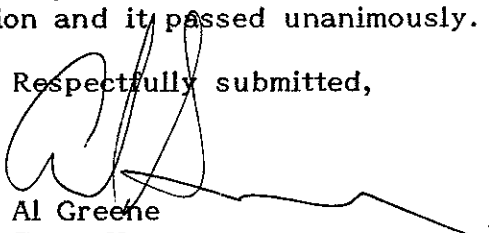
Once meetings with the staff members concluded, Town Council visited and toured the following Town facilities:

- a. Public Works Garage
- b. Buckeye Lake Water-Treatment Facilities, and
- c. A Windshield Tour of Various Water Tanks, Pumping Stations, and Surplus Water-Treatment Facilities

ADJOURN

Council returned to Town Hall at approximately 1:30 P.M.. Tim Holland moved to adjourn. Kakii Handley seconded the motion and it passed unanimously.

Respectfully submitted,


Al Greene
Town Manager

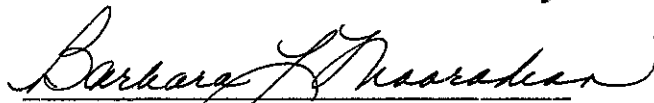
AG:th

Minutes approved by Town Council on February 10,, 1994.



Mayor

ATTEST:



Town Clerk

