

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
October 10, 1995

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, and Kakii Handley. Councilman Ed Waligroski was absent. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry, Chief of Police Jay Hefner, Town Attorney David Paletta and Michael Wescott representing Davis-Martin-Powell. A number of interested parties were present in the audience.

Before proceeding, Mayor Pfohl expressed his pride in the citizens of Beech Mountain both prior to and in the aftermath of Hurricane Opal. He specifically thanked Captain Dunn, Officer Berry and Chief Hefner for their preparations, the Public Works Department for their quick response to damages, the Fire Department for their work in helping clear the roads of downed trees and Ellen Anderson and the other volunteers who called citizens asking them to stay in their homes.

1. *Adoption of Agenda.*

Seth Lawless asked that consideration of an offer to donate lot C-495 be added to item 6a, and that item 5b be tabled until the November meeting. He also asked to expand item 6f to include a report on the storm damage caused by Hurricane Opal. Shiela Fletcher moved the agenda be approved with those changes. Tim Holland seconded the motion and it passed unanimously.

2. *Consent Agenda.*

Tim Holland moved the Consent Agenda be approved. Shiela Fletcher seconded the motion and the following items were unanimously approved:

- a. Minutes of Special Meeting of September 11, 1995.
- b. Minutes of Tour DuPont Committee Meeting of September 12, 1995.
- c. Minutes of Regular Meeting of September 12, 1995.

3. *Persons Wishing to Address the Council: Luke Copeland.*

Luke Copeland, of the Certified Public Accounting firm of Holder, Copeland and Associates presented the 1994/95 Audit Report for the Town. He reported that the Town's finances are in good condition. One possible negative item would be that if the Town is unable to secure a grant or loan for expansion of the Grassy Gap wastewater treatment plant it will be forced to dip into fund balance for the \$185,000 estimated cost. He noted that refinancing of the Town's road paving bonds would save approximately \$120,000 in interest over the life of the bonds. He praised the Tax Administrator for the high tax collection rate. He found all financial transactions well documented, and all rules and regulations properly followed. Mayor Pfohl noted that the Audit Report is available at the Town Hall for any interested party to peruse.

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4. *Committee Reports.*

Kakii Handley reported there are lots of problems with waste management. The incinerator in Mecklenburg County is being shut down and there are also problems with the Sevierville incinerator as well. A viable alternative to landfills has yet to be found.

5. *Old Business.*

a. *Consider Amendment to Five Year Plan to Add Village Road Paving.* Mr. Lawless distributed new pages 5/6 and 7/8 to the Five Year Plan. The estimated cost for paving Village Road, \$130,000, is proposed to be added to fiscal year 98/99. Tim Holland moved to accept the recommendation of the staff. Shiela Fletcher seconded the motion and it passed unanimously.

6. *New Business.*

a. *Consider Donation of Lots AA-594, CR-155 and C-495.* Mr. Lawless stated that the taxes owed on AA-594 are approximately \$13.00, on CR-155 \$125.00 and C-495 less than \$100.00. Tim Holland moved that Council accept all three donations. Shiela Fletcher seconded the motion and it passed unanimously.

b. *Consider Offers to Purchase Lots PA-45, BG-12 and TC-103.* Mr. Lawless noted that all three offers were for less than the Town has in the properties in back taxes and legal fees. Tim Holland moved that all three offers be denied, and the individuals making the offers notified that the Council will not consider any offers for less than the monies the Town has in the properties. Kakii Handley seconded the motion and it passed unanimously.

c. *Consider Budget Transfers.*

(1) *Advertising (Christmas Light Displays).* Mr. Lawless reported the Economic Development Committee had approved the purchase for \$500 of a lighted deer display for the Christmas season. The Chamber of Commerce also voted to purchase a similar display. The additional \$160 in the budget amendment is to make up the shortfall in cost of light strands purchased and shipping and taxes for the two deer displays. Tim Holland asked how much this would leave in Advertising contingency and Mr. Lawless replied \$840.00. Shiela Fletcher moved the amendment be approved. Tim Holland seconded the motion and it passed unanimously.

(2) *Bond Re-Financing.* Mr. Lawless indicated the budget amendment was needed to show receipt of the entire proceeds from the bond re-financing and its placement into the Road Maintenance debt service expense. Tim Holland suggested that this be footnoted in all future financial reports so as not to present an inaccurate picture of revenue and expense. Shiela Fletcher moved the amendment be approved. Tim Holland seconded the motion and it passed unanimously.

d. *Consider Municipal Agreement with DOT for Bridge Inspection.* Mr. Lawless explained that the State requires the inspection of its "bridge" on a periodic basis. The Federal Government pays 80% of the cost of such inspection, and the Town the remaining 20%. Joe Perry explained that the State considers the 21' culvert under Buckeye Creek as a bridge. Tim Holland moved the agreement be approved. Shiela Fletcher seconded the motion and it passed unanimously.

e. **Consider Request for UPS Box.** Mr. Lawless stated that he had been approached by UPS with a request they be allowed to install a pickup box beside the mailbox in the parking area at Town Hall. This would be equipped with a drawer containing shipping documents which would be filled out by the sender, who would either be billed by UPS or have the shipment paid for by credit card. Mr. Lawless said the contract had held the Town responsible for damages, but he had objected to this provision and the representative indicated that provision could be stricken from the contract. Tim Holland said he thought it was a great idea which would save people from having to go to Banner Elk to arrange UPS shipping, and moved the Council approve the installation. Shiela Fletcher seconded the motion and it passed unanimously.

f. **Consider Request to Add Temporary Labor for Storm Repairs and Report on Damages.** Mr. Lawless distributed a memorandum outlining the expected costs of repairs to storm damage caused by Hurricane Opal. He stated there had not been time to prepare a formal budget amendment, but asked Council for permission to expend the necessary funds up to \$50,000 to effect needed repairs, and present a detailed budget amendment at the November meeting. Tim Holland asked if the Town could expect any help from FEMA, and Joe Perry said their representative had indicated there was not enough damage to warrant Federal help. Mr. Lawless also indicated Public Works wanted to bring back the two unskilled laborers they had previously used to help with storm repairs. Kakii Handley moved the Council approve the temporary workers and expenditure of funds up to \$50,000 for the listed repairs. Tim Holland seconded the motion and it passed unanimously.

g. **Consider Banner Elk's Request for Annexation of Archer's Inn.** Mr. Lawless reported a telephone call he had received from Mike Brooks, Banner Elk's Town Manager, asking if Beech Mountain would have any objection to their satellite annexing Archer's Inn. He had also received a letter from Mayor VonCannon asking for the Beech Mountain Town Council's view on the matter. After general discussion including the fact that they would probably continue to call upon our Police and Fire Departments in the event of need, and the danger of setting a precedent with property so close to Beech Mountain's town limits, Kakii Handley moved Banner Elk be advised the Town Council is not in favor of such annexation. Tim Holland seconded the motion and it passed unanimously.

h. **Consider Continued Lease of Marshall Smith's Lot.** Mayor Pfohl reported that the gravel pile had previously been on property leased by the Town from Marshall Smith. Now that it has been moved to behind the recycling center, he wondered if the Town should continue to lease Mr. Smith's property to use for overflow parking. Mr. Lawless said he had contacted the owners of property adjoining the road to Mr. Smith's property and that neither Mr. Accardi nor Mr. Holcombe had any objection. Mr. Accardi requested that some definitive border be put in place so that people would park within that property and not spill over onto his (Accardi's) property. Kakii Handley asked about the possibility of charging people to use the parking lot. Mayor Pfohl said the worth of paying someone to collect parking fees and monitor the area would have to be considered. Shiela Fletcher noted that people who pay for parking generally consider that someone is going to look after their cars, and we might incur some additional liability. David Paletta said he felt that adequate signage could minimize the Town's liability. Mrs. Handley suggested the area could be used to store recreational vehicles. Shiela Fletcher moved the Town continue to lease the property under the same terms as previously, the exact use to be further discussed. Tim Holland seconded the motion and it passed unanimously.

7. **Staff/Consultant Reports.**

a. **Town Engineer's Report.** Michael Wescott reported that work is currently being done on Skiloft

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Road preparatory to paving All stone should be in place by Monday or Tuesday of the following week. Once paving is complete on Skiloft Road the crews will move to Pinnacle Ridge Road. Seth Lawless asked the Council if the Town's priority should be the paving of Pinnacle Ridge Road or the repairs from storm damage. Joe Perry suggested that quotes be taken from several paving companies, and if Maymead is the low bidder, then they can be asked to repair the storm damage before proceeding to Pinnacle Ridge Road if that is Council's desire. Tim Holland said he felt repairs should come first, especially since the owners along Pinnacle Ridge Road already expect the project not to be completed until spring. Mr. Wescott said Davis-Martin-Powell would be happy to help the Town in any way possible with regard to storm damage.

b. **Public Works Director's Report.** Mr. Perry had no report. Tim Holland asked if there were areas which incur damage again and again during rainy weather which might benefit from an engineering plan. Mr. Perry said they upgraded culverts with every flood, but that he would suggest having the engineers do a hydraulic study of the entire mountain and look at culvert sizes and perhaps going with box culverts or concrete. When asked what sort of expense a hydraulic study would incur, Mr. Wescott said he did not know. He suggested that, if money is tight, the Town might want to consider doing smaller studies of individual pipes, looking primarily at specific sites where problems occurred in January and again during the recent storm.

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

d. **Chief of Police's Report.** Chief Hefner had no report.

e. **Town Manager's Report.** Mr. Lawless reported that Chief Hefner and Councilman Waligroski had attended the last meeting of the Avery County Commissioners regarding our request that they turn over 9-1-1 fees collected from residents outside of Beech Mountain who have the 387 exchange. While the Commissioners took no action, their reaction had not seemed positive. There exists the alternative of asking the telephone company to give them another exchange.

Mr. Lawless said he had given permission for Booth Carolina to build a 4 x 4 building next to the water tank near Public Works so that the Town will have local weather instead of Boone weather. He has given them a map identifying areas in Town which should receive cable extensions.

ADJOURN

There being no further business to come before the Council Tim Holland moved the meeting be adjourned. Shiela Fletcher seconded the motion and it passed unanimously. The meeting was adjourned at 7:15 PM.

Respectfully submitted,



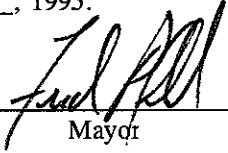
Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on November 14, 1995.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, October 24, 1995

CALL TO ORDER

Mayor Fred Pfohl called a special meeting of the Beech Mountain Town Council to order at 9:00 AM in the Council Chamber at Beech Mountain. Other Council Members present were Tim Holland, Shiela Fletcher, Kakii Handley and Ed Waligroski. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry, Dolin Carpenter and Robert Jennings.

Mr. Lawless explained that the meeting had been called for the Council to consider the purchase of a piece of equipment that the Town has been renting for two months, since the start of the Bear Branch II sewer outfall project. It is a 1989 track hoe, which is larger than a standard backhoe and propelled by tracks. It is designed to get in and out of difficult areas, digs more quickly and has more power than a backhoe.

Dolin Carpenter has been running the particular piece of equipment for some time, and reports that his work was completed a lot more quickly than it would have been using a regular backhoe. Since there are numerous areas where such a machine could be used, the staff looked into the feasibility of buying the machine. Joe Perry found that the normal life expectancy of the machine is 3,500 to 4,000 hours. (This was later contradicted by Mr. Jennings, who stated the life expectancy is 7,500 to 10,000 for this size machine.) The machine has 1,500 hours on it at present. The purchase price of a new machine is \$90,000 to \$120,000, depending on size and the amount of equipment with which it is supplied. The book value on the used machine is \$40,000 to \$45,000.

The Town went through the advertising process and received a bid from Robert Jennings for \$40,000 for the 1989 Hitachi excavator. The asking price is reasonable, and the staff feels that this particular machine has performed well and shown no maintenance problems. The staff feels it can do the work required more cost effectively using this equipment rather than a regular backhoe. One of the big jobs upcoming that had been planned to be contracted out is the waterline replacement in Pine Ridge Road planned for FY 96/97. The cost is estimated in the Five Year Plan at \$95,000, but it is felt that significant savings can be realized if the work can be done in house using the excavator.

Tim Holland asked about parts availability, and Mr. Jennings said he received parts within one day of request, either from Houston or directly from Japan. Hitachi is one of the largest equipment manufacturers in the world, and is very responsive to requests for parts. Kakii Handley asked if, since the excavator will do much the same work as the backhoe, backhoe replacement could perhaps be done with a smaller size. Seth Lawless asked if the oldest backhoe the Town owns is ten years old and Mr. Perry indicated it was. Mr. Lawless said replacement could be delayed if the Town gets the track hoe.

Joe Perry pointed out that one large project on which the track hoe could be used is the I & I project. Since we have received the Special Order by Consent from the State, they will be watching our progress on relieving the wastewater treatment plant of infiltration of rainwater. The Town will face hefty fines if it does not eliminate infiltration. Tim Holland asked if the track hoe could be used in winter and Mr. Perry indicated any tracked equipment is pretty dangerous on ice and snow, but that it could be used in loading sand at the sand pile, freeing up a backhoe to use in snow removal.

Seth Lawless indicated the Town had received "feelers" about extending water lines to the south -- Southcrest and Fox Run. This would be way down the road, but would be a perfect project for a track hoe.

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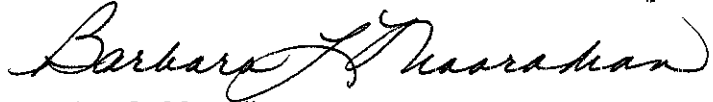
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Other general discussion about the merits of the track hoe took place, in which it was noted that the track hoe has a much longer reach than a backhoe, rotates 360°, is much stronger, can be used for dredging, etc., after which Tim Holland moved Council approve the budget amendment for the purchase of the 1989 Hitachi excavator for \$40,000. Kakii Handley seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council, Tim Holland moved the meeting be adjourned. Shiela Fletcher seconded the motion and it passed unanimously. The meeting was adjourned at 9:20 AM.

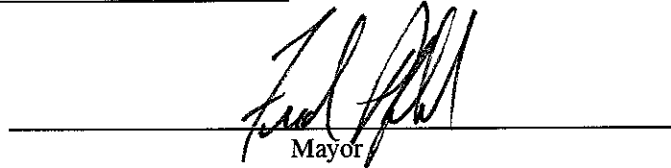
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on November 14, 1995.


Mayor

ATTEST:


Town Clerk