

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
April 11, 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, Public Works Director Joe Perry, Town Engineer Ed Powell, and Town Attorney David Paletta. Present in the audience were Smokey and Harriet Chamberlain, Bill Wishner, Bill Sposato, Rick Miller, Ellen Anderson, Roger and Ramona Bullock and Reub Mooradian.

1. *Adoption of Agenda.*

Seth Lawless asked that a letter from Davis-Martin-Powell and accompanying suggested budget amendments be added under "Other Business." Shiela Fletcher moved the agenda be approved with those additions. Tim Holland seconded the motion and it passed unanimously.

2. *Consent Agenda.*

Kakii Handley moved the consent agenda be approved. Ed Waligroski seconded the motion and the following items were unanimously approved:

- a. Minutes of Tour DuPont Meeting, March 13, 1995.
- b. Minutes of Regular Meeting, March 14 and 24, 1995.
- c. Minutes of Special Joint Meeting, March 29, 1995.
- d. Minutes of Tour DuPont Meeting, April 3, 1995.

3. *Committee Reports.*

Mayor Pfohl reported briefly on the joint meeting between the Town Council, Planning Board and economic Development Committee to consider an offer to donate property made by Cliff Elder. He reported that a second meeting will be held at 9:00 AM on May 17, 1995. Roger Bullock indicated that the first meeting had been exploratory in nature, simply to find out what the Town's future needs might be and how best to meet them, with no preconceived ideas.

4. *Persons Wishing to Address the Council.*

- a. *Anthony Barlage, High Country Cable TV.* Mr. Barlage addressed the Council about High Country Cable's intent to rebuild the Beech Mountain system, replacing coaxial cable with fiber optic wire. This move will not only add to picture quality, but will allow additional channels to be added. Seth Lawless asked if the new system will be structured like the present one, i.e., basic, extended basic, premium, etc. and Mr. Barlage indicated it would. Mr. Lawless asked if there would be any opportunity to offer input as to which channels the citizens want, and Mr. Barlage encouraged anyone who had any preferences to write him (as opposed to calling). When

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the time comes to make the decision all suggestions will be noted. Roger Bullock pointed out that he was unable to get cable at his location, and stated that he was eager for the telephone company to be allowed to provide competition. Mr. Barlage asked Mr. Bullock to contact him to see if anything could be worked out. There were various suggestions from the audience regarding stations to be added, and Mr. Barlage reiterated that he would appreciate written requests.

Seth Lawless brought up two complaints he had received. One was that, often, the bills arrive on the day that it is past due. Mr. Barlage explained that the wording on the bill was deceiving, and that the penalty would only be due if there was a "past due" amount, so marked. He indicated they would change the wording to make it more clear. Mr. Lawless said the second complaint was for additional charges for second or third cable outlets within a home, and Mr. Barlage explained that they had to service all of the TV sets on cable, which justified the additional fee. Mayor Pfohl asked about the time frame for the rebuilding, and Mr. Barlage said they should be finished by the end of 1996.

5. *Old Business.*

- a. *Consideration of Donation to Avery County Fair Board.* Marjory Unrath, Mayor of Sugar Mountain and a member of the Fair Board addressed the Council regarding the Fair. She passed around photographs of the first two fairs, and addressed the need for a permanent fair ground. She apologized for the letter which the Town had received from four legislators, and indicated that the Fair Board had had nothing to do with that. The Town was encouraged to donate to the purchase of the fairground, but it was not at all mandatory. Kakii Handley moved that the Town donate \$1,000 from occupancy tax receipts to the Fair Board for the Agricultural and Rural Development Center. Shiela Fletcher seconded the motion and it passed unanimously.

6. *New Business.*

- a. *Consider Resolution 95-04-01 Declaring Crown Victoria Surplus.* Mr. Lawless explained that the Police Department's new Jeep had been delivered, so the 1988 Ford Crown Victoria, with 154,000 miles on it, was now surplus to the Town's needs. Tim Holland moved that Resolution 95-04-01 declaring the vehicle surplus and allowing for private sale be approved. Kakii Handley seconded the motion and it passed unanimously.
- b. *Consider Tax Releases and Refund.* Mr. Lawless explained that these releases had been previously requested, but action was delayed until further clarification could be received. He noted that the statutes allow for undivided acreage tracts to be eligible to be termed forest land and taxed accordingly if the owners submit the proper timber management plan. This is what the Frisbies have done, and until they record a subdivision plan, the land will remain in that category. Tim Holland noted that it appeared the Town had no choice but to approve the tax releases and refund and so moved. Ed Waligroski seconded the motion and it passed unanimously.
- c. *Consider Awarding Bids.*
 - (1) *Bear Branch Sewer Outfall Project, Pipe and Manholes.* Mr. Lawless went over the bids received on the pipe and manholes necessary to complete the Bear Branch Sewer Outfall Project. Mayor Pfohl asked how the moratorium affected this project, and Mr. Lawless explained that once the moratorium had been imposed the regional office of

Environmental Management stopped their review process. He was endeavoring to get the regional office to proceed with their review, since the project involves a grant and legislation which is finite, expiring in 1996. Mr. Powell said he felt the Town would be allowed to proceed with the construction of the Bear Branch Project. Mr. Lawless also felt that the worse case scenario was a holdup of four to five months, while the Town applied for a Special Order by Consent (SOC).

Mayor Pfohl asked what the total prices of the bids were, and Mr. Perry said that Pump and Lighting's cost for the manholes was \$10,541.92; and Water Pro had a price of \$12,876.77 for the pipe. Mr. Lawless indicated that \$56,000 had been budgeted out of the Water and Sewer Capital Reserve for the project. Tim Holland moved that the town accept Water Pro's bid for the pipe and Pump and Lighting's bid for the manholes. Shiela Fletcher seconded the motion and it passed unanimously.

- (2) ***Pavement Patching due to Flood Damage.*** Mr. Lawless stated that bids had been opened that day for pavement patching of the roads damaged in the January flooding. Two had been received, and Brown Brothers was the low bidder. Shiela Fletcher moved that the contract be awarded to Brown Brothers for \$24,910.75. Tim Holland seconded the motion and it passed unanimously.

- d. ***Consider Budget Amendment Transferring Funds to Road Maintenance Department for Flood Repair.*** Mr. Lawless indicated the amount requested for the transfer included a 10% contingency added to the low bid. The transfer would be from the Resurfacing Reserve and Sale of Fixed Assets, which greatly exceeded the budgeted amount. Tim Holland moved the budget amendment be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

- e. ***Consideration of Town Beautification Projects.*** Mr. Lawless explained that the Town received a proposal in the amount of \$1,046.58 from Grandfather Nursery to landscape the area around the Town Welcome Sign and on the other side of the street, at the request of the EDC. The plan includes both annuals and perennials. At the time the proposal was received, the Town was thinking about the erection of a Town map at that same site, but after consideration, that location does not seem to be the best for a Town map. The EDC had also requested the planting of day lilies at several locations, in addition to the annuals which volunteers plant in their corner barrels. Since there would be several areas of plantings, including those at the town limit and in front of Town Hall, it might be advisable to hire someone to weed, water and take care of them. A contract with Larry Parent from June 1 to September 30 had been prepared, to be responsible for all the plantings, including watering and fertilizing corner barrels where needed, for \$1,000. A budget transfer in the amount of \$1,850.00 was sought to add to the \$2,000 already in local promotion in the advertising budget. Kakii Handley moved that the proposal from Grandfather Nursery be approved, the agreement with Larry Parent be approved, and that the budget transfer in the advertising budget be approved. Shiela Fletcher seconded the motion and it passed unanimously.

- f. ***Consider Resolution 95-04-02 Declaring Various Scrap Materials Surplus.*** Joe Perry explained that there was old culvert material and other scrap metals which the Town does not want and which could perhaps be sold. Tim Holland moved that Resolution 95-04-02 declaring those materials surplus to the needs of the Town be approved. Kakii Handley seconded the motion and it passed unanimously.

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- g. ***Consider Offers to Donate Lots to the Town.*** Mr. Lawless stated that the Town had received an offer to donate AA-250 to the Town. There are no outstanding taxes due on the lot. Tim Holland moved that the Town accept the donation. Ed Waligroski seconded the motion and it passed unanimously.

A second offer, from NationsBank, had been received to donate some 11 lots to the Town. There are considerable outstanding taxes due on the lots, both to the Town and the County, and Mr. Lawless was endeavoring to reach an agreement with the County to forgive the taxes. David Paletta indicated the County cannot release the taxes, legally, however since their only option for collection is foreclosure, at which point they would have to pay the outstanding Beech Mountain taxes, he felt the debt could just be ignored until the monies eventually become overtaken by the statute of limitations. It was the general consensus to consider these donations at the May meeting.

- h. ***Consideration of Paving Pinnacle Ridge Road.*** Bill Wishner stated that Pinnacle Ridge Road was the most travelled gravel road on the mountain, and asked the Council to consider paving it. He indicated he had heard that the Town was considering paving the road below Columbine, but felt the road between the Beech Mountain Parkway and Columbine was much more important. Harriet Chamberlain agreed that the road was in terrible condition and asked that something be done in the way of reducing the speed limit or rerouting truck traffic, if paving was not possible. Mayor Pfohl said that the Planning Board had considered paving, but had made no recommendation to the Council. Mr. Lawless stated that the paving prospect would be a part of the budget process, but he did not know what the staff recommendation would be. He also reported that the Town had requested special legislation to allow the Town to levy assessments without receipt of petitions, but said receipt of petitions from the owners would aid the Council in considering the paving project. Mayor Pfohl asked those who are interested in the paving to work with Mr. Lawless to go about the petitioning process in the proper manner. Mayor Pfohl also indicated the staff would look into doing whatever it could to put the road in better shape.

7. ***Staff/Consultant Reports.***

- a. ***Town Engineer's Report.*** Ed Powell indicated he was still working on getting the Summit water tank installed. There have been a number of problems, but he was endeavoring to have the work complete by the May meeting. With regard to the underground storage tanks, the Town has received a clean bill of health on the stockpiled material which had been contaminated with petroleum products, and the material has been removed. The Town has been allowed to use an old water supply well as a monitoring well, so another one will not have to be constructed.

With regard to the Grassy Gap Wastewater Treatment Plant, conferences he has had with various agencies indicate to Mr. Powell that the Town will be allowed to continue with the Bear Branch Project, but that new connections would not be allowed until the SOC is in place. He noted that some funds would have to be appropriated in the next budget for engineering work to design expansion of the plant. He noted that he had already contacted regulators of both the State Revolving Loan Program and also the people who administer funds available from the federal government. He feels the Town will be in a good position to receive funds from the State through one of those loan processes.

Mr. Lawless referred to Resolution 95-04-03, which would allow the Town to enter into a Special

Order by Consent with the State after payment of a \$400 application fee and production of the Town's plan for dealing with the problem. Tim Holland moved that Resolution 95-04-03 be approved. Kakii Handley seconded the motion and it passed unanimously. Mrs. Handley asked about the total cost of the sewer plant expansion, and Mr. Lawless indicated that the CIP had placed a \$175,000 figure on the project. Rick Miller asked about the length of the moratorium, and Mr. Powell indicated he felt that some time this summer the SOC will be granted and it will lift the moratorium. Mr. Lawless also indicated that he is making a plea to Raleigh to show the Town's commitment to its I & I project, since the excesses noted in the effluent levels are directly tied to rainy weather.

- b. **Public Works Director's Report.** Joe Perry reported that Mr. Lawless had worked out a deal with R & G Construction so they would pay one half of the cost of hydroseeding the fill area on Charter Hills Road.

Mr. Perry stated that the new marshalling yard area is ready to start receiving sand, and that his crews will start work immediately to move the sand pile from its present location. He said that in building the marshalling yard area they were also building a pad for the recycling area which would contain the glass and can collection points. The fence will be moved and the area cleaned up.

Tim Holland asked about the status of the hemlocks which had died, and Mr. Perry said they would be replaced before the Tour DuPont by the contractor.

- c. **Town Attorney's Report.** Mr. Paletta said he had a couple of items for closed session, but nothing for open session.

- d. **Chief of Police's Report.** Chief Hefner was absent due to illness.

- e. **Town Manager's Report.** Mr. Lawless reported that the new recycling containers are in place at Holiday Beech Villas, the Pinnacle Inn and the Club parking area, and that decals will be put on them on the first warm day. The special recycling bags had been distributed to three different rental agencies.

Mr. Lawless indicated the Town would like to pour footings and place treated lumber pylons at Lake Coffey for completion of the walking trail footbridges while the lake was drained for dredging.

Mr. Lawless reported that the sprinkler line had been repaired and recharged, as well as shingles replaced, so the Town Hall's flood damage was completely repaired.

Mr. Lawless reported that a staff committee is working on revision for the staff evaluation forms.

Tim Holland asked about the debris which the prison crew had left along the roadway, and it was learned that the DOT had no plans to remove it. Joe Perry suggested that the division engineer be approached, with a copy of the letter to be sent to Fred Eidson, our Transportation Board Member. Mrs. Handley pointed out that the trimmings help with erosion and are very good for birds.

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Ed Lotz suggested that a fishing pier be extended into Lake Coffey while the lake is down for the dredging.

- f. ***Financial Report, Tax Report and Building Inspections Report.*** Mr. Lawless reported that the first steps have been taken towards a budget proposal. He suggested that the Council call a special meeting towards the end of May to receive the budget, as well as setting dates for budget workshops. That item will be on the May agenda.

8. ***Other Business.***

Mr. Lawless referred to a letter from Davis-Martin-Powell regarding unforeseen expenses incurred in the underground storage tank project due to the contaminated soil. He recommended approval of two budget amendments which would allow funds for payment of these expenses. Shiela Fletcher moved the two budget amendments be approved as submitted. Kakii Handley seconded the motion and it passed unanimously.

9. ***Closed Session.***

Tim Holland moved the Council go into closed session under the provisions of N.C.G.S. 143-318.11(a)(3), (5) and (6), to consult with the Town Attorney, to consider the possible acquisition of property and to consider performance of an employee. Kakii Handley seconded the motion and it passed unanimously. The Council went into closed session at 8:15 PM. The Council came out of closed session at 8:50 PM.

10. ***Town Manager Compensation.***

Shiela Fletcher moved that the Town Manager be given a 5% pay increase plus a \$150 per month automobile allowance. Tim Holland seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council Ed Waligroski moved that the meeting be adjourned. Kakii Handley seconded the motion and it passed unanimously. The meeting was adjourned at 9:00 PM.

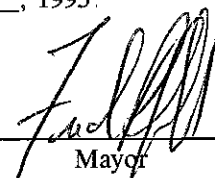
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on MAY 9, 1995.



Mayor

ATTEST:


Town Clerk