

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
January 10, 1995

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 and Ed Waligroski. Mayor Pfohl announced that Shiela Fletcher would be arriving late, due to attending another meeting. Also present was Town Manager Seth Lawless, Town Engineer Ed Powell, Town Attorney David Paletta and Assistant Public Works Director Dolin Carpenter. There were also a number of interested spectators in the audience.

1. *Adoption of Agenda.*

Seth Lawless indicated there were two proposed resolutions to consider, and they were added under "Other Business." Tim Holland moved that the agenda be approved with those additions. Ed Waligroski seconded the motion and it passed unanimously.

2. *Approval of Minutes, December 13, 1994.*

Tim Holland moved that the minutes of the regular meeting of December 13, 1994 be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

3. *Committee Reports.*

There were no committee reports.

4. *Old Business.*

- a. *Consideration of Capital Improvement Plan.* Seth Lawless went over the Capital Improvement Plan which had been prepared by the staff and amended following the planning retreat held in Valle Crucis in November. He noted that the Council could continue to consider the Plan and pass it at a later date (hopefully prior to budget time). Tim Holland indicated it would be a good idea to get the word out to the citizens that the Plan is available for public viewing during regular business hours at the Town Hall.

5. *New Business.*

- a. *Consider Resolution 95-01-01, Wage for Auxiliary Police.* Mr. Lawless indicated that the proposal to establish a wage of \$6.00 per hour for reserve officers, so that they may be used to fill in during absences caused by vacations, illnesses, etc., rather than paying overtime to our regular officers. This should result in budget saving. Frank Caputo asked if there would be any distinction between these officers and our regular officers, and Mr. Lawless said they had not intended to have any, but it could be looked into. Rick Miller asked if they would be paid benefits, and Mr. Lawless said the Town would pay Social Security and workmen's compensation. Mayor Pfohl asked Mr. Lawless and Chief Hefner look into the possibility of distinguishing the reserve officers from regular officers and get back to the Council with suggestions. Tim Holland

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moved that Resolution 95-01-01 be adopted. Ed Waligroski seconded the motion and it passed unanimously.

b. *Consider Amendments to Personnel Ordinance.*

and

c. *Consider Amendment to Employment Contract, Manager.* Mr. Lawless went over the suggested changes to Articles VII and VIII of the Personnel Ordinance and Section XI of the Manager's Employment Contract, noting that they are required since the Town has elected to take part in the State Retirement Program. David Paletta suggested the words "and upon the findings of a medical examiner designated by the Town." be removed from the first paragraph in Section 5 of Article VIII, since Boone had found it impossible to secure a doctor who would act in this manner. Tim Holland moved that the changes suggested for Articles VII and VIII of the Personnel Ordinance (including that of Mr. Paletta), and Section XI of the Manager's Employment Contract be approved. Ed Waligroski seconded the motion and it passed unanimously.

Council Member Shiela Fletcher joined the Council meeting.

Seth Lawless explained the changes suggested for Article III of the Personnel Ordinance, noting that it would remove the automatic progression of a new employee to Step 4 of the Pay Plan simply due to satisfactory performance, but would tie any advancement beyond Step 2 to the merit principle. David Paletta suggested that the words "by the department head" be removed from the penultimate sentence in Section 5, and that the words "or be subject to disciplinary action" be removed from the last sentence in Section 5, and the words "Employees who fail to perform at a satisfactory level may be subject to disciplinary action" at the end of Section 5. Tim Holland moved that Article III of the Personnel Ordinance be amended as suggested, incorporating Mr. Paletta's suggestions. Shiela Fletcher seconded the motion and it passed unanimously.

d. *Consider Tax Releases and Refund.* There was general discussion regarding the fact that the releases and refund requested have been caused by the downgrading of the Frisbie property to "forest land," notwithstanding the fact that they had presented and had approved by the Planning Board a plan for development of the area. Tim Holland suggested that the staff investigate the discrepancy. No action was taken on the releases or refund requests.

6. *Staff/Consultant Reports:*

a. *Town Engineer's Report.* Ed Powell reported that Davis-Martin-Powell is working on the plans for the upper Bear Branch sewer outfall project. They are also in the process of designing the ammonia system for Buckeye water treatment plant. There is still no water tank above the Summit, but we have been told it will be delivered in mid-January.

b. *Public Works Director's Report.* Dolin Carpenter reported that the guard rails on Charter Hills Road and Chestnut Way have been installed. Tim Holland asked about the brush which the State left alongside N C 184 when they cut the trees, and Mr. Carpenter said he had asked them to remove it and the State had indicated they would shove the materials down the banks out of sight. Mayor Pfohl said he wished they could be persuaded to remove the brush entirely.

c. *Town Attorney's Report.* Mr. Paletta had no report.

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- d. *Chief of Police's Report.* Chief Hefner had no formal report. Mayor Pfohl commended the Department for all the good they had done over the Christmas holidays as a result of the Police Fair. Norma Buchanan said she appreciated the notices which the Police Department have been leaving on her business door to indicate they had checked the building.
- e. *Town Manager's Report.* Seth Lawless reported that the high bid on the surplus 1987 dump truck had been \$5,105. He reported that the trihalomethane level in the fourth quarter was not in excess of the limit, so no further notifications will be necessary. Taxes collected through the close of business Friday were 90.37% of the total billings. Mr. Lawless reported that Friday would be Thelma Harris' last day before retirement, and invited the Council to join the staff for her retirement luncheon at Mike's. Mr. Lawless indicated that a mystery individual had given turkeys to each Town employee and, though he did not know who did it, he wished to thank him on behalf of the staff.
- f. *Financial Report, Tax Report and Building Inspections Report.* All reports were received without comment.

7. *Other Business:*

- a. *Consider Resolution 95-01-02 and 95-01-03.* Mr. Lawless explained that there is a possibility that the Legislature will repeal the intangibles tax, which would leave towns and cities without that source of income. He asked that the Council go on record requesting that towns be held harmless, dollar for dollar, should the tax be repealed. Shiela Fletcher moved Resolution 95-01-02 be adopted. Tim Holland seconded the motion and it passed unanimously. Mr. Lawless noted that there is a possibility that the annexation law will be changed, and urged the Council go on record as supporting the State's current annexation law. Shiela Fletcher moved that Resolution 95-01-03 be adopted. Tim Holland seconded the motion and it passed unanimously.

8. *Closed Session.*

Tim Holland moved the Council go into closed session under the provisions of N.C.G.S. 143-318.11 (a) (3) and (6). Shiela Fletcher seconded the motion and the Council went into closed session at 7:10 PM. The Council came out of closed session at 7:44 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:45 PM.

Respectfully submitted.

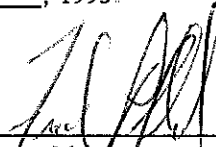


Barbara L. Moogradian
Town Clerk

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Minutes approved by Town Council on February 21,, 1995.



Mayor

ATTEST:



Town Clerk