

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 8, 1994

CALL TO ORDER

Vice Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:00 PM due to the Mayor's laryngitis. Other Council Members present were Mayor Pfohl, Shiela Fletcher, Kakii Handley and Ed Waligroski. Also present was Interim Town Manager Joe Perry. A number of interested spectators were in the audience.

Tim Holland asked that the Tree Planting Program be added under Old Business as item "f."

1. Consent Agenda.

Kakii Handley moved that the Consent Agenda be adopted. Shiela Fletcher seconded the motion and the following items were unanimously approved:

- a. Minutes of meeting February 10, 1994.
- b. Minutes of Tour DuPont meeting February 14, 1994.
- c. Minutes of special meeting February 17 & 26, 1994.

2. Committee Reports.

- a. Ed Waligroski reported that the Avery County Commissioners were still holding informal meetings with people who are concerned about the reappraisal of their property. They will hold their Board of Equalization and Review in April. Most county departments are reducing their budgets and saying that they can do it without hardship.
- b. There were no other committee reports.

3. Persons Wishing to Address the Council.

- a. Avery County Library. Although Bob Langston and Teresa Coletta arrived later in the meeting, their report is given here to retain the agenda order. Ms. Coletta reported that the Avery County Library has a unique opportunity, through a "challenge gift," to make a 4,780 sq. ft. addition to their building. The present structure is sorely in need of expansion. The Library is some \$18,000 short of the figure needed for the expansion, so they are soliciting donations from towns within the county. They asked that the Council consider donating \$1,000 towards the expansion project, and that they be notified within 30 to 60 days. She also pointed out that personal contributions are welcome and they are, of course, tax deductible.

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4. Old Business.

- a. Consider Donation of Lots C-545, PA-11, BHW-201 and BHW-50. David Paletta distributed a memorandum showing the status of properties in the process of being foreclosed upon for non-payment of taxes. He solicited the Council's desire regarding foreclosures in general. He pointed out that if the Town wished to pursue an active collection program there are two options. One is to do what has been the practice -- commence proceedings against a list of owners sent by the tax administrator. Under this scenario a certain number of owners pay the taxes and a certain number go to foreclosure. Generally the "better" lots are purchased at the foreclosure sale and the Town ends up picking up those which are not purchased. Typically the costs involved are \$1,500 to \$2,000 per lot, although the Town is refunded the court costs, and of course the taxes are returned to the Town.

The second option is that the tax administrator send the foreclosure list to the Town Council prior to sending it to Mr. Paletta. The advantage of that option is that some of the lots are essentially without value, so the Town may not want to incur any expenses in doing the foreclosure. Tim Holland indicated that over the years the Council had taken the approach to go ahead with foreclosures.

Mr. Paletta indicated that in the last three or four years the Town had been able to sell some lots. He suggested that it would not be difficult to pull records and see what the Town has ended up spending on lots over the past five years vs. its income from lot sales.

Kakii Handley pointed out that the reason Beech Mountain became a town was because it couldn't get everyone to pay their assessments to the POA. Following incorporation the Town has vigorously pursued the collection of taxes. This has provided the Town with a good percentage rate of collection. Shiela Fletcher said she felt the Town should continue to actively pursue collection.

Mr. Paletta asked how the Council felt about reviewing the list before the foreclosure proceedings were started. Tim Holland said this had been tried in the past and he did not believe, frankly, that most Council Members knew where the lots were. Mr. Paletta said he felt it would be worth an hour's worth of time to the Town. Mr. Holland asked how the Council felt about the question.

Shiela Fletcher moved that the Town continue its aggressive collection policies but that the Council have an opportunity to review the lists each year. Kakii Handley seconded the motion and it passed unanimously.

Kakii Handley moved that the Town accept the donation of C-545, PA-11, BHW-201 and BHW-50. Ed Waligroski seconded the motion and it passed unanimously. Mr. Paletta said he would place the other foreclosures on hold until the next meeting to allow the Council time to review them.

- b. Consider Agreement with Ed Calvin, Crest of Beech. The agreement covering Dr. Calvin's proposal that he pay for the materials to replace the existing 2" water line in West Shamrock Lane with a 6" line with Town forces, after which he would pay for the installation of a connecting 6" line onto his property was discussed. The engineering for the project will be done by our engineering firm, and we will secure the State permits. Shiela Fletcher moved that the agreement be approved. Kakii Handley seconded the motion and it passed unanimously.
- c. Consider Maintenance Agreement, Blocks C & D, Emerald Mountain. Kakii Handley moved that the maintenance agreement be approved as submitted. Ed Waligroski seconded the motion. Cindy Keller said there was a strip road between Blocks C and D which was not included in the agreement, but which they would like to dedicate to the Town and include in the agreement. After some discussion it was decided to leave the question of this small strip of road separate from the agreement on Blocks C & D. The question was called and the motion passed unanimously.

Joe Perry explained that the road in question passes under a bridge, at which point it is only 17½ feet wide, and the pavement is only 12 feet wide, which does not conform to DOT standards. On the other hand there are roads throughout the state which narrow significantly as they pass under or over bridges of all types.

Tim Holland asked if there was any problem other than the narrowness of the road under the bridge, and Mr. Perry replied that there are also large rocks which line the ditch line and which should be removed to make it safe. Ms. Keller agreed that the rocks should be moved. Kakii Handley said she would like to defer consideration of this strip of roadway for at least one month in order to get more information on the subject.

- d. Consider Maintenance Agreement, Emerald Mountain Tank and Pump Station. David Paletta indicated the maintenance agreement which had been given to the Council needed amendment to address the telemetry system before execution, and he would like to bring it to the next meeting. Ed Powell said the agreement included the telemetry system. Based upon that, Kakii Handley moved that the agreement be approved. Ed Waligroski seconded the motion and it passed unanimously.

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NOTE: The following morning Mr. Paletta said that after having had an opportunity to read the agreement closely, his original opinion that it needed amendment stood, and indicated he would bring the amended agreement to the next Council meeting. He asked that the agreement approved at the Council meeting not be signed.

- e. Discussion of Smoke Detector Ordinance. Tim Holland explained the purpose of the proposed ordinance to the audience: to require all rental properties to have and maintain in working order a smoke detector and at least one 10 lb. ABC dry chemical fire extinguisher. Kakii Handley asked Norma Buchanan for her opinion as a rental agent.

Mrs. Buchanan said she could not think of any of her rental units which was not equipped with a smoke detector. As to fire extinguishers, some have them and some don't. Vandals sometimes take the fire extinguishers and spray walls and so forth. Mrs. Buchanan said she did not feel that a renter would use an extinguisher to try and douse a fire, but would just run out of the home.

Reub Mooradian indicated that the Fire Department desired a fire extinguisher in every house in the Town including the rental units. Mrs. Buchanan said she felt that the ordinance would be discriminatory if it were directed only at rental homes, and felt that it should apply to all dwellings in the Town.

There was a good deal of discussion about the pros and cons of such an ordinance. John Hoffman voiced his opinion that most property owners would not be willing to let an inspector into the home to check the smoke alarm or fire extinguisher. Mrs. Buchanan suggested that all owners be contacted by letter and urged to install smoke detectors if they don't presently have one. She felt this approach would get better cooperation.

After further discussion Tim Holland asked the consensus of the Council regarding rental homes vs. all homes, and the consensus was to try and require all homes to have the detectors and extinguishers. David Paletta said he would do an amendment to the suggested ordinance to include all homes, and have it for the next Council meeting. Ellen Anderson suggested the proposal be put into the next MountainEar and perhaps the Council would receive feedback. It was suggested, and agreed, that the question should be put before the Planning Board.

- f. Consider Tree Planting Grant. Mayor Pfohl distributed the list of sites which were being considered for additional tree planting. The plan would call for an expenditure of \$2,000 to \$3,000 by the Town, which would include a three year maintenance plan for the trees.

Letters of commitment from the Beech Mountain Club and Ski Beech have been received indicating they will supply volunteer labor. Ed Waligroski moved that the grant request be submitted. Shiela Fletcher seconded the motion and it passed unanimously.

- g. FOX Network. Reub Mooradian asked what progress had been made in getting a FOX network for Beech Mountain, since we have given up our BeechVision channel. Mayor Pfohl said he had spoken with Len Hagaman that same day, and High Country Cable is looking at four different sites that deliver FOX: Silva, Johnson City, Greenville and Charlotte. Progress is being made.

5. New Business.

- a. Direct Clerk to Investigate Sufficiency of Petition for Annexation. Tim Holland indicated the Town had received a petition for annexation from Mr. and Mrs. Greco on a 4.45 acre parcel adjacent to Hemlock Hills. Approximately 300 ft. of water line will have to be laid, and Mr. Perry said he believed the agreement was that the Grecos would pay for the equipment and the work would be accomplished with Town forces. The line would also serve three Hemlock Hills lots which are already in the Town. Shiela Fletcher moved that the Council adopt Resolution 94-03-01 directing the Town Clerk to investigate the sufficiency of the petition. Ed Waligroski seconded the motion and it passed unanimously.
- b. Set Date for Public Hearing on Request for Annexation. Kakii Handley moved that the public hearing be held as the first order of business at 6:00 PM on the date of the next regular Council meeting. Shiela Fletcher seconded the motion and it passed unanimously.
- c. Consider Donation of Lot WH-96. Kakii Handley moved the Council accept the donation of lot WH-96, on which both the Beech Mountain and Avery County taxes are paid through 1993. Shiela Fletcher seconded the motion and it passed unanimously.

Consider Donation of lot HH-47. Kakii Handley moved the Council accept the donation of lot HH-47, on which both the Beech Mountain and Watauga County taxes are paid through 1993. Ed Waligroski seconded the motion and it passed unanimously.
- d. Set Dates for April and May Regular Meetings. After discussion it was decided that Thursday, April 7 will be the date for the April regular Council meeting, and that Thursday, May 5 will be the date for the May regular Council meeting.
- e. Consider Offer to Purchase Lot LG-176. Kakii Handley moved that the offer in the amount of \$825 be accepted for LG-176 if no upset

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bids are received during the statutory advertising period. Shiela Fletcher seconded the motion and it passed unanimously.

f. Consider Budget Transfers.

(a) EDC - Advertising. Shiela Fletcher moved that the budget transfer of \$2,120 from Advertising contingency to Printed Media as approved by the EDC for an ad to run in the May/June issue of AAA Club South "Going Places" be approved. Ed Waligroski seconded the motion and it passed unanimously.

(b) Water Line Replacement Capital Project. Shiela Fletcher moved that the budget transfer of \$600 from contingency to Construction cost for the installation of six in-line valves in the Charter Hills water line replacement project be approved. Ed Waligroski seconded the motion and it passed unanimously.

g. Consider Tax Release. Kakii Handley moved that the release of \$17.81 to Mack Slaughter for mistakenly listing his home as rental property be approved. Ed Waligroski seconded the motion and it passed unanimously.

h. Instruct Tax Administrator to Advertise Tax Liens. Kakii Handley moved that the Council instruct the tax administrator to advertise delinquent taxes in the Watauga Democrat and Avery Journal. Ed Waligroski seconded the motion and it passed unanimously.

6. Staff/Consultant Reports.

a. Town Engineer's Report. Ed Powell reported that the telemetry system for the Meadows pumping station should be installed within the week. He further reported that the Charter Hills water line replacement project has not been reactivated due to weather. Once it is, however, it will not take long to complete.

The underground storage tank contract bid in the fall was delayed for a spring start. The contractor has made some of his preliminary arrangements and once the weather improves the project will be able to be completed rather rapidly.

The resurfacing of Charter Hills Road will be done after the water line replacement project is finished. After the bidding process, it is anticipated the work will be done in August.

Rich Wallace asked about the lead notification received with his water bill and Mr. Powell explained that tests in some homes had turned up an excessive amount of lead in the water. However, testing of both the source water and treated water indicated that the lead was not in them. Since the Town's water distribution lines

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are either steel or iron, and no lead connections are used, the lead in the home must be coming from connections or lines in the home. They will continue testing, and if anything is found in the Town's water which can be corrected it will be. Revisions in the water treatment process are being made to control the total Trihalomethanes in the future.

- b. Public Works Director's Report. Joe Perry had no formal report.
- c. Town Attorney's Report. David Paletta reported that the needed easement from BMRI to the water tank at Emerald Mountain is in hand. He requested an executive session at the end of the meeting to advise the Council on some legal matters.
- d. Chief of Police's Report. Chief Hefner indicated the only item not covered by the monthly report was that he was going to a meeting of the North Carolina Highway Patrol relative to the Tour DuPont. He did not know the exact reason for the meeting, but suspects that both Newland and Spruce Pine, who will be on the route this year, have requested a briefing on what to expect.

There is an ongoing larceny investigation of forgery on a payroll check. Officers took photographs of suspects to the bank hoping that the teller could identify the person who cashed it, but to no avail.

Two breakings and enterings were reported in January, however since apparently nothing was stolen, there is some doubt as to whether they were actual larcenies.

He reported that Mack McGuire had left the Department to go to work at Land Harbors. The Department had chipped in and bought him a personalized pen and pencil set. Tim Holland asked that a plaque from the Town be ordered for Officer McGuire.

Chief Hefner described the oral review board which will be used to interview the twelve applicants for the Patrol Officer position now open. This board consists of the Captain, one Sergeant, one Patrol Officer, one Dispatcher and a citizen. They will ask each candidate the same questions and be able to rate them. Each candidate will also be asked to submit a written answer to a question to test his ability to reduce facts to writing, and of course, education and experience will be a factor in the rating. The three finalists will be given a psychological test and be interviewed personally by Chief Hefner.

- f. Financial Report, Tax Report and Building Inspections Report. The reports were received without question or comment.

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7. Other Business. Bill Sposato indicated how pleased he was that the State had been up patching the Beech Mountain Parkway, which had suffered greatly due to the harsh winter.
8. Executive Session. Kakii Handley moved that the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (5) to consult with the attorney. Ed Waligroski seconded the motion and it passed unanimously. The Council went into executive session at 8:30 PM. The Council came out of executive session at 9:04 PM.

RECESS

Shiela Fletcher moved that the meeting be recessed until March 9, 1994 at 10:00 AM. Ed Waligroski seconded the motion and it passed unanimously. The meeting was recessed at 9:05 PM.

RECALL TO ORDER

The meeting was recalled to order at 10:05 AM on March 9, 1994. All Council members were present. Tim Holland moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Kakii Handley seconded the motion and it passed unanimously. The Council came out of executive session at 11:29 AM.

RECESS

Tim Holland moved the meeting be recessed until 2:00 PM that same day. Kakii Handley seconded the motion and it passed unanimously. The meeting was recessed at 11:30 AM.

RECALL TO ORDER

The meeting was recalled to order at 2:00 PM March 9, 1994. All Council members were present. Kakii Handley moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Ed Waligroski seconded the motion and it passed unanimously. The Council came out of executive session at 3:14 PM.

RECESS

Tim Holland moved the meeting be recessed until 11:00 AM on March 11, 1994. Kakii Handley seconded the motion and it passed unanimously. The meeting was recessed at 3:15 PM.

RECALL TO ORDER

The meeting was recalled to order at 11:00 AM on March 11, 1994. All Council members were present. Tim Holland moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment

of a public employee. Ed Waligroski seconded the motion and it passed unanimously. The Council came out of executive session at 12:29 PM.

RECESS

Kakii Handley moved the meeting be recessed until 5:00 PM that same day. Ed Waligroski seconded the motion and it passed unanimously. The meeting was recessed at 12:30 PM.

RECALL TO ORDER

The meeting was recalled to order at 5:00 PM March 11, 1994. All council members were present. Tim Holland moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Kakii Handley seconded the motion and it passed unanimously. The Council came out of executive session at 6:14 PM.

RECESS

Shiela Fletcher moved the meeting be recessed until 10:00 AM March 12, 1994. Kakii Handley seconded the motion and it passed unanimously. The meeting was recessed at 6:15 PM.

RECALL TO ORDER

The meeting was recalled to order at 10:00 AM on March 12, 1994. All Council members were present. Ed Waligroski moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Shiela Fletcher seconded the motion and it passed unanimously. The Council came out of executive session at 11:14 AM.

RECESS

Tim Holland moved the meeting be recessed until 1:00 PM that same day. Kakii Handley seconded the motion and it passed unanimously. The meeting was recessed at 11:15 AM.

RECALL TO ORDER

The meeting was recalled to order at 1:00 PM on March 12, 1994. All Council members were present. Ed Waligroski moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Tim Holland seconded the motion and it passed unanimously. The Council came out of executive session at 2:14 PM.

RECESS

Tim Holland moved the meeting be recessed until 3:00 PM that same day. Kakii Handley seconded the motion and it passed unanimously. The meeting was

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recessed at 2:25 PM.

RECALL TO ORDER

The meeting was recalled to order at 3:00 PM on March 12, 1994. All Council members were present. Shiela Fletcher moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11 (a) (8) to consider employment of a public employee. Ed Waligroski seconded the motion and it passed unanimously. The Council came out of executive session at 4:45 PM. Tim Holland moved that Seth Lawless be employed as the Town Manager. Kakii Handley seconded the motion and it passed unanimously.

RECESS

Kakii Handley moved the meeting be recessed until 10:45 March 14, 1994. Tim Holland seconded the motion and it passed unanimously. The meeting was recessed at 4:50 PM.

RECALL TO ORDER

The meeting was recalled to order at 10:45 March 14, 1994. Mayor Pfohl, Tim Holland and Shiela Fletcher were present. Mr. Holland, at Mayor Pfohl's request, placed a telephone call to Seth Lawless offering him the position of Town Manager.

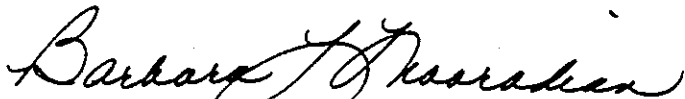
RECESS

Tim Holland moved the meeting be recessed until 6:00 PM April 7, 1994. Shiela Fletcher seconded the motion and it passed unanimously. The meeting was recessed at 11:18 AM.

ADJOURN

There being no further business to come before the Council, Tim Holland moved that the meeting be adjourned. Kakii Handley seconded the motion and it passed unanimously. The meeting was adjourned at 6:04 PM April 7, 1994.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on April 7, 1994.



Mayor

ATTEST:



Town Clerk

