

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
August 8, 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, Kakii Handley and Ed Waligroski. Also present was Town Manager Seth Lawless, Public Works Director Joe Perry, Town Engineer Buddy Hale, Police Chief Jay Hefner and Code Enforcement Officer Don Fulkerson. Present in the audience were a number of interested spectators.

1. *Adoption of Agenda.*

Seth Lawless indicated he wished to add consideration of requests made by William Barnes regarding Village Road to "Other Business." Tim Holland moved the agenda be approved as changed. Ed Waligroski seconded the motion and it passed unanimously.

2. *Presentation by Chief Hefner on the Concealed Weapons Law.*

Chief Hefner indicated the legislature had ratified a bill which will allow the possession of concealed handguns under certain circumstances. Chief Hefner indicated that a holder of a concealed weapon permit would have to display the permit upon the request of a law enforcement officer, the permits would cost \$50 and be good for three years, and the applicant would have had to successfully complete an as-yet undecided period of gun safety education. The law restricts the places where a concealed weapon may be carried, prohibiting educational properties (schools, colleges, etc.); any assembly where an entry fee has been charged; any facility serving alcoholic beverages; municipal (city, state and federal) facilities; court buildings; parades, funerals, processions and demonstrations; law enforcement buildings; and any public building on which a notice forbidding concealed weapons has been posted. (A copy of the complete bill can be gotten from Chief Hefner.) Permits will be issued by the local Sheriff's office upon completion of a background check as well as the educational requirement.

3. *Public Hearing, Proposed Rezoning of Skiloft Subdivision.*

Mayor Pfohl called the public hearing to order at 6:03 PM. Seth Lawless indicated that the adoption of an R-2A zone had been done to bring the Skiloft Subdivision into compliance with the Zoning Ordinance. However, it had been found that a lot size of 2,800 square feet would allow some of the lots in the subdivision to be divided into two. The staff therefore recommended that the Planning Board consider changing the minimum square footage for R-2A from 2,800 square feet to 4,000 square feet. This would bring all but one Skiloft lot into compliance with the Zoning Ordinance, but preclude subdivision of existing lots. Mayor Pfohl explained to those present that the original developer had sold the Skiloft Subdivision as a zero lot line cluster, and that the adoption of the Zoning Ordinance had made all of the properties nonconforming. Reub Mooradian asked if Skiloft was the only subdivision in Beech Mountain which had been sold with zero setbacks and, if not, perhaps all such subdivisions should be rezoned at the same time. Tim Holland said he believed the other cluster areas did have setback requirements. There being no further questions or comments from the audience, the public hearing was closed.

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4. *Public Hearing, Proposed Improvement to Pinnacle Ridge Road.*

Mayor Pfohl called the public hearing to order at 6:20 PM. Mr. Lawless indicated that the bids on the possible paving project(s) would not be opened until 2:00 PM on Tuesday, August 15th. He explained that there were funds budgeted for the paving of Pinnacle Ridge Road from the Beech Mountain Parkway to Hawthorne Road this year, they had added the section from Hawthorne Road to Aster Trail in hopes that the aggregate cost would be lower, and perhaps that segment could be paved this year as well. Rick Miller asked what the distance was between the Parkway and Hawthorne, and Joe Perry said it was 3/10 mile. Mr. Briest, a property owner on the "second" segment, asked if the paving between Hawthorne and Aster Trail had been scrapped for this year, and Mr. Lawless replied that the Council would have to wait and see what the bids look like. Mr. Briest asked if anyone had any idea what the cost per linear foot to the property owners would be, and Joe Perry said he hoped it would be somewhere around \$9.50 per foot, but pointed out this was only speculation on his part. There being no further questions or comments from the audience, the public hearing was closed.

5. *Public Hearing, Proposed Re-Funding of Street Bonds.*

Mayor Pfohl called the public hearing to order at 6:25 PM. Mr. Lawless explained that the Town was looking at refunding the existing street bonds in order to lower the interest rate and save the Town between \$40,000 and \$60,000 between now and 2004. The current bond issue pays 9.4% interest and it is anticipated the new bonds will come in at 6% or better. There were no questions or comments from the audience, so the public hearing was closed at 6:28 PM.

6. *Approval of Minutes, July 11, 1995.*

Barbara Mooradian pointed out a correction in the first paragraph of item 1.a. "Private party" in the penultimate sentence should have been "private property." Kakii Handley moved the minutes be approved as amended. Tim Holland seconded the motion and it passed unanimously.

7. *Committee Reports.*

Kakii Handley reported that the Waste Management Committee was pretty much on hold since Mark Combs left. The Recreation Committee is, as ever in the summer, very busy.

8. *New Business:*

- a. *Consider Resolution Adopting Bond Order - Street Bond Re-Funding.* After consideration of the public hearing, Kakii Handley moved the adoption of the Bond Order entitled: "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN OF BEECH MOUNTAIN IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$725,000 FOR THE PURPOSE OF REFUNDING THE TOWN'S GENERAL OBLIGATION STREET BONDS, SERIES 1985," which was introduced on July 11, 1995, with such Bond Order to take effect immediately. Ed Waligroski seconded the motion and the Bond Order was passed and adopted by the following vote: Ayes: Fred Pfohl, Tim Holland, Kakii Handley and Ed Waligroski; Nays: None; Not Voting: Shiela Fletcher (absent).

The following resolution was then introduced and its title was read: RESOLUTION CALLING FOR PUBLICATION OF BOND ORDER AS ADOPTED AND OTHER MATTERS. Kakii

Handley moved passage of the foregoing resolution and Ed Waligroski seconded the motion, and the resolution was passed by the following vote: Ayes: Fred Pfohl, Tim Holland, Kakii Handley and Ed Waligroski; Nays: None; Not Voting: Shiela Fletcher (absent).

The following resolution was discussed and its title was read: RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$725,000 GENERAL OBLIGATIONS REFUNDING BONDS OF THE TOWN OF BEECH MOUNTAIN PURSUANT TO A BOND ORDER HERETOFORE APPROVED AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF. Kakii Handley moved passage of the foregoing resolution and Ed Waligroski seconded the motion. The resolution was passed by the following vote: Ayes: Fred Pfohl, Tim Holland, Kakii Handley and Ed Waligroski; Nays: None; Not Voting: Shiela Fletcher (absent)

- b. ***Consider Rezoning of Skiloft Subdivision to R-2A.*** Kakii Handley moved that Fred Pfohl be excused from the discussion of this matter, as he owns property in Skiloft. Ed Waligroski seconded the motion and it passed unanimously. Kakii Handley said she wished to reiterate her objection to having an R-2A zoning district on the books at all. She said there are only three lots which have not been developed in the Skiloft Subdivision, and the Board of Adjustment has never refused to grant a variance to the setback requirements in that subdivision. Tim Holland said he did not agree, but could understand the reason for her aversion to R-2A. Don Fulkerson suggested that the Land Use Plan be amended to indicate that R-2A was adopted solely to correct a freak situation which occurred before incorporation of the Town, and that there are no future plans for having zero setback lots on Beech Mountain. Mr. Holland said he thought that would be a good idea. Don Fulkerson said he would have the Planning Board look at so changing the Land Use Plan. Tim Holland moved that Skiloft Subdivision be rezoned R-2A effective September 15, 1995, pending the amending of the R-2A minimum lot size from 2,800 square feet to 4,000 square feet. Ed Waligroski seconded the motion and it passed two votes to one, with Mrs. Handley dissenting. Kakii Handley moved that Mayor Pfohl be allowed to rejoin the meeting. Ed Waligroski seconded the motion and it passed unanimously.
- c. ***Consider Adoption of Resolution(s) Authorizing Paving of Pinnacle Ridge Road.*** Seth Lawless advised the Council to set a date for a special meeting following opening of bids on the paving project, and consider Pinnacle Ridge Road at that time. After discussion it was decided to hold a special meeting Tuesday afternoon, August 15, 1995, at 2:30 PM to award bids on the paving project, consider the Pinnacle Ridge project and consider a contract for engineering services.
- d. ***Consider Offer to Purchase C-127.*** Seth Lawless announced that the Town had received an offer of \$500.00 for lot C-127 in which the Town has invested some \$37 in back taxes. Kakii Handley moved the Council accept the offer. Ed Waligroski seconded the motion and it passed unanimously.
- e. ***Consider Donation of Lots C-272 and BHW-154.*** Mr. Lawless indicated that the Town had received offers from two individuals to donate their lots to the Town. Neither lot owes any back taxes to the Town or County. Kakii Handley moved the Council accept the donations. Ed Waligroski seconded the motion and it passed unanimously.
- f. ***Consider Maintenance Agreement, Emerald Forest Water Line.*** Mr. Lawless advised that the water line had been omitted from the maintenance agreement on the street in Emerald Forest.

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adopted in the previous meeting. The agreement being considered will place adequate monies in escrow to handle any maintenance on the lines for one year, as required by the Subdivision Regulations. Tim Holland moved the Council approve the agreement on the water line. Kakii Handley seconded the motion and it passed unanimously.

- g. ***Consider Transfer of Cable Franchise.*** Mr. Lawless reported that High Country Cable is changing its corporate name to Booth Communications Carolina, Inc. They have submitted a guaranty of performance, promising to continue the cable operations under the obligations of their franchise. Mr. Lawless also mentioned that the three year trigger date for negotiating a new franchise agreement has arrived, and asked the Council to be considering what type of improvements they might wish to put into a new franchise, either with Booth Communications or another cable company. Tim Holland moved that the transfer of franchise be approved. Ed Waligroski seconded the motion and it passed unanimously.

- h. ***Consider Donation of West Pond Creek Condominium Site 11.*** Mr. Lawless referred to a letter from the Town Attorney advising that, after starting foreclosure proceedings, the owner of WPC-11 offered to deed the property to the Town without further legal proceedings. Tim Holland moved that the Town accept donation of the property. Ed Waligroski seconded the motion and it passed unanimously.

- i. ***Make Settlement with Tax Administrators for 1994 Taxes and Charge with Collection of 1995 Taxes.*** Mr. Lawless indicated that there were three settlements to consider: Beech Mountain, Avery County and Watauga County. He noted that the Town's collection rate for 1994 was 98.69%, which is extremely good, and for which the Tax Administrator should be commended. Tim Holland moved that the three tax settlements be approved, and that the Beech Mountain Tax Administrator be charged with collection of the 1995 ad valorem taxes, and the Avery and Watauga Tax Collectors be charged with collection of the 1995 vehicle taxes. Kakii Handley seconded the motion and it passed unanimously.

9. ***Staff/Consultant Reports.***

- a. ***Town Engineer's Report.*** Buddy Hale reported that Davis-Martin-Powell is continuing to work with Joe Perry on the lead and copper problem, and have made recommendations on the use of certain chemicals. Plans and specifications have been sent to three contractors on the paving of Skiloft and Pinnacle Ridge Roads. Plans and specifications have also been sent to contractors for the ammonia feed system. Ed Waligroski asked what would be added to the water to help with the lead and copper problem, and Mr. Hale said it was a type of phosphate.

Mayor Pfohl explained, for the benefit of those in the audience who might have questions, that the Town had been required to test the water in homes built between 1980 and 1985. In these tests, unsafe levels of lead were found in some of the homes. The water system itself has been tested, and there is no lead or copper in the water which is delivered to customers. The Town is tasked, however, to alleviate the problem. Mr. Lawless explained that the chemicals which the Town adds will act to retard the leaching of lead solder in the homes where there is a problem. Don Fulkerson pointed out that flushing out the lines in homes constructed between 1980 and 1985 before using the water would alleviate the problem, as well.

Kakii Handley asked about the status of the SOC. Mr. Lawless responded that the draft had been

received the previous week, and it did move the construction back out to one year. On the matter of fines for the Town, that is a decision which has to be made in Raleigh, so we don't yet have word on that. The SOC will allow a lifting of the moratorium on the Grassy Gap Treatment Plant. Mr. Lawless indicated that once the SOC goes into effect the Town will apply for a low interest loan and start plans for construction of a new facility. Kakii Handley asked if the Town was continuing its inflow and infiltration program, and Mr. Perry replied his department was doing some of that work, but much of the focus of his department is on the completion of the Bear Branch line.

- b. **Public Works Director's Report.** Mr. Perry had no report.
- c. **Town Attorney's Report.** Mr. Paletta was absent.
- d. **Chief of Police's Report.** Chief Hefner had no report.
- e. **Town Manager's Report.** Mr. Lawless indicated that the figures on the financial report reflected a transfer from the General Fund to the Water and Sewer Fund, and also that the final Tour DuPont reserve would be \$15,000 to \$16,000.

Kakii Handley asked about people living outside the Town limits who are in the 387 telephone exchange vis-a-vis the Town's receiving the 911 surcharge. Mr. Lawless said he had not received an answer on that question and that he would pursue it.

Mr. Lawless stated that the old Wang computer had been donated to Cannon Memorial Hospital, since it had been advertised for sale with no takers.

10. **Other Business.**

Mayor Pfohl announced that the Town has received, and has on display in the Town Clerk's office, the new voter registration forms. It is no longer necessary for people to go to the courthouse to register to vote. He also noted that voters must be registered 29 days prior to the upcoming election in November in order to be able to vote in that election.

A letter from William Barnes complaining about Village Road was distributed. Kakii Handley noted the problem seemed mainly to be speeding. Chief Hefner stated an officer had been sent to Village Road and clocked 15 vehicles on radar -- none were speeding. He noted he had been informed that there are certain typical hours when speeders seem more commonplace, so they will go back during those times with the radar.

Kakii Handley asked about the possibility of a new NBC station, and Mr. Lawless said he had met with Mr. Barlage who believes it is likely we will get the Winston-Salem NBC station, date uncertain. He also stated that the Town has the forms for messages on the public service channel if anyone needs them.

Rick Miller complained that contractors seem to be using our recycling center to dispose of their materials and urged that something be done. He believes that the Town will have to get someone to monitor the area. It was suggested that the Town send letters to not only contractors, but subcontractors such as carpet people warning that their material must not be left at the center, and that they could be fined for doing so.

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Ellen Anderson said she is noticing a lot of trash around garbage cans, and also that people don't seem to be recycling as they should

ADJOURN

There being no further business to come before the Council, Tim Holland moved the meeting be adjourned Ed Waligroski seconded the motion and the meeting was adjourned at 7:15 PM.

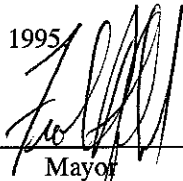
Respectfully submitted,



Barbara L. Mooradian
Town Clerk


BLM/hs

Minutes approved by Town Council on September 12, 1995



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, August 15, 1995

CALL TO ORDER

Mayor Fred Pfohl called a special meeting of the Beech Mountain Town Council to order at 2:30 PM on Tuesday, August 15, 1995, in the Council Chamber at Town Hall. Other Council Members present were Tim Holland, Shiela Fletcher and Ed Waligroski. Council Member Kakii Handley was absent. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry and Roger and Ramona Bullock.

1. *Consideration of Road Paving Bids.*

Mr. Lawless reported that he had conducted a bid opening for the Skiloft/Galax Roads and Pinnacle Ridge Road paving project at 2:00 PM. He distributed the bid tabulation sheets (attached) and explained that the higher number (base bid) includes Skiloft/Galax and Pinnacle Ridge Road from the Parkway to Hawthorne Road. The smaller number is for paving Pinnacle Ridge Road from Hawthorne to Aster Trail. The low base bid and alternate bid were both from Maymead, Inc., with a total bid of \$181,332.50. Buddy Hale indicated that some costs had gone up from what the engineers originally anticipated but they are well within reason and good bids.

Tim Holland asked how it was proposed to work these projects into the budget. Mr. Lawless pointed out that the Skiloft/Galax paving would be paid for totally by the owners along those streets. There is currently \$35,000 in the budget for Pinnacle Ridge Road, which would cover the Town's portion of paving from the Parkway to Hawthorne Road. In addition to the \$35,000 budgeted, the Town will also have another unknown amount from the street bond re-funding. Those exact figures will be known by the following week. The part of Pinnacle Ridge Road from Hawthorne to Aster Trail can be done, but monies would have to be budgeted from the General Fund unappropriated fund balance, or the project can be delayed until another fiscal year.

Roger Bullock asked the Town Council to consider using unappropriated fund balance monies to complete the project to Aster Trail this year, keeping in mind that the Council's intention is to go at least that far next year, and that it would serve to open up that side of the Town to development.

Tim Holland asked if anyone knew how much lower the bids on the lower portion of Pinnacle Ridge Road were due to lumping the project with the other paving, and Mr. Perry noted it would be only a guess. Mr. Hale said the Town could expect higher bids for the project next year. Joe Perry urged the Council to go ahead with the entire project, since he felt it would be saving money in the long run.

Tim Holland asked Mr. Lawless if he saw anything wrong with using some of the unappropriated fund balance to complete the entire project this year, and Mr. Lawless replied he did not. He felt that if the Council intends to pave the road from Hawthorne to Aster Trail anyway, it would seem sensible to go ahead and do it now. The sewer plant expansion is upcoming, which will be quite expensive, but monies from the Utility Fund reserve can be used for that, and the Town will seek a low-interest loan for the project.

Tim Holland moved that the contract be awarded to Maymead, Inc., to include the alternate bid. Shiela Fletcher seconded the motion and it passed unanimously.

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2 *Consideration of Resolutions 95-08-01 and 95-08-02.*

Seth Lawless read Resolution 95-08-01 (attached) and indicated that the wording on Resolution 95-08-02 was identical except for the area to be paved. The petitions call for the paving of Pinnacle Ridge Road in I-2 asphalt, and for the owners of property abutting the paved road to be assessed 50% of the cost exclusive of intersections, which amount may be paid either in one payment or over a three year period with interest at 8%. Tim Holland moved both Resolutions be adopted. Ed Waligroski seconded the motion and it passed unanimously.

3 *Consideration of Engineering Proposal, Pinnacle Ridge Road Project.*

Mr. Lawless indicated that Davis-Martin-Powell had offered to provide the engineering and oversee construction for a lump sum of \$10,700. Tim Holland moved their offer be approved. Shiela Fletcher seconded the motion and it passed unanimously.

Mr. Lawless announced to the Council that Buddy Hale would be leaving Davis-Martin-Powell for a post with UNC Greensboro as their Project Manager. Mr. Hale said his place would be taken by Robert Davis, who is the son of Bob Davis, one of the partners. Mr. Davis is very experienced and knowledgeable. The Council expressed its appreciation to Mr. Hale for the many years he has worked with the Town, and wished him the best of luck in his future career.

ADJOURN

There being no further business to come before the Council, Tim Holland moved the meeting be adjourned. Shiela Fletcher seconded the motion and the meeting was adjourned at 2:50 PM.

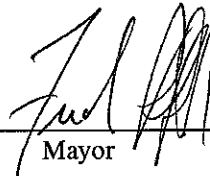
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on September 12, 1995



Mayor

ATTEST:



Town Clerk