

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
December 13, 1994

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:00 PM. Other Council Members present were Tim Holland, Kakii Handley, Ed Waligroski and Shiela Fletcher. Also present was Town Manager Seth Lawless, Town Engineer Ed Powell, Code Enforcement Officer Don Fulkerson and Assistant Public Works Director Joe Perry. There were also a number of interested spectators in the audience.

1 *Adoption of Agenda.*

Mayor Pfohl indicated that an offer to purchase lot NS-45 had been received, and placed consideration of the offer under Other Business. Tim Holland moved that the agenda be approved as amended. Kakii Handley seconded the motion and it passed unanimously.

2 *Consent Agenda.*

Kakii Handley moved the consent agenda be approved. Tim Holland seconded the motion and the following items were approved unanimously:

- a. Minutes of November 8, 1994.
- b. Minutes of November 18, 1994

3 *Persons Wishing to Address the Council.*

- a. *Don Rabon, N.C. Justice Academy.* Mr. Rabon presented a plaque to Officer Dale Berry in recognition of his receipt of his criminal investigator certificate. Mr. Rabon noted that there are less than 200 individuals in the state which have successfully completed this course, and that Beech Mountain has four of them. He commended the Town and the Police Department for its pursuit of continuing education. Mr. Berry thanked the Justice Academy, Chief Hefner and the Town of Beech Mountain for the opportunity to attend the course.
- b. *Frank Caputo, Beech Mountain Construction Requirements.* Mr. Caputo addressed several questions regarding the requirement for 440 ft. of parking space to be completed prior to construction, indicating that he had noted several instances where this requirement had not been met. Don Fulkerson explained that in some instances, the entire parking area cannot be completed prior to construction, especially when it is to be backfilled against the foundation wall. Mr. Caputo complained that it seemed that some houses were almost complete before the backfilling is done, and Mr. Fulkerson answered that concrete gets stronger the longer it is in place, and if there is no problem with building materials in the roadway it is beneficial to wait before backfilling. Mr. Caputo suggested the regulations be enforced more stringently. Roger Bullock suggested that it might be a better utilization of everyone's time if Mr. Caputo first met with the Code Enforcement Officer, then if not satisfied, with the Town Manager and finally with the Town Council. Mayor Pfohl agreed that while the Council does not mind addressing such problems, there is a procedure which should be followed prior to coming to the Council. Mr.

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Lawless said he thought the staff had responded to Mr. Caputo's concerns, but apparently had not. Mr. Caputo asked if builders were being fined \$100 per day for not putting out traffic warning devices, and Mr. Fulkerson pointed out that the requirement for cones is not in the Zoning Ordinance, but rather something that the Town suggests they do. Tim Holland noted there are other construction sites where there are no cones used, even though some portion of the road is blocked by construction vehicles. Mayor Pfohl suggested the staff work with Mr. Caputo on his concerns and perhaps work out where restrictions need to be tightened. Mr. Lawless said he would do so, and report back to the Council at the next meeting.

4. *Committee Reports.*

Shiela Fletcher reported that the natural gas question was now before the Utilities Commission for selection of the supplier. Kakii Handley reported that there are a lot of recreation programs in Boone during the holidays. Ed Waligroski reported that Phyllis Forbes is the new Chairman of the Avery County Board of Commissioners, and that Dan Vance is Vice Chairman.

5. *Old Business:*

a. *Consider Recommended Beautification Project at Town Entrance Sign.* Mr. Lawless outlined the various options available to the Town with regard to the "Welcome to Beech Mountain" sign, indicating the final options seem to be to let things stand as they are or to move the wooden planter onto Town property. Kakii Handley said she would like to see the planter on town property and that the project should perhaps go back to the Economic Development Committee to incorporate the large Town map and a place to pull over and park, and do the whole project at the same time. Mayor Pfohl asked that the EDC discuss the matter at their next meeting and then resubmit the plan to the Council.

b. *Consider Expanded Recycling Plan.* Mr. Lawless outlined the proposed expansion to the recycling plan. It would involve the purchase of bins and roll-out carts for mini-recycling centers to be installed at the largest multi-family locations. GDS would pick up the recyclables once per week. In addition, a pilot program of supplying recycling bags to several rental agencies to be used in selected rental homes. It is felt that a large portion of the waste flow comes from the renters and multi-family units, and so these areas are being targeted. Should usage prove heavy in either or both of the programs, they can be expanded easily. In addition, a certain amount of printed material urging recycling, and other promotional items will be needed.

The costs will be borne in two fashions: The carts, receptacles and signs will come from the rolling stock reserve, which was set aside from the sale of our garbage trucks. The other costs would be paid for by a 30¢ per month recycling fee to be collected from every dwelling unit. There was some discussion about all property owners helping to bear the cost for the program, when owners at the multi-family dwellings where the mini-centers are installed will reap the convenience. Roger Bullock noted that the Planning Board had considered the 30¢ per dwelling to be in the nature of an "insurance policy" against the possibility of being penalized by the State if we do not lower our waste flow to the mandated levels. Kakii Handley suggested that if this plan works, and the mini-centers are so well used as to promote additional sites around the Town, perhaps the fact that GDS picks up those recyclables could be combined with curbside recycling for the permanent residents on the same pickup days.

Tim Holland moved the Council adopt the budget amendment to purchase needed recycling equipment, enact Resolution 94-12-01 establishing a recycling fee, and adopt budget amendment to appropriate recycling fee receipts to the recycling program. Shiela Fletcher seconded the motion and it passed unanimously.

c. *Consider Retirement Plan.*

- (1) *Consider Adopting State Retirement Plan (Resolution 94-12-02).* Seth Lawless outlined the difference between the State retirement plan and the ICMA plan which the Town currently uses, which is a deferred income plan. He noted that the State plan would require a 9.68% contribution from the Town, vs the 5% currently in effect, but would provide a much better benefit for the employees. There were general questions about the effect upon the budget of this larger contribution. Tim Holland moved that the State retirement plan be adopted (Resolution 94-12-02). Shiela Fletcher seconded the motion and it passed unanimously.
- (2) *Consider Electing to Tax Shelter Contributions (Resolution 94-12-04).* Kakii Handley moved that the contributions be tax sheltered. Ed Waligroski seconded the motion and it passed unanimously.

6. *Old Business:*

- a. *Consider Appointments to Standing Committees.* Mayor Pfohl thanked all committee members who had served for the past few years for their volunteerism.
 - (1) *Planning Board.* Tim Holland moved that Roger Bullock be reappointed to the Planning Board and nominated Ed Lotz to serve out the remainder of Jeff Hardwick's term (until December 1995). Shiela Fletcher seconded the motion and it passed unanimously.
 - (2) *Board of Adjustment.* Shiela Fletcher moved that Norma Buchanan and Bill Hagna be reappointed to serve on the Board of Adjustment, and that the three current Alternate Members (Andy Krecicki, Sherry Garriss and Reed Smith) be reappointed for a one year term. Tim Holland seconded the motion and it passed unanimously.
 - (3) *Economic Development Committee.* Ed Waligroski moved that Ricky Holcombe be reappointed to the Economic Development Committee. Kakii Handley seconded the motion and it passed unanimously. Tim Holland said he had been told there was a current member of the committee who had missed a number of meetings and suggested the staff look into it and see if the individual might wish to be replaced.
- b. *Consider Appointment of Representative on Watauga County Solid Waste Advisory Committee.* Mayor Pfohl indicated that Kakii Handley had volunteered to serve as Beech Mountain's representative, and the rest of the Council expressed their appreciation.
- c. *Consider Offers to Donate Lot NV-11 and Lot AA-232.* Seth Lawless indicated that NV-11 was paid up tax-wise, and that AA-232 owed approximately \$106 in 1994 taxes to the Town and Watauga County. Kakii Handley moved the Town accept the donation of both lots. Shiela Fletcher seconded the motion and it passed unanimously.

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- d. **Consider Budget Amendment Increasing Public Safety Budget by \$1,500 for Purchase of Radar Gun.** Seth Lawless stated that the Town had received a donation via the Avery County Court System to be used for the purchase of Police equipment, and Chief Hefner wished to use the money for a radar gun. Kakii Handley expressed her doubts about the necessity of a radar gun, and Chief Hefner replied that starting last summer there had been numerous complaints about speeders. Tim Holland noted that this was one piece of equipment he hated to see come to Beech Mountain, but he knew it was needed and therefore moved to adopt the budget amendment. Shiela Fletcher seconded the motion and it passed unanimously.
- e. **Consider Tax Releases.** Kakii Handley questioned releases 202 and 203, and moved the rest of the releases be approved, but that further explanation be supplied for 202 and 203. Ed Waligroski seconded the motion and it passed unanimously.
- f. **Consider Agreement with Emerald Mountain, Inc.** Seth Lawless indicated that David Paletta had reviewed the proposed agreement to guarantee completion of the road in Emerald Forest to Town specifications. Cindy Keller stated that Emerald Mountain wished to guarantee the completion via a check to be held in escrow rather than a letter of credit. Kakii Handley moved that the agreement be approved subject to David Paletta's agreement to accept the check in lieu of a letter of credit. Tim Holland seconded the motion and it passed unanimously.
- g. **Consider Purchase of Mountain Electric Cooperative Tract.** Mayor Pfohl explained that the Town had considered purchase of a parcel of land adjacent to the Public Works Building with the intent of moving the sand pile and materials from the marshalling yard to it. Mountain Electric Cooperative paid \$40,000 for the property, and had agreed to accept half of that from the Town for the purchase. Tim Holland Moved that the Mayor be authorized to offer Mountain Electric Cooperative \$20,000 for the half-acre tract. Kakii Handley suggested that the purchase be subject to the Town Attorney's review. Shiela Fletcher seconded the motion and it passed unanimously.
- h. **Consider Declaring Dump Truck Surplus (Resolution 94-12-03).** Seth Lawless pointed out that, thanks to the delivery of the new dump truck, the 1987 Ford was now surplus to the needs of the Town. Kakii Handley moved adoption of Resolution 94-12-03 declaring the truck surplus and allowing its sale by the Town Manager through the sealed bid process. Tim Holland seconded the motion and it passed unanimously.

7. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Ed Powell reported the completion of the paving and installation of reflectors on Charter Hills Road. He said that the installation of the above-ground gas storage tanks was not quite complete due to some environmental issues.

The preliminary surveying work on the Bear Branch sewer outfall line is complete and plans should be ready for presentation to the State in January.

Mr. Powell presented an estimate of costs for engineering and inspection and project management to install a process for the elimination of trihalomethanes from our drinking water. He said the Town would probably be in a better position with any future violations if it has a plan approved to correct the problem. Kakii Handley moved that Council approve the project design for

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changing from chlorine to chloramine as a disinfectant. Shiela Fletcher seconded the motion and it passed unanimously.

Seth Lawless distributed a proposed Capital Project Ordinance for the Bear Branch Sewer Outfall Construction Project, indicating that the Town would begin to have costs on the project. Shiela Fletcher moved that the budget ordinance be approved. Tim Holland seconded the motion and it passed unanimously.

- b. *Public Works Director's Report.* Dolin Carpenter had no report. Mayor Pfohl commended the Public Works Department for taking care of the icy roads so quickly on Sunday morning. Kakii Handley asked about the railing for Charter Hills Road, and Mr. Lawless indicated the materials had arrived the previous day.
- c. *Town Attorney's Report.* Mr. Paletta was not present.
- d. *Chief of Police's Report.* Chief Hefner reported on donations the Department had made of monies raised during the Police Fair in August.
- e. *Town Manager's Report.* Mr. Lawless indicated he had received a letter from Allen Moseley following up on Emerald Mountain's request to either reinstall guard gates at the entrances to their property or making their roads private. Council suggested the proposal be turned over to the Planning Board for their consideration and recommendation.

Mr. Lawless reported that the staff has been working with Provident, the HMO arm of the Town's health plan, to try and get Cannon and Sloop on their list of preferred organizations, which would reduce the employee's payments from 30% to 10% of hospital bills.

Mayor Pfohl said the planning retreat held in November in Valle Crucis had been well worth the time, and another should be planned, perhaps in the spring.

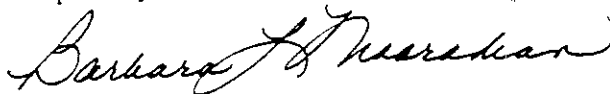
8. *Other Business:*

Mayor Pfohl reported that the Town had received an offer from Frank Caputo to purchase NS-45 for \$2,550.00. Kakii Handley moved that the Town accept the offer, following the statutory advertisement period and providing no higher bids are received. Shiela Fletcher seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council, Tim Holland moved that the meeting be adjourned. Shiela Fletcher seconded the motion, which passed unanimously, and the meeting adjourned at 8:00 PM.

Respectfully submitted.

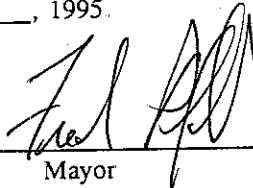


Barbara L. Mooradian
Town Clerk

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Minutes approved by Town Council on JANUARY 10, 1995.



Mayor

ATTEST:



Town Clerk