

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
April 7, 1994

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:02 PM. Other Council Members present were Tim Holland, Shiela Fletcher, Kakii Handley and Ed Waligroski. Also present was Interim Town Manager Joe Perry, Code Enforcement Officer Don Fulkerson, Buddy Hale from Davis-Martin-Powell, and Chief of Police Jay Hefner. A number of interested spectators were in the audience.

1. Adjourn Meeting of March 14, 1994.

Tim Holland moved that the meeting of March 14, 1994 be adjourned. Kakii Handley seconded the motion and it passed unanimously.

2. Public Hearing - Greco Petition for Annexation.

Mayor Pfohl opened the Public Hearing on the request for voluntary annexation tendered by Mr. and Mrs. Ernesto Greco. Joe Perry explained that the annexation would involve the installation of some 300 feet of water line at the end of Sawmill Branch. The understanding reached with the former Town Manager was that the Grecos would purchase the necessary materials and the Town would provide the labor for installation. The line, when installed, will also service three already-platted lots in the Hemlock Hills Subdivision (within the Town limits) which have not heretofore had access to public water. There were no comments or questions from the audience, so the Public Hearing was closed at 6:05 PM.

3. Consent Agenda.

Tim Holland moved the consent agenda be approved as submitted. Ed Waligroski seconded the motion and, without objection, the following items were approved:

- a. Minutes of meeting March 8, 1994 et seq
- b. Minutes of Tour DuPont meeting, March 14, 1994
- c. Minutes of Tour DuPont meeting, March 28, 1994

4. Committee Reports.

- a. Avery County. Ed Waligroski reported that he had given a presentation at the Avery County Commissioners meeting of April 4th regarding the Tour DuPont and elicited a pledge from them to donate \$2,000 toward the event. There was also a good deal of discussion regarding compliance with OSHA regulations, during which the County Attorney warned that non-compliance could result in huge

finances. He asked if the Town was in compliance with all OSHA regulations. Joe Perry replied that, for the last year, the Town has been making every effort to come into compliance. It has adopted numerous rules, regulations and policies. Various purchases have been made to insure the safety of workers in the workplace, a safety committee has been established which holds regular meetings, continuing safety education in the form of video tapes are shown, and so forth. The Town requested and got a voluntary inspection by OSHA some time ago, which resulted in a list of actions necessary to bring the Town into compliance. All corrections suggested have been accomplished and documented. Mr. Perry stressed that this is an on-going process, as the regulations are many and varied.

- b. Region D. Tim Holland reported that the tree planting grant for Beech Mountain has been submitted by Region D. It will be May before the results are known, but if it is approved, the Town will expend \$3,000 on the matching grant to plant trees on Town property, generally to help hide unsightly Town facilities and enhance the beauty of the Town.
- c. Watauga County Parks and Recreation. Kakii Handley reported that the Parks and Recreation Committee had asked the Town to pass a resolution which would support Senate Bill 733 which provides for a more equitable distribution of funds received for parks. She moved the Council adopt Resolution 94-04-01 to that end. Tim Holland seconded the motion and it passed unanimously. Mrs. Handley reported that the Watauga County Parks and Recreation Committee is very, very active, and that it is a shame their distance prohibits a lot of our residents from taking part in their activities.

5. Persons Wishing to Address the Council.

- a. David Quinn, Department of Natural Resources and Community Development, Division of Community Assistance. Mayor Pfohl said that he had asked Mr. Quinn to address the Council and interested spectators on the Watershed Act. Mr. Quinn gave an outline on the Act, reporting that the Legislature had passed it in 1989 in an effort to ensure the cleanest possible drinking water throughout the State. It then turned to the Environmental Management Commission's Division of Environmental Management to come up with the regulations which would ensure compliance with the Act, and the model ordinance for the various municipalities to enact. He said that WS I was the most restrictive, with WS IV being the least restrictive. Input from the various local governments was sought by the Division of Environmental Management in deciding which designation each watershed within the State would be given, and other factors were also considered. Beech Mountain's watersheds are all designated as WS II. The main differences between WS II and WS III were in regard to density, with WS II allowing single family residential development of one unit per acre, and WS III allowing one unit per half-acre. Lots already platted of record remain usable regardless of their size in both designations.

Jan Elder asked if Pond Creek Watershed was not a backup system as opposed to a primary source for Beech Mountain's drinking water. Mr. Quinn said he was not sure how the Division of Environmental Management rated the Pond Creek Watershed, and how much impact that had on their designating it WS II. Tim Holland asked if there was such a thing as a "split district," such as the area of the Pond Creek Watershed within the Town being a WS II and the area of that watershed outside the Town being a WS III. Mr. Quinn said he had never heard of such a possibility, but that there are changes still being made in the regulations.

- b. Jan Elder. Mrs. Elder stated that her family owned some 250 acres, 140 acres of which would be affected by the Pond Creek Watershed designation. Some of their property has already been platted, and a vested interest created. The rest they intended to develop into one-half acre lots. She pointed out that the Town has, between the Elder property and the intake of Pond Creek Watershed not only half acre lots, but 1/3 and 1/4 acre lots, as well as a number of commercial enterprises and Ski Beech. Some 63 septic tanks are in being within the Watershed. She stated that both Avery and Watauga Counties have written the Environmental Management Committee to request that Pond Creek Watershed be redesignated WS III, and asked the Town to do likewise.

Kakii Handley pointed out that it has always been the policy of the Town to be concerned with its watersheds. She said she would not be comfortable with changing the designation, and noted that the watershed did, in fact, already have more septic tanks and development than might be desired, and did not want to increase it more than necessary. She said she would like to see the Town watersheds remain WS II.

Roger Bullock, Chairman of the Planning Board, said that the Board had spent some half-dozen meetings reviewing and developing the ordinance, and that the matter had come before a public hearing. Given the fact that the matter had been heard before a public hearing, that the Pond Creek Watershed has a fairly high density, and the fact that Buckeye Lake may not always be the Town's only source of water (the Town came close last year to tapping into Pond Creek), the Planning Board had recommended a classification of WS II. The Planning Board had reviewed this decision in some as recently as the previous Wednesday, and decided to recommend that the Town reaffirm by resolution its desire that the watershed designation remain WS II.

6. Old Business.

- a. Consider Annexation Ordinance. Tim Holland moved that the Town annex the property of Mr. and Mrs. Ernesto Greco as proposed by

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them (see attached map), to be effective July 1, 1994. Ed Waligroski seconded the motion and it passed unanimously.

- b. Consider Foreclosure Procedures. David Paletta distributed information concerning the dollar amount the Town has spent on tax foreclosures, as well as the dollar amount received from the sale of lots during the past three years. Tim Holland moved that the Town continue its aggressive foreclosure practices. Kakii Handley seconded the motion and it passed unanimously.
- c. Emerald Mountain Matters. Mr. Paletta distributed a proposed maintenance agreement on the Emerald Mountain water tank and pump station. After general discussion, it was the consensus of the Council to table consideration of this agreement until the meeting of May 5, as well as consideration of any release of liquidated damages.

With regard to the road between Blocks C and D in Emerald Mountain, Joe Perry said the staff recommended that the road be accepted by the Town upon its being brought up to DOT minimum standards as much as is practicable. He noted that the bridge under which the road passes has a width of only 17.5 feet, and one lot which has already been sold would prevent the pavement being widened to the full 18 feet. The road would have to be adequately signed indicating that it narrows, rocks edging the road would have to be replaced, and the entire project approved by the Town Engineer. Tim Holland moved that the Town accept the road once all of the staff recommendations have been met and it has been approved by the Town Engineer. Shiela Fletcher seconded the motion and it passed unanimously.

- d. Consider Donation to Avery Library Expansion Fund. Kakii Handley moved the Town donate \$500 toward the Avery County Library Expansion Fund. Shiela Fletcher seconded the motion and it passed unanimously.

7. New Business.

- a. Consider Donation of Lots LG-118, AA-301 and WH-78. Kakii Handley moved the three listed lots be accepted by the Town. Tim Holland seconded the motion and it passed unanimously.
- b. Consider Watershed Reclassification. Kakii Handley moved Resolution 94-04-02 requesting retention of WS II classification for the Pond Creek Watershed be adopted. Tim Holland seconded the motion and it passed unanimously.
- c. Consider Donation to Avery Arts Council. Mayor Pfohl noted a request from the Avery Arts Council for a donation. Tim Holland said that, although the Arts Council certainly was a worthy cause,

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he feared an influx of requests for donations if the Town started approving them, and money is tight this year as it is. No motion for a donation was made.

d. Consider Budget Transfers and Amendment.

- (1) Transfer \$250 from Contingency to T-Shirts in Tour DuPont Project Fund. Mayor Pfohl indicated these monies were required to bring the budget into line with the cost of printing T-Shirts. Tim Holland moved the transfer be approved. Ed Waligroski seconded the motion and it passed unanimously.
- (2) Amend General Fund (Occupancy Tax) to increase budget for flowers by \$700. Mayor Pfohl said that the EDC, in light of the fact that collections of occupancy tax far exceeded the budgeted amount this year, wished to add \$700 to the budget for the purchase of flowers. Kakii Handley moved the amendment be approved. Shiela Fletcher seconded the motion which passed unanimously.
- (3) Transfer \$4,500 from Contingency to Construction Cost on the Charter Hills Waterline replacement Capital Project. Joe Perry indicated the additional monies were required to cover the substitution of megalugs for concrete thrust blocking and substitution of 3/4" galvanized pipe for 3/4" copper pipe. Tim Holland moved the transfer be approved. Shiela Fletcher seconded the motion and it passed unanimously.

8. Staff/Consultant Reports.

- a. Town Engineer's Report. Buddy Hale reported that Hobson Construction would be returning to complete the Charter Hills waterline replacement project as early as next week, weather permitting. There is just some patching to be done, which should take no more than a week, and then a small punch list will probably be compiled. The whole project should take only two weeks to complete. Our engineering firm is currently working on the documents for the Charter Hills repaving project, so that it may be started as soon as possible this summer. He also reported that he had brought the plans for the waterline replacement in West Shamrock Lane.
- b. Public Works Director's Report. Joe Perry had no report. Tim Holland ask that he again talk to the garbage contractor, since there are again a lot of cans either upside down or right side up but uncovered. Mr. Perry said he would speak more strongly than before about this problem.

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- c. Town Attorney's Report. David Paletta said he had received a letter from attorneys representing the estate of Mrs. Enid Held, offering to donate C-524 and C-525 to the Town. Taxes through 1993 are paid in full to both the Town and the County. Tim Holland moved that the lots be accepted. Shiela Fletcher seconded the motion and it passed unanimously.
- d. Chief of Police's Report. Chief Hefner stated that things are slow at this time. They are investigating one larceny of a significant amount of money from a business in Town. They have just employed Dale Berry to replace Mack McGuire as a Patrol Officer, and he would start the following day. Mr. Berry has had 15 years' experience in law enforcement so will require little in the way of training.
- e. Town Manager's Report. Joe Perry called attention to the notice regarding the Regional League of Municipalities meetings and asked that any Council Members who wished to attend contact either him or Mrs. Mooradian so that reservations can be made.

Mr. Perry said that the Planning Board had requested that the driveway into the recycling center be made one way. Roger Bullock pointed out that the gate is narrow and the fence is screened making it difficult to see if someone is exiting toward one. This matter will be on the agenda for next month's meeting.
- f. Financial Report, Tax Report and Building Inspections Report. Kakii Handley noted that the tax collection rate is already at 96.02% this year and said Missy Norwood should be commended for her work.

9. Other Business.

Mayor Pfohl pointed out that the spring MountainEar had recently been mailed, and commended Barbara Mooradian for making it so visually pleasing, and noted there is a good deal of information contained in the issue.

Mayor Pfohl indicated that a new Town Manager had been hired, Mr. Seth Lawless, who will be starting work on April 18th. The Lawlesses are looking for a house to rent, so if anyone knows of a possible long term rental they should contact either Mr. Pfohl or Mr. Holland.

Shiela Fletcher reported that Beech Mountain had received an "excellent" rating at the Northwest North Carolina Community meeting in Wilkesboro, due in large part to the Town's working together to get the Tour DuPont.

Harriet Chamberlain commended the Police Department for its excellent work when visitors used her home recently. Norma Buchanan added commendation to Chief Hefner for the recent review board she had served on, commenting

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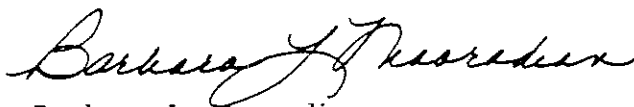
that it was very well run and extremely fair to all applicants for the Patrol Officer position.

Mayor Pfohl outlined several volunteer opportunities: A group will be constructing roofs for dugouts at the ball field in Banner Elk at 9:00 on Saturday; flowers for the Adopt a Corner program will arrive the last weekend in May; Tour DuPont still needs people to serve as volunteers -- sign-up sheets are at Fred's and the Chamber office.

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 the meeting adjourned at 8:00 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on May 5, 1994.



Mayor

ATTEST:

Town Clerk

