

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
July 19, 1994

CALL TO ORDER

Mayor Pfohl called a special joint meeting of the Beech Mountain Town Council and Planning Board to order at 7:00 PM on Tuesday, July 19, 1994, such meeting having been duly advertised in The Watauga Democrat edition of July 7, 1994. Other Council Members present were Tim Holland, Shiela Fletcher and Ed Waligroski. Members of the Planning Board present were Chairman Roger Bullock, John Hoffman and Bill Watson. Also present were Town Manager Seth Lawless, Code Enforcement Officer Don Fulkerson, Fire Chief Reub Mooradian and Philip Buchanan of Buchanan Real Estate.

Mayor Pfohl thanked the members of the Planning Board for attending, and recognized Roger Bullock. Mr. Bullock generally stated that the Planning Board had reviewed the proposed ordinance and discussed a proposed alternative which would change the enforcement section to have the Building Inspector perform inspections only upon a registered complaint. All the other proposed language would remain the same.

The Mayor asked about random inspections and questioned if completely voluntary compliance would achieve the goals of the proposed ordinance. Members of the Planning Board stated that any further awareness and participation would be better than where we are today.

Tim Holland discussed a suggestion that rental agents check the smoke detectors and fire extinguishers and submit affidavits annually to the Building Inspector.

The Town Council then reviewed each of the Planning Board's recommended changes to the original ordinance proposal.

Tim Holland questioned whether a loft is considered a living level. Mr. Fulkerson stated he would review the proper codes and get back with the information.

*Definitions.* The definition of rental residential dwelling unit as recommended by the Planning Board was agreed to by the Town Council.

*Section 3.* It was agreed to incorporate the suggested language recommended by the Planning Board, changing the 2½ lb. fire extinguisher to a 5 lb. fire extinguisher.

*Section 4.* It was agreed to accept the Planning Board's suggested language without change.

*Section 6.* Town Council decided to delete the Planning Board's recommendation to have fire extinguishers inspected annually by "qualified fire extinguisher servicing agencies and tagged accordingly." Instead, the property owner will be responsible for the annual inspection.

*Section 8.* The original wording of the section was left intact with the exception of striking "and/or the Beech Mountain Volunteer Fire Department" as a responsible enforcement official.

Next, the Town Council and Planning Board discussed adding a section requiring the property owner to submit an annual affidavit on the inspection of both the smoke detectors and fire extinguishers. Both groups agreed to include a new section that would require this annual affidavit with general agreement that the submission date should be during ski season.

The Town Council stated that this would be on the August regular meeting agenda.

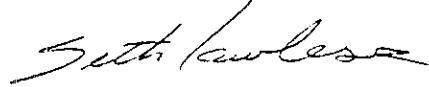
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ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:20 PM

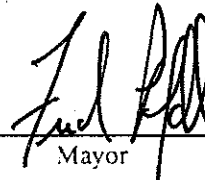
Respectfully submitted,




Seth Lawless  
Town Manager

SL/blm

Minutes approved by Town Council on AUGUST 16,, 1994.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
July 12, 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, Shiela Fletcher and Ed Waligroski. Also present was Town Manager Seth Lawless, Town Attorney David Paletta, Public Works Director Joe Perry, Town Engineer Ed Powell, and Police Chief Jay Hefner. There were a number of interested spectators in the audience.

1. *Consent Agenda.*

Tim Holland moved the Consent Agenda be approved as submitted. Kakii Handley seconded the motion and the following items were unanimously approved:

- a. Minutes of meeting June 14, 1994.
- b. Minutes of meeting June 20, 1994.

2. *Committee Reports.*

There were no committee reports.

3. *Old Business:*

- a. *Further Consideration of Police Firing Range.* Seth Lawless reported that since the baseball field was constructed with Land and Water Conservation Funds Mrs. Handley had asked that he check on the legality of using it for a firing range. Mr. Lawless contacted the N.C. Department of Environment, Health and Natural Resources and the U.S. Department of the Interior for clarification. The response from the Department of the Interior was that such use would establish a conversion of use. If the Town wishes to proceed to use the area as a firing range, then it would have to follow the procedures for a conversion and replacement. After general discussion Mr. Lawless was asked to look further into the requirements for obtaining replacement property.
- b. *Consider Offer to Purchase 83 Lots.* Mr. Lawless stated that he had negotiated an offer of \$32,500 from Mr. Doug Matthews for the 83 lots owned by the Town. The offer had been advertised for ten days without receipt of any upset bids. Tim Holland moved that the offer be accepted. Shiela Fletcher seconded the motion. Ed Waligroski asked if the Town could elicit an agreement in writing that Mr. Matthews will not let the lots come back to the Town through non-payment of taxes, and David Paletta advised there was no such document he could sign that could be enforced. Mr. Lawless indicated that Mr. Matthews wanted the Town to repurchase any lots for which title insurance could not be obtained for \$400 each. There was some discussion regarding this aspect of the agreement, and Mr. Paletta said there should be only a very small amount of lots which would not be able to get title insurance. The question was called and the motion passed unanimously.

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### 4. *New Business:*

- a. *Consider Budget Transfer, Waterline Replacement Capital Project.* Mr. Lawless referred the Council to a proposed budget transfer requesting \$11,650 be transferred from contingency to construction costs on the Charter Hills Road waterline replacement project. The original contract called for unit pricing and certain items were underestimated, necessitating the transfer from contingency. Kakii Handley moved the budget transfer be approved. Ed Waligroski seconded the motion and it passed unanimously.
- b. *Consider Submission of America the Beautiful Grant Application.* Mr. Lawless indicated that the Economic Development Commission is interested in doing an overall corridor landscaping plan from the Town limit to the entrance to Ski Beech. The staff is in the process of getting estimates on various landscaping plans and, while the EDC is not ready to recommend award of any bid, it has expressed interest in applying for an America the Beautiful grant which would, if awarded, cover 50% of the costs in the form of a matching grant. The application on the design project is due by July 22nd. Kakii Handley moved that the Town submit a grant application to the America the Beautiful project. Tim Holland seconded the motion and it passed unanimously.
- c. *Consider Ordinance Establishing a Capital Reserve E 9-1-1 Fund.* Mr. Lawless explained that there exists a budget surplus of approximately \$4,000 in the E 9-1-1 fund, and when the lease/purchase agreement is paid off there may continue to be surplus funds even if the telephone fee is reduced. The staff recommends establishing a capital reserve fund in which the excess revenues would be placed to allow for upgrades and replacements as necessary. Tim Holland moved that such a fund be established. Kakii Handley seconded the motion and it passed unanimously.
- d. *Consider Tax Releases.* Mr. Lawless referred to the memorandum from the Tax Administrator regarding the requested release of \$1,556.01 to R. H. Anderson, Jr., because of an erroneous billing of his property as individual lots rather than acreage. Tim Holland moved the release be approved. Shiela Fletcher seconded the motion and it passed unanimously.

### 5. *Staff/Consultant Reports:*

- a. *Town Engineer's Report.* Ed Powell reported that the Charter Hills water line project is completed, has been inspected and approved. Bids for the resurfacing of Charter Hills Road were to have been opened at 2:00 PM that same day, but an insufficient quantity of bids was received. The project will be readvertised, and 2:00 PM July 26th has been set as the date and time for opening of bids. If it appears necessary to call for a special meeting of the Council to award the bid, the staff will notify Council. Otherwise, the matter will be on the agenda for the August regular meeting.

There exists a problem with the telemetry system for the Emerald Mountain water tank, in that it is not communicating with the control panel at the water plant. Representatives of the manufacturer were here, but still have not fully corrected the problem.

The Skiloft tank, relocated to The Summit, proved to have deteriorated to the point that it cannot be used, so informal bids have been solicited from three contractors to purchase a new tank of the same size. It appears that it will cost in the neighborhood of \$29,000. Kakii Handley asked if

the old telemetry system could be used with a new tank, and Mr. Powell replied that the Town has all the components, including pumping stations, etc., to put a new tank into operation.

- b. **Public Works Director's Report.** Joe Perry reported that the Town had received a notice of violation from the State on nitrate monitoring tests. The Town did not do sufficient tests in 1993, and will have to so notify all customers. Tim Holland asked why the testing was not done, and Mr. Perry indicated there had been some confusion over the necessity of quarterly testing vs. annual testing.

Mr. Holland asked about replacement of the dead trees at the recycling center and Public Works driveway, and Mr. Perry said new trees should not be transplanted at this time, but that the dead ones would be removed, the shaggy trees trimmed, and replacement trees installed when the planting time is right.

Mr. Holland asked that G.D.S. again be contacted about placing cans in bins right side up and replacing lids on all cans.

Mr. Perry announced that the new fuel tanks to replace the underground storage tanks would be delivered the following week. The project is being coordinated so that the old tanks can be removed, the soil tested and construction on the new tanks started as close to simultaneously as possible.

- c. **Town Attorney's Report.** David Paletta announced that the owner of lot C-361 had sent a check for his taxes, so the Town will not be acquiring this lot. He explained the reason why some lots which the Town owns may not be able to have their title insured, but indicated there would be very few of those.

- d. **Chief of Police's Report.** Chief Hefner had no formal report. He reminded the Council of the Police Department Fair on August 13th, and asked the Council Members to sign up for the dunking booth.

- e. **Town Manager's Report.** Seth Lawless reported that he had signed a maintenance contract with Communication Services, Inc. for the Town's radio equipment, which had been placed in the 94-95 budget.

He stated that the Planning Board had taken up the two items referred to them by Council: question of recreational vehicles and parking regulations. They will be doing further study on both and will report back to Council.

The Utilities Commission has cleared the way for the electric substation to be constructed on the chosen site. TVA will begin bringing lines to the site before winter, but construction of the substation will not be commenced until next spring/summer.

The Bear Branch bill (allowing construction of the project by Town forces) has been ratified. The street bill (allowing assessment of property owners without petition) will not be considered this year. Representative Thompson said he would be happy to introduce it again in next year's session.

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The staff is working on estimates for the Lake Coffey project. Dredging will require an Army Corps of Engineers permit, which the staff will be working on.

Mr. Lawless announced that the Police Department has been keeping track of Banner Elk Police Department personnel and providing PIN checks for them. They are not, however, dispatching for Banner Elk.

Mr. Lawless reported that he had received confirmation of the extension of the letter of credit from Emerald Mountain until September 15th and it is hoped that the tank project will have been completed prior to that time.

Mr. Lawless stated that he had approved the installation of a mirror at the intersection of Hemlock Spur and Grassy Gap Loop, as it is a blind intersection.

- f. *Financial Report, Tax Report and Building Inspections Report.* The various reports were distributed without comment or question, but Mr. Lawless pointed out apparent contradictions in fund totals caused by auditors' requirements

### 6. *Other Business.*

Shiela Fletcher asked that the Town sign a letter of intent to participate in the Tour DuPont in 1995. Kakii Handley moved the Mayor be authorized to sign such a letter. Tim Holland seconded the motion and it passed unanimously.

Kakii Handley asked if the date for the August meeting could be changed due to her projected absence. It was agreed to change the meeting to 6:00 PM August 16, 1994.

Mayor Pfohl announced the installation of additional dumpsters for ordinary trash at the recycling center.


Roger Bullock commended the G.D.S. team which picks up trash on Mondays for being very cooperative.

Rick Miller asked about the possible addition of the FOX network to our cable lineup, and Seth Lawless indicated the last he had heard it would be probably 45-60 days before it would be added. Reub Mooradian asked that the cable company be prodded, and Mr. Lawless and Mr. Pfohl said they would do so.

## 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 6:55 PM.

Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

BLM/hs

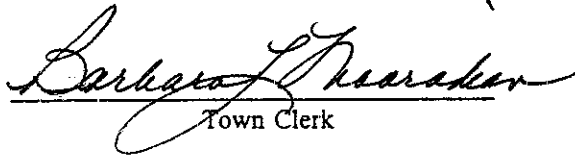
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Mayor

ATTEST:

  
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Town Clerk

