

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
May 5, 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 Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Buddy Hale, Police Chief Jay Hefner and Code Enforcement Officer Don Fulkerson. There were a number of interested spectators in the audience.

Seth Lawless indicated that Cindy Keller wished to address the Council regarding the requirements for the road between Blocks C and D at Emerald Mountain, and she was placed at item d under Old Business. He asked that consideration of the donation of a second lot, PA-25, be added at item h under New Business.

1. Consent Agenda.

Tim Holland asked that the last sentence on page 4 be amended to replace the word "which" with "although," and to add "Arts" before "Council," to better reflect his intent in the April 7 meeting. He moved approval of the Consent Agenda with those changes. Kakii Handley seconded the motion and the following items were approved unanimously:

- a. Minutes of April 7, 1994, as amended.
- b. Minutes of Tour DuPont Meeting April 25, 1994.

2. Committee Reports.

- a. Avery County Commissioners. Ed Waligroski reported that nothing having a bearing on Beech Mountain occurred at the Avery County meeting.
- b. Watauga County Commissioners. Shiela Fletcher said that there had been some concern voiced at the meeting about the Family and Medical Leave Act, and suggested that the Town staff review the Personnel Ordinance to insure that we are in compliance with the Act.
- c. Watauga Parks and Recreation. Kakii Handley reported that the Director, Debra Wynne, had been with the committee for a number of years and has done an excellent job. She moved that the Council adopt a Resolution of Appreciation for her work, and further that it be suggested that Ms. Wynne receive a merit pay increase. Tim Holland seconded the motion and it passed unanimously. (Resolution 94-05-02)

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### 3. Old Business.

- a. Consider Making Recycling Driveway One-Way. Seth Lawless reported that the Planning Board had recommended designating the entrance into the Recycling Center as one way for traffic entering, with the exit through the Public Works driveway, due to both the narrowness of the roadway and the difficulty of seeing any cars in the Center due to the screening on the fence. Shiela Fletcher so moved. Tim Holland seconded the motion and it passed unanimously. (Resolution 94-05-01)
- b. Further Consideration of Smoke Detector Ordinance. Mayor Pfohl noted changes suggested by the Planning Board in the possible wording of the proposed ordinance. Tim Holland suggested the Council may wish to wait until some members of the Planning Board are present and can explain the reasoning behind the changes before taking any action on them.

Mr. Holland asked David Paletta if the reason the Boone ordinance on the subject did not include private residences was a legal one. Mr. Paletta said he did not believe so, but rather a practical difference rather than a legal distinction.

Phil Buchanan asked what the Council would consider a rental unit, in view of the fact that the IRS does not consider any home which is used more than fifteen days out of each year by the owner to be a rental unit. Mr. Holland said he would think the distinction would be those homes on which occupancy taxes are charged and collected. Norma Buchanan said she felt Boone's ordinance was passed because most rental units in Boone are "permanent" rentals (long-term) as opposed to the very short vacation rentals in Beech Mountain. She also pointed out that the presence of a smoke alarm in a home which recently burned would have done nothing to alert the Fire Department or save the home, since it was unoccupied. Mrs. Buchanan reiterated her view that the requirement should not be mandatory, and that additional fees for inspections would be burdensome to rental home owners.

Fire Chief Reub Mooradian objected to the suggested 2½ lb. extinguisher replacing the suggested 10 lb., indicating that 2½ lb. extinguishers are depleted almost immediately. He thought the Planning Board may have thought 10 lbs. was too heavy for a woman, but the Fire Department has found in their classes that the average woman doesn't have a problem with a 10 lb. extinguisher. The Fire Department would strongly suggest returning to the 10 lb. size, and he suggested that the ordinance might be more specific on the rating of the extinguisher.

After further discussion, it was apparent that more research needed to be done. Tim Holland moved that a workshop consisting of the Council and the Planning Board might be set up to work together on the project. Shiela Fletcher seconded the motion and it passed unanimously.

- c. Consider Authorization to Submit Formal Application for Appalachian Regional Commission Grant - Bear Branch Phase II. Seth Lawless explained that the Appalachian Regional Commission has invited the Town to apply for grant funds to complete the Bear Branch sewer outfall line, some 4,500 feet, to serve an area in which there is currently no sewer service. They have asked that the application be submitted by June 1st. Greg Thompson is also going to introduce a bill in the legislature which would allow the Town to complete this project using Town forces. Tim Holland moved that Council authorize the Town Manager to complete the application for a grant. Ed Waligroski seconded the motion and it passed unanimously.
- d. Reconsider Requirements for Road between Blocks C and D at Emerald Mountain. Cindy Keller indicated she had toured most of the Council over the road in question, and asked that the Council reconsider its requirement that the road be widened to 18', as it connects with previously approved roads which are 14' in width. Kakii Handley suggested that the road be approved as it is, but that a sign indicating that the roadway narrows must be installed. Mrs. Handley moved that the Council rescind their previous motion regarding acceptance of the road in question, but require that a "road narrows" sign be erected. Ed Waligroski seconded the motion. Mayor Pfohl asked if the rocks lining the roadway would be removed and Ms. Keller indicated they would. Tim Holland said he felt traffic would be aided if they added pavement to the road. The question was called and the motion passed unanimously.

4. New Business.

- a. Set Date for Public Hearing on Zoning Newly-Annexed Property. After general discussion, it was the consensus of the Council to have the public hearing on zoning the Greco property as the first order of business at the next regular meeting, June 14, 1994 at 6:00 PM.
- b. Consider Tax Releases. Tim Holland moved that the two tax releases requested by the Tax Administrator be approved. Shiela Fletcher seconded the motion and it passed unanimously.
- c. Consider Request for Erection of Radio Tower, Elk River. Mayor Pfohl indicated that Elk River had had a radio antenna on the Skiloft water tank, and was now requesting permission to erect a 30' tower on the site where the tank had rested. Seth Lawless said he understood that the radio communications emanating from the area

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where the radio towers are located (behind the Public Works Building) were good, and suggested perhaps that might be a better location for the Elk River tower. After discussion, it was the consensus of the Council that Mr. Lawless should work out a location for the antenna in the area of the other antennas.

- d. Review Alternatives for Obtaining Easement to Cliff Elder Property. Seth Lawless explained that Cliff Elder had offered the Town use of his 1½ acre parcel for a marshalling yard, with the cost of his Town and County taxes being the lease fee. It is a good place to have a marshalling yard, as it would take the materials out of the view of people entering and leaving the Town. Joe Perry had worked up costs for accessing the property via Jim Brooks' property and via the Mountain Electric Property. Of the two, the Brooks option was the least expensive. Discussion regarding various options, including swapping the former Crews lot for property for a marshalling yard, to possibly using the Mountain Electric property until it is sold. Kakii Handley suggested that, if the Town is going to approach Mountain Electric about getting an easement across their property, it should approach them about using the property itself.
- e. Consider Release of Old Utility Accounts. Council was presented with a list of inactive utility accounts, most eight to ten years old, which have proved impossible to collect, but which remain on the books as an account receivable. Kakii Handley moved that the accounts be released and written off the books. Tim Holland seconded the motion and it passed unanimously.
- f. Consider Offer to Purchase PA-11. Seth Lawless indicated that the Town had received an offer to purchase PA-11 for \$1,000. Tim Holland moved that the Council accept the highest offer resulting from the upset bid process. Kakii Handley seconded the motion and it passed unanimously.
- g. Consider Dates for Budget Workshops. After general discussion it was decided to have budget workshops at 7:00 PM on May 27 and 7:00 PM June 20th. The Council decided to set the date for the Special Meeting/Public Hearing on the Budget at its regular meeting of June 14, 1994.
- h. Consider Offers to Donate Lot RW-453 and PA-25. Seth Lawless indicated the Town had received offers to donate RW-453 and PA-25. Shiela Fletcher moved the Council accept the offers. Ed Waligroski seconded the motion and it passed unanimously.
- i. Consider Parking Recommendations. Mr. Lawless suggested a procedure whereby contractors, as well as people attending parties where there is not adequate parking for all vehicles, be required to post a warning sign 1/8th of a mile on each side of the obstruction

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if a portion of the vehicle protrudes into the roadway when the vehicle is pulled as far onto the shoulder as possible. Mayor Pfohl said he did not want people to think they can park out in the road if it is not necessary, so it would be important that the wording of any ordinance spell that out clearly. John Hoffman asked if this could be done for people having a party, why not for renters who have too many cars for the parking area, and Mr. Lawless said he thought the effort of picking up the signs from the Police might discourage misuse. Mayor Pfohl asked the staff to come up with suggested wording for the next meeting.

- j. Discussion of Proposed Amendment to Zoning Ordinance with Reference to Recreational Vehicle Restrictions. Ed Waligroski read a letter from a citizen who was complaining about recreational vehicles being parked outside of dwellings. He said he had received a number of complaints of that nature, and that he agreed. He felt parking motor homes in residential areas would tend to impact negatively on the value of surrounding properties, and would discourage people from buying or building a home at Beech Mountain.

Rick Miller said he did not think there were more than one or two. Tim Holland said he had not seen anything to change his mind from his thoughts last year, when the Council elected not to address the subject. Mayor Pfohl said the question could be addressed from the angle of the length of time such a vehicle can be parked in a residential area.

5. Staff/Consultant Reports.

- a. Town Engineer's Report. Buddy Hale reported that Hobson Construction had not arrived when they had promised to do so, but have indicated their intent to finish their work shortly. Specifications for the repaving will be completed shortly so that the project can be put out for bids.

Kakii Handley asked about the Emerald Mountain telemetry system, and was told that plans have been drawn for an addition to the ski patrol building which will house the system. The work should be completed shortly, according to a fax received from Mr. Lapsley.

Tim Holland noted that one of the culverts installed in Charter Hills Road protrudes some 6-8' higher than the other culverts, and Mr. Hale said he would discuss this with the Public Works Director.

Mayor Pfohl said that some consideration needs to be given to adding some topsoil where Charter Hills Road was widened, so that grass will grow.

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- b. Public Works Director's Report. Mr. Perry was not present, but Mr. Lawless reported that the Public Works Department has installed some 800' of the 845' of water line to Dr. Calvin's property. Tim Holland pointed out that a number of the hemlocks planted in front of the Public Works building have died, and suggested they be replaced this spring.
- c. Town Attorney's Report. David Paletta had no report.
- d. Chief of Police's Report. Chief Hefner reported that calls had totalled 344. He said the Department is doing a lot of vacation residence checks. Kakii Handley commended him for having no overtime.
- e. Town Manager's Report. Mr. Lawless reported that Skiview Condominium is filing an exception to the findings of the Utilities Commission review committee. Since the vote was not unanimous, the appeal was filed and it will be four to six weeks before the Commission hears the appeal.

Mr. Lawless said that the tipping fees at the landfill have increased from \$20 a ton to \$35 a ton on April 8th. GDS anticipates a 2.5% increase in their fees for the next fiscal year.

Preliminary discussions have been held with the ski resort and the Club regarding the dredging of Lake Coffey. The ski resort has committed their dredger.

Emerald Mountain has been asked to extend their letter of credit covering the water tank and pump station beyond the May 15th deadline. David Paletta received a fax that day and should receive the original the following day.

Mr. Lawless thanked the members of the community, the staff and the Council for their patience and assistance in getting him and his family settled in the community.

- 6. Other Business. Tim Holland noted that Leslie Hayhurst performs a valuable service to the community by taking in abandoned and injured animals. The community was awarded \$250 by the Northwest North Carolina Community Awards program, and he moved that this be turned over to Genesis as a donation. Shiela Fletcher seconded the motion and it passed unanimously.
- 7. Executive Session. Tim Holland moved that the Council go into executive session under the provisions of N.C.G.S. 143-318.11(a)(5) and (9) to consult with the Town Attorney and to consider an increase in the Town Attorney's contract. Ed Waligroski seconded the motion and it passed unanimously.

The Council went into executive session at 8:20 PM. The Council came out of executive session at 9:35.

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 9:36 PM.

Respectfully submitted,

  
Barbara L. Mooradian  
Town Clerk

BLM/hs

Minutes approved by Town Council on June 14, 1994.

  
Mayor

ATTEST:

  
Town Clerk





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BEECH MOUNTAIN TOWN COUNCIL  
May 27, 1994

CALL TO ORDER

Mayor Pfohl called a special meeting of the Beech Mountain Town Council to order at 7:05 PM on May 27, 1994, having been duly advertised in the Watauga Democrat edition of May 16, 1994. Other Council Members present were Tim Holland and Ed Waligroski. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry and Finance Officer Sally Rominger.

1. Consideration of Resolution Regarding Watauga County Landfill.

Mayor Pfohl introduced Resolution 94-05-03 regarding the Watauga County landfill. Tim Holland moved the resolution be adopted. Ed Waligroski seconded the motion and it passed unanimously.

2. Consideration of Budget, FY 1994-95.

Seth Lawless summarized the budget message. The Council went through the four funds line item by line item. The following changes were made:

The proposed combination of two part time positions in the Police Department into one full time position was denied.

The proposed purchase of a new 4 x 4 patrol vehicle for the Police Department was approved, however the Council wishes to declare the oldest patrol vehicle as surplus rather than keeping a fleet of four 4 x 4's.

All other line items remained unchanged.

There was a discussion regarding the Town policy on employee training.

Following review of all line items and other attachments in the proposed budget, Seth Lawless informed the Council that, unless otherwise directed, all the changes that had been made during the course of the workshop would be consolidated into the budget by reducing the amount of the appropriated fund balance in the General Fund and increasing contingency in the General Fund. The Council informally agreed.

Council decided to add a public hearing on the proposed budget and consideration of the budget ordinance to the special meeting set for June 20, 1994 at 7:00 PM.

ADJOURN

There being no further business to come before the Council, Tim Holland moved

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the meeting be adjourned. Ed Waligroski seconded the motion, which passed unanimously. The meeting was adjourned at 10:15 PM.

Respectfully submitted,



Seth Lawless  
Town Manager

SL/blm

Minutes approved by the Town Council on June 14, 1994.

  
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Mayor

ATTEST:

  
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Town Clerk