

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 21, 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, Shiela Fletcher, Kakii Handley and Ed Waligroski. Also present was Town Manager Seth Lawless, Town Engineer Buddy Hale, Town Attorney David Paletta and Code Enforcement Officer Don Fulkerson. Present in the audience were Rick Miller, Yvonne Hardin, Cindy Keller and Reub Mooradian.

1. *Adoption of Agenda.*

Seth Lawless suggested that the possibility of setting a deadline for Doug Matthews to complete his purchase of 83 lots be placed under Other Business, which was done. He also indicated the Town had received offers to purchase two additional lots since the agenda was prepared, and consideration of that matter was placed under 5(a). Tim Holland moved that the agenda be approved with those additions. Shiela Fletcher seconded the motion and it passed unanimously.

2. *Approval of Minutes, January 10, 1995.*

Tim Holland pointed out that the Assistant Public Works Director had been identified as being Joe Perry, which should be changed to Dolin Carpenter. Shiela Fletcher moved the minutes of the January 10, 1995 meeting be approved with that change. Ed Waligroski seconded the motion, which passed unanimously.

3. *Committee Reports.*

Tim Holland reported that he now had a meeting which conflicted with his continuing to attend Region D meetings, and asked that another Council Member accept that responsibility. After some discussion about the dates involved, Ed Waligroski volunteered to attend the Region D meetings for the remainder of the year.

Kakii Handley noted that the Watauga County Recreation Committee was getting its budget set for the coming year, and that Seth Lawless had advised the Town had requested \$2,500 from them for repairs to the Pond Creek Hiking Trail.

Ed Waligroski reported on a change in the name of the Agricultural Extension Office to the Cooperative Extension Office, and noted that they received some \$90,000 from the state this year.

4. *Old Business:*

- a. *Consideration of Capital Improvement Plan.* Mr. Lawless went over the few changes which had been made in the timing of some of the capital improvements since the November 18 Planning Retreat, and indicated the CIP had been available in the office for some weeks, with a few individuals expressing interest. He referred to a summary of the CIP which had been included with the agenda packets and asked that Council further discuss and possibly adopt the Plan. Ed Waligroski moved that the Capital Improvement Plan be adopted as amended. Tim Holland

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seconded the motion and it passed unanimously. Mayor Pfohl commended the staff for the work which had been done on the Plan.

5. *New Business:*

- a. *Consider Offers to Purchase RW-354 and RW-356; AA-232 and CR-192.* Tim Holland moved that the offer to purchase lots RW-354 and 356 for \$2,000 made by Mike Heaton; the offer to purchase lot AA-232 for \$400.00 made by C W Anthony, Jr.; and the offer to purchase CR-192 for \$1,000 made by Nancy and Robert Charles be accepted subject to their being advertised for the appropriate period without receipt of upset bids. Kakii Handley seconded the motion and it passed unanimously.
- b. *Consider Offers to donate Lots BG-174 and C-127.* Seth Lawless indicated that there were no outstanding taxes on BG-174, and that the owner of C-127 owed a total of \$55.74 (Town and County). Kakii Handley moved that the donations be accepted. Ed Waligroski seconded the motion and it passed unanimously.
- c. *Consider Contract for Audit Services, FY 94-95.* Mr. Lawless pointed out that the Town is required to have an independent audit every year. Holder, Copeland and Associates has submitted a contract for this year. Their proposal contains a ceiling of \$4,800 which is a \$300 increase over last year's audit. He indicated he believed Holder, Copeland had also gone up \$300 the previous year, but that had been their first increase since 1989. Tim Holland moved the contract with Holder, Copeland and Associates be approved. Shiela Fletcher seconded the motion and it passed unanimously.
- d. *Consider Resolution 94-02-01 Designating Nationsbank as Official Depository.* Mr. Lawless noted that the First Union branch office in Banner Elk had been sold to The Community Bank, a small bank whose emphasis will be on small loans. They are not on the list of banks provided by the Local Government Commission as among those who collateralize accounts over \$100,000, so without some bonding arrangement, the Town would be prohibited from doing business with them. Since the Town must make daily deposits, it makes sense to do business close by, which leaves Nationsbank. He had prepared a resolution declaring Nationsbank as the Town's depository. Shiela Fletcher moved that Resolution 94-02-01 be approved. Ed Waligroski seconded the motion and it passed unanimously.
- e. *Consider Skiloft Road Paving Petition.* Seth Lawless reported that Frank Rickert, a property owner on Skiloft Road, had spearheaded a drive to have Skiloft Road paved. He had surveyed the interest of the other property owners on that road by sending them all letters, of which 19 were returned with a favorable reaction, four opposed and ten had not been returned. Miss Norwood verified that everyone who owned property on that road had been sent a letter. Mr. Lawless explained to Mr. Rickert that the Town would need an official petition where at least 51% of the property owners agreed to the assessment and those 50% represented at least 51% of the lineal footage abutting the road in question. Mr. Lawless had also explained to Mr. Rickert that there was no money budgeted for the paving of Skiloft Road, nor was it on any priority list for future paving. Mr. Rickert indicated he felt the property owners would pick up the majority, if not all, of the cost, but he wanted to bring it before the Council to see if the Town would bear any of the cost. Three broad paving estimates had been solicited (not based upon any engineering

plan) and they ranged from \$44,000 to \$75,000. The estimates include the paving of Galax Lane and ditches, parking turnouts, etc.

Tim Holland said he believed it would be a good idea to pursue the possibility, although he did not wish to see the Town paying for any of the paving itself. He said his big concern was that after the paving is done the property owners would realize how insufficient their parking is since the paving would designate where the road is vs. their actual parking area. Reub Mooradian suggested it might be of interest to get some figures from the Public Works Department about how much the Town spends every year on upkeep of the road in its present state. Kakii Handley wondered if the steepness of the road would not create major problems vis-a-vis rainwater runoff and general deterioration of the road, and suggested the Council be given more information before they consider going along with the paving. Fred Pfohl asked the staff to investigate the size of culverts which will be needed, costs of current upkeep vs. upkeep of an asphalt surface, what could be expected in the way of increased water flow, etc. The subject was continued to the March regular Council meeting.

- f. ***Set Date for Public Hearing on Proposed Amendment to Subdivision Regulations.*** Seth Lawless indicated that the Emerald Mountain Corporation had requested an amendment to the Subdivision Regulations, which requires a public hearing prior to Council consideration. Cindy Keller asked if the meeting could be scheduled for the summer, when most of the Emerald Mountain owners are in residence. 6:00 PM on Tuesday, July 11, 1995 was set as the date and time for the public hearing.

- g. ***Set Date for Special Joint Meeting of town Council, Planning Board and Economic Development Committee.*** Seth Lawless referred to a letter from Cliff Elder, offering to donate certain property to the Town for construction of a Convention/Civic Center, and indicated the Economic Development Committee had thought it would be a good idea to sit down with the Council and Planning Board to discuss the possibility. After general discussion it was decided to schedule the special meeting in conjunction with the March regular meeting of the Economic Development Committee, i.e., 9:00 AM Wednesday, March 29, 1995.

6. ***Staff/Consultant Reports:***

- a. ***Town Engineer's Report.*** Buddy Hale reported that a representative from the Department of Health and Natural Resources would come up to check on the soil taken from around the old underground fuel storage tanks and might waive the installation of a monitoring well. They will also be taking another soil sample and may let the Town simply spread out the contaminated soil for the contaminant to evaporate.

Dolin Carpenter had asked Mr. Hale to look at the backfill which had started to displace on Charter Hills Road (where the guard rail was installed) and he is going to look at the contract, but believes this work is still under warranty. Plans for the Bear Branch outfall line have been delivered to Mr. Carpenter for his inspection.

The Summit tank has still not been installed, as Eggers is waiting for the weather to improve. Mayor Pfohl asked what would be done with the old tank and asked if it could be sold for scrap. Mr. Lawless said he would look into that.

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- b. *Public Works Director's Report.* Fred Pfohl pointed out that Joe Perry is now back at work half days, and we are delighted at his recovery. He indicated how grateful the Council was to have a number two man who can accomplish the work without missing a beat.
- 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 announced that both Avery and Watauga Counties' Emergency Management Agencies have told him that there will be no federal disaster money available to assist with flood damage.

With regard to the recycling program the bags and receptacles have been ordered and are expected about mid-March. Mayor Pfohl noted that the dumpsters had been moved in the recycling center in an effort to preserve the fence. Further work awaits the arrival of good weather.

Mr. Lawless indicated he had submitted a grant application to continue the tree planting project which will be starting this spring, and for which we had received a Small Business Administration grant.

The department heads are all working on their budget recommendations, which will be delivered to him the end of March. He anticipates having a draft budget to the Council in April.

Mr. Lawless reported that the two local bills we had been requested have been introduced in the House by Representative Thompson, who anticipates no opposition. The bill to repeal the intangibles tax passed in the Senate quickly and is expected to get rapid treatment by the House. The bill, as it is written, would provide replacement revenues based upon a distribution format that would keep the Town of Beech Mountain about where it presently is, but it does not contain any provision for growth. The annexation bill has not yet been introduced, but there is still a lot of time left in the session.

- f. *Financial Report, Tax Report and Building Inspections Report.* The reports were received without comment or question.

- 7. *Other Business.* Mr. Lawless stated he had conversed with Mr. Doug Matthews several times about finishing the purchase of the 83 lots he had offered to purchase, and wondered if the Council wished to place any sort of deadline on the closing. He indicated that the earnest money deposit had been deposited into the Town's account. Tim Holland moved that Mr. Matthews be advised to complete the sale by March 15, 1995 or forfeit his deposit. Shiela Fletcher seconded the motion and it passed unanimously.

Kakii Handley pointed out an error in the minutes of the meeting of December 13, 1994, noting that Tim Holland's motion to allow the Mayor to offer Mountain Electric Cooperative \$20,000 for the parcel of land they had purchased from Bill Elder had been amended to include the language "subject to the Town's attorney's review," and moved that the minutes be so amended. Tim Holland seconded the motion and it passed unanimously.

Rick Miller asked about the intention to restore the roads which were damaged in the floods, and Mr. Lawless indicated it will be top priority when we get good weather. Dolin Carpenter anticipates two to

three weeks' work, which does not include the repairs to the paving, for which bids will be taken.

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 (5), to discuss the possible acquisition of property and to consult with the Town Attorney on a litigation matter. Ed Waligroski seconded the motion and it passed unanimously. The Council went into closed session at 7:00 PM. The Council came out of closed session at 7:45 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:46 PM.

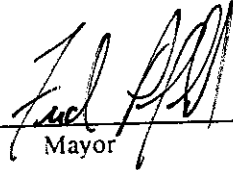
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on MARCH 14, 1995



Mayor

ATTEST:



Town Clerk

