

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
September 8, 1994

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:04 PM. Other Council Members present were Tim Holland, Kakii Handley, Shiela Fletcher and Ed Waligroski. Also present was Town Manager Seth Lawless, Assistant Public Works Director Dolin Carpenter, Town Engineer Ed Powell, and Police Chief Jay Hefner. There were also a number of interested spectators in the audience.

1. *Adoption of Agenda.*

Seth Lawless asked that consideration of calling a special meeting to take place on November 18 for the purpose of holding a planning session be placed on the agenda as item "j". He asked that a request to call a public hearing at the October Town Council meeting for the purpose of receiving comments on a petition for annexation at Emerald Mountain be placed on the agenda under item "e" and it was designated (1) under "e". Mr. Lawless further asked that consideration of a resolution directing the Clerk to investigate the sufficiency of the petition for annexation be placed under item "e" and it was added as (2) under "e". Ellen Anderson asked that consideration of holding a public hearing on a proposed change to the Zoning Ordinance regarding satellite dishes be placed on the agenda, and it was designated as (3) under "e".

Tim Holland moved that the agenda be approved with the above additions. Shiela Fletcher seconded the motion and it passed unanimously.

2. *Approval of Minutes, August 16, 1994.*

Kakii Handley moved that the minutes of the August 16, 1994 meeting be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

3. *Committee Reports.*

There were no committee reports.

Mayor Pfohl took the opportunity to thank the Town staff members and Fire Department personnel for their assistance in finding a large water leak the previous week, especially Bill Watson, who actually discovered the leak.

4. *Old Business:*

- a. *Consider Resolution 94-09-01 Declaring Lease-Purchase Tax Exempt.* Mr. Lawless explained that Southern National required a written resolution which contains certain language declaring the lease-purchase of the motorgrader approved last month a tax exempt obligation of the Town. The law allows such purchases by public entities at a much lower interest rate. Tim Holland moved that Resolution 94-09-01, declaring the purchase tax exempt, be adopted. Ed Waligroski seconded the motion and it passed unanimously.

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- b. *Accept Settlement of Avery County Tax Collector.* Mr. Lawless explained that this carry-over from the August meeting had been due to the fact that the Avery settlement had not been ready. This settlement is required annually with tax offices which collect taxes for the Town, and represents the vehicle personal property taxes collected and outstanding. Shiela Fletcher moved to accept the tax settlement. Tim Holland seconded the motion and it passed unanimously.

5. *New Business:*

- a. *Consider Offer to Purchase Lot C-562.* Mr. Lawless indicated the Town had received an offer of \$1,000 on lot C-562. Tim Holland moved that the Clerk be directed to advertise the offer for upset bids, and that the highest bid received be accepted. Ed Waligroski seconded the motion and it passed unanimously.
- b. *Award Bid on 4 x 4 Dump Truck.* Mr. Lawless noted that two bids had been received following the readvertisement: One from Carolina Truck Centers, Inc., for \$51,816.25; and one from Goodpasture Motors for \$55,500.00. Both bids were for essentially the same vehicle, but the low bidder had raised an exception to the requirement for delivery within 120 days, stating it could only promise delivery in between 150 and 180 days. The staff feels the delay would be significant, as the truck which is being replaced is in very bad shape and may well become unavailable for plowing and sanding during the winter weather. Dolin Carpenter explained that the old truck requires new tires, brake work, and the overall condition of the truck is bad. If it breaks down, it would make it impossible to clear the roads on a timely manner, and we would be dependent on Sugar Mountain to help, which they have done in the past, but they clear their roads before coming to our assistance. Kakii Handley moved that the Council accept the recommendation of the staff and award the bid to Goodpasture Motors of Bristol, Va. Shiela Fletcher seconded the motion and it passed unanimously.
- c. *Charge Tax Administrator with Collection of 1994 Taxes.* Mr. Lawless explained that the law requires the Council to charge Ms. Norwood with the collection of taxes for the current fiscal year. Shiela Fletcher moved that she be so charged. Tim Holland seconded the motion and it passed unanimously.
- d. *Set Date for Public Hearing on Proposed Subdivision Ordinance Amendment.* Mr. Lawless indicated that the Planning Board had reviewed a proposed amendment to the subdivision ordinance regarding street signs. They feel that the proposed wording will be ready prior to the October meeting, and suggested that the public hearing follow the one already planned on the smoke detector ordinance. The Council decided to wait and make a single motion regarding the proposed public hearings until after discussion of them all.
- e. *Set Date for Public Hearing on Proposed Blasting Ordinance.* Mr. Lawless said that the Planning Board will also have formal wording on a proposed blasting ordinance prior to the October meeting. While a public hearing is not required by law, it was felt that one would be a good idea. Tim Holland asked if blasters in the area would be notified of the hearing, and Mr. Lawless replied that they would.
 - (1) *Set Date for Public Hearing on Petition for Annexation.* Mr. Lawless explained that the Town had received a faxed petition for annexation of three parcels of land in the Emerald Mountain subdivision, known as Emerald Forest. The public hearing could be

held at the October 11th meeting, if the Council so desired.

- (2) *Consider Resolution Directing Clerk to Investigate the Sufficiency of the Petition for Annexation.* Mr. Lawless explained that the first step in the voluntary annexation procedure was for the Council to direct the Clerk to investigate the sufficiency of the petition which had been received. Shiela Fletcher moved that she be so directed. Tim Holland seconded the motion and it passed unanimously.
- (3) *Set Date for Public Hearing on Proposed Zoning Ordinance Amendment.* Roger Bullock indicated that the Code Enforcement Officer was to check as to whether it was necessary to hold a public hearing on the minor change being contemplated; i.e., if satellite dishes under a certain size could be allowed without a conditional use permit under certain circumstances. Mr. Lawless suggested a public hearing be announced, which could always be cancelled if the circumstances did not require one.

Tim Holland moved that a public hearing on the proposed subdivision ordinance amendment, a public hearing on the proposed blasting ordinance, a public hearing on the petition for annexation and a public hearing on proposed zoning ordinance amendment be held following the public hearing on a proposed smoke detector ordinance at the October 11, 1994 Council meeting. Ed Waligroski seconded the motion and it passed unanimously.

- f. *Consider Purchase of GDS Cardboard Baler in Lieu of Leasing.* Mr. Lawless stated that GDS had agreed to sell the baler to the Town for \$2,500, which he felt would be recouped by the Town within the first year over leasing the item at \$189 per month. Ed Waligroski asked what a new baler would cost, and Bill Watson indicated that it had been approximately \$6,500. Tim Holland moved that the Council approve the purchase. Shiela Fletcher seconded the motion which passed unanimously.

g. *Consider Budget Amendments/Transfer.*

- (1) *Transfer \$650 from Rolling Stock Reserve for Purchase of Baler.* Kakii Handley moved that the budget amendment of the Sanitation Fund be approved. Ed Waligroski seconded the motion and it passed unanimously.
- (2) *Transfer \$1,300 from Advertising Contingency to Local Promotion for Purchase of Christmas Lights.* Mr. Lawless indicated that this item had been requested by the Economic Development Committee to purchase a more permanent type of outdoor light than had been used in the past, with a longer life expectancy. Kakii Handley moved that the transfer be approved. Ed Waligroski seconded the motion and it passed unanimously.
- (3) *Establish Budget Line Item for Police Charity Fair.* Mr. Lawless explained that the Police Department had raised \$4,300 during their fair in August, which they intended to use to establish a scholarship and assist needy families during the holiday season. Originally it had been intended to set up a not for profit organization to handle these funds, but that proved cumbersome and the Town's accountant suggested setting up a line item in the General Fund budget, with the understanding that the monies would be used for the original purpose and no other. Ed Waligroski moved that the line item be established. Tim Holland seconded the motion and it passed unanimously.

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- h. *Consider Water and Sewer Credit.* Mr. Lawless recommended giving a 2.5% credit to water customers who had used over the minimum amount of water during the past month, to reimburse them for having to flush out their lines because of the leak. Tim Holland agreed this was a nice gesture, but feared setting a precedent which might prove costly in the long run. Kakii Handley agreed with Mr. Holland. The consensus of the Council was against the suggestion.
- i. *Consider Offer to Donate lot CR-192 to Town.* Mr. Lawless reported that the Town had received an offer to donate CR-192 to the Town, and that there were no outstanding taxes. Kakii Handley moved the Town accept the donation. Ed Waligroski seconded the motion and it passed unanimously.
- j. *Consider Setting up a Special Meeting November 18, 1994.* Mr. Lawless suggested Council hold a planning retreat to focus on some issues that might need some special consideration or detailed study. He thought November 18th might be a good date if it agreed with Council, and suggested the Valle Crucis conference center which can be rented for \$25. He explained that sometimes such retreats focused attention on matters more readily than within the confines of a regular meeting. Kakii Handley said she thought it would be more convenient for people if it were held here. Shiela Fletcher noted that this had been talked about in the orientation she attended in Asheville as being a most effective management tool. Ed Powell indicated that a lot of municipalities he worked for do this sort of thing. Roger Bullock said he had participated in such retreats many times and that they can be very constructive. After some further discussion, Shiela Fletcher moved that the Council call a special meeting for 9:00 AM November 18, 1994 at the Valle Crucis conference center. Tim Holland seconded the motion and it passed unanimously.

6. *Staff/Consultant Reports:*

- a. *Town Engineer's Report.* Fred Pfohl asked Mr. Powell to reconsider placing a guard rail along Charter Hills Road where the stabilization had been accomplished. Mr. Powell indicated that part of the paving now being done would include a rather significant curb, and asked Council to look at the job when it was complete and then decide if they wished to add a guard rail. Kakii Handley suggested that, if a rail was installed, it be heavy wood rails tied into steel posts.

Mr. Powell indicated that the contractor had done a significant amount of patching on Charter Hills Road and is preparing the sides and ditches. The leveling course is going to be installed on Monday, and then he will adjust the manholes and valve boxes. Following that, the resurfacing will begin immediately. Mr. Powell anticipated the job would be completed by the middle of October.

Mr. Powell indicated that the tank above the Summit had been replaced.

Bill Watson asked about the leak in the above-ground fuel tank, and Dolin Carpenter indicated the installers had been summoned. Reub Mooradian asked about the plantings to go in around the tanks, and Mayor Pfohl indicated this would be accomplished with some of the trees coming out of the grant which we received.

- b. *Public Works Director's Report.* Dolin Carpenter reported that, although the weather had been bad, the department was up to date on water and sewer taps and so forth. Kakii Handley asked how much water had been lost due to the recent leak, and Mr. Carpenter said it had been 600,000

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gallons. When asked how much money that represented, Ed Powell said it was approximately \$300 in production costs (chemicals, etc.) but this did not include the cost of finding the leak.

- c. *Town Attorney's Report.* Mr. Paletta was absent.
- d. *Chief of Police's Report.* Jay Hefner indicated that of the three breaking and enterings reported for the prior month one had been unfounded and one solved. One from the prior month had also been solved. Beech Mountain's crime rate for 1993 was down 73% over the prior year, and all aspects of crime were down in varying degrees.
- e. *Town Manager's Report.* Mr. Lawless announced that the Bear Branch grant had been approved by Governor Hunt, so the Town will receive \$101,000 to help complete the sewer outfall line.

The Urban Forestry grant from America the Beautiful had been denied. Sixty-one applications had been submitted, and 34 were funded. Ours ranked 41st and if we decide to reapply next year the volunteer aspects of the program should be stressed as well as plans for maintenance of the project.

The Small Business Grant has been signed (for tree planting) in Washington, and the trees may be purchased any time after October 1st.

7. *Other Business.*

Roger Bullock indicated that several months ago the Planning Board had asked Joe Perry to look at the growth the Town has seen vis-a-vis the original plans for our water needs, and that Mr. Perry had indicated that we were very much on target with projections that were made when Buckeye dam was built. The Planning Board asked Mr. Perry to be thinking about possible expansion in the future.

8. *Executive Session.*

Tim Holland moved the Council go into executive session under the provisions of N.C.G.S. 143-318.11(a)(1) to consider the acquisition of real property. Shiela Fletcher seconded the motion and the Council went into executive session at 7:10 PM. The Council came out of executive session at 7:35 PM.

ADJOURN

There being no further business to come before the Council the meeting was adjourned at 7:36 PM.

Respectfully submitted,



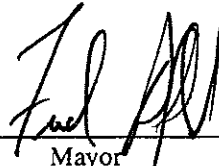
Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on October 11, 1994



Mayor

ATTEST:



Town Clerk

MINUTES
TOUR DUPONT COMMITTEE
September 28, 1994

CALL TO ORDER

Co-Chairman Fred Pfohl called a meeting of the Beech Mountain Tour DuPont Committee to order at 9:04 AM on Wednesday, September 28, 1994 in the Council Chamber at Town Hall. Present were Shiela Fletcher, Tim Holland, Rick Owen, Ricky Holcombe, Marla Hatch, Fred Diehl and Town Manager Seth Lawless.

Mr. Pfohl went over, in general, the functions which needed to be completed:

Contract - Mr. Pfohl indicated that Seth Lawless had the proposed contract and was comparing it with last year's contract. Mr. Lawless noted that the only difference he had found so far was that there would be no start in Banner Elk, so we did not have to have an agreement with them. Fred Pfohl said that as far as he can tell, Beech Mountain will not benefit from the start being in Wilkesboro, in that we will have to still provide for both the evening and morning meal, as well as provide funds for their lunches on the road. Therefore, the budget will have to be very much the same as in past years. Mr. Lawless said he would have the Town Attorney review the contract, and it can then be executed.

Lodging - Mr. Pfohl said he was concerned that the lodging locales in Banner Elk may not be receptive to assisting in 1995 since they will not be a start venue. He said that Calder Smoot had asked that he not be the chairman of the lodging committee for '95, and asked that Mrs. Holcombe and Mrs. Hatch co-chair that committee, to which they agreed. Mr. Smoot had indicated his continued willingness to work on the committee, however, and it was decided that he should approach the Holiday Inn, Sugar Ski and Country Club and Sugartop to solicit their assistance, since some 200 people were lodged in Banner Elk in 1994. Mrs. Holcombe said that all the information on lodging was in the computer program, so it would be an easy matter to coordinate the lodging. She asked if Mr. Pfohl wanted letters sent to all owners or just to those who had donated their property the last couple of years, and Mr. Pfohl said he would leave it up to their best judgment.

Fund Raising - Mr. Pfohl indicated that Beech Mountain could again expect \$15,000 from Glen Raven Mills, and we still have \$16,129 in the budget from last year. Tim Holland suggested the various categories of donors be raised for 1995, and Mrs. Holcombe suggested that benefits be added if the cost of sponsorship is raised.

Volunteers - Fred Pfohl said he would approach the Rotary Club and Kiwanis Club in Banner Elk to see if they would each take one meal for which to provide volunteers. This would centralize the overseeing of those volunteers, and perhaps provide more dependable workers, especially for the clean-up phase.

Copier - Mr. Pfohl indicated his new copier was from a company out of Hickory, which also supplied copies to a number of people in the Town, including Tim Holland. Tim Holland was asked to approach them about supplying the copiers required in 1995.

Additional Items - Mrs. Holcombe suggested that there be more porta johns than last year, and that someone be hired to clean them and the rest rooms in the Town Hall throughout the day. Marla Hatch said the people who supply the port johns can put somebody on site, because they do so for the Highland Games.

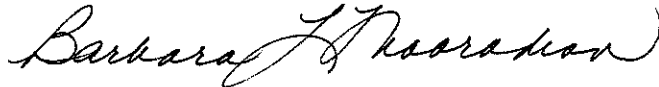
MINUTES - TOUR DUPONT

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ADJOURN

It was decided to have at least one meeting prior to the first of the year, and to try and schedule less meetings during the latter part of winter and early spring than last year. There being no further business to come before the Committee, the meeting was adjourned at 9:25 AM.

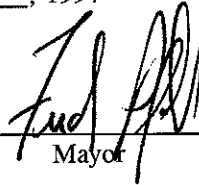
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

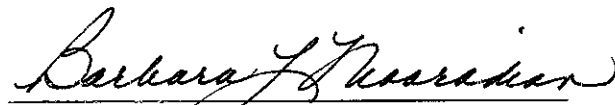
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Minutes approved by Town Council on October 11, 1994



Mayor

ATTEST:



Town Clerk

