

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, September 11, 1995

CALL TO ORDER

Mayor Fred Pfohl called a special meeting of the Beech Mountain Town Council to order at 6:00 PM on Monday, September 11, 1995, in the Council Chamber at Town Hall. 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 and Code Enforcement Officer Don Fulkerson. Present in the audience were Bill and Jan Elder, Reub Mooradian, Rick Miller, Mary and Charles Frisbie, John Elder, Cliff Elder, Le O'Neal, several members of a class from Appalachian State University and other interested parties.

Mayor Pfohl gave an overview of the special meeting by indicating the State is considering reclassification of the Pond Creek Watershed from WS II to WS III, and the Council is gathering information from citizens before presenting its recommendations to the State.

Mayor Pfohl recognized Jan Elder and asked that she submit her comments or an outline of her presentation in writing so that it may be included in the Town's reply to the State. Mrs. Elder provided the Council with a written statement from which she read, which statement is attached hereto and made a part hereof.

After Mrs. Elder's presentation Mayor Pfohl asked if there were any other property owners within the watershed who wished to make comment. Hearing none, Mayor Pfohl asked if there were any persons present who wished to make a statement. There were no comments from the audience. Mayor Pfohl asked if any member of the Council wished to make a statement or ask any questions, and there were none.

ADJOURN

There being no further business to come before the Council, Mayor Pfohl thanked all attendees and the meeting was adjourned at 6:30 PM.

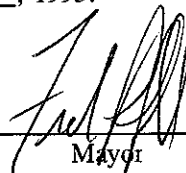
Respectfully submitted,



Seth Lawless
Town Manager

SL/blm

Minutes approved by Town Council on October 10, 1995.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
September 12, 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 Police Chief Jay Hefner. Present in the audience were Patti Pacifico, Jim Rickard, Bill Sposato, Le O'Neal, Rick Miller, Cindy Keller, Mr. and Mrs. Ron Sims, Ellen Anderson and Vern Holland.

1. *Adoption of Agenda.*

Mayor Pfohl indicated the individual who wished to request abandonment of a Town right-of-way had withdrawn his request, therefore item 6g should be removed from the agenda. He noted that annexation of a business should be added under "Other Business." Tim Holland moved the agenda be approved as amended. Shiela Fletcher seconded the motion and it passed unanimously.

2. *Public Hearing, Proposed Amendment to Zoning Ordinance.*

Mayor Pfohl called a public hearing which had been duly advertised in the September 6 and 11, 1995 editions of The Watauga Democrat to order at 6:05 PM. Seth Lawless gave background on the establishment of an R-2A zoning district and the subsequent recommendation of the Planning Board that the minimum square footage of the district be amended from 2,800 square feet to 4,000 square feet. This would prevent five lots in the Skiloft Subdivision from the possibility of subdivision. Mayor Pfohl asked for comments or questions from the audience or Council and there were none. Tim Holland moved that the public hearing be closed. Shiela Fletcher seconded the motion and it passed unanimously. The hearing was closed at 6:08 PM.

3. *Consent Agenda.*

Shiela Fletcher moved adoption of the consent agenda. Ed Waligroski seconded the motion and the following items were approved unanimously:

- a. Minutes of the regular meeting of August 8, 1995.
- b. Minutes of the special meeting of August 15, 1995.

4. *Persons Wishing to Address the Council.*

- a. *Jim Rickard, Chamber of Commerce.* Mr. Rickard announced the Chamber of Commerce has the opportunity to bring the Sports Car Club of America's Hill Climb to Beech Mountain. The Hill Climb has been held at Chimney Rock for the last fifty years, generally taking place the last weekend of April. The Climb, if held at Beech Mountain, would require the closure of NC 184 for a portion of the day for three consecutive days from the entrance to Ski Beech to the Town Hall. The closings would be periodic, approximately from 9:00 AM until noon and 1:00 PM until 5:00 PM. The organizers have indicated that the quality of the road leads them to believe they

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will be able to finish prior to 5:00 each day. Mr. Rickard pointed out that the dates for the Climb are in a period when there are little or no tourists visiting the mountain, so only minor disruption should be caused. Mr. Rickard said he had spoken with the owners of all businesses along the route and they were all in favor of bringing the event to Beech Mountain.

Mr. Rickard noted the organizers are requesting very little participation from the Town, basically some traffic control and the endorsement of closing the roadway. The participants and viewers pay for their own lodging, food and so forth, so require no monetary contribution from the Town. Last year there were some 400 participants at Chimney Rock and some 5,000 spectators. All the lodging facilities were filled and some had to stay as far away as Asheville. Mr. Rickard distributed an information packet from the organizers. Mayor Pfohl noted that individuals who wished ingress or egress from the Town could still go up North Pinnacle Ridge Road, through Emerald Mountain and down the summer road across the ski slopes. Mr. Rickard agreed, and noted that the organizers had indicated that, in the event of an emergency, the Parkway could be opened up in 30 to 45 seconds.

Tim Holland said this event had been looked at previously, and at that time the organizers indicated they would open the road for ten to fifteen minutes every hour, and asked if this was still the case. Mr. Rickard said they were very flexible on the matter. Mr. Holland said he thought bringing the Hill Climb to Beech Mountain was a great thing to do during that time period. Vern Holland said he agreed, and that it was one of the greatest ideas since the Tour DuPont. He believed that an event of this caliber would generate positive publicity for the Town, and said he would be glad to support the event, by letter if needed.

Le O'Neal said he had spoken with the people who handled the event while it was at Chimney Rock, and they had indicated the participants and spectators are primarily family oriented people. They (Chimney Rock) have had no problem with participants or spectators. They indicated a lot of participants and spectators plan their week's vacation around the event, so this would tend to help the lodging providers a good deal during a very slow period. Ellen Anderson asked why Chimney Rock did not want the event any more, and also about securing such expensive vehicles from harm. Mr. Rickard replied that the Sports Car Club provides its own security for the cars and that Chimney Rock is rebuilding their entrance roadway system, as well as considering building a meeting center in the parking area where the vehicles were previously staged. They are also concentrating heavily on the planting of wild flowers and trees, which are beginning to bloom at that time of the year in Chimney Rock, and wanted to prevent any damage to them. Beech Mountain, on the other hand, is still pre-springtime at that time of year.

Miss Anderson asked where the spectators would be to observe the trials and about exhaust which would be produced. Mr. Rickard pointed out these are very finely-tuned engines and that the vehicles would be going up the route one at a time, so he did not believe exhaust would be a problem. As far as spectator points, the organizers indicated there were a number along the route, and the Chamber of Commerce would work with them to identify areas where the Town does not want spectators.

Tim Holland moved the Council endorse the bringing of the Hill Climb to Beech Mountain, and that it endorse the closing of NC 184 during the times required. Kakii Handley seconded the motion and it passed unanimously.

- b. **Ron Sims, Village Road Paving.** Mr. Sims stated that he had been working on gathering petitions for the paving of Village Road. His thrust had been that the abutting property owners would bear 100% of the cost of the paving, but he had not received much support for that idea. He noted the amount of traffic on the road, due to the two condominiums which are located at the terminus, as well as construction vehicles going to North Pinnacle Ridge Road. Mr. Sims read a portion of a letter he had received from Vern Holland, who owns property along that road. Mr. Sims noted that he was unaware of any other such heavily travelled roadway which the Town had paved and not paid half of the cost. He urged the Council to place Village Road on a priority list for paving as soon as possible.

Jim Rickard, owner of a Holiday Beech Villas condominium unit and President of their Board of Directors supported the paving project, indicating there are owners of condominiums in K building who literally cannot come out their doors due to the dust. He said he knows the Town spends a lot of time and money trying to keep the road in shape, and said he felt the Town would benefit from the paving. Vern Holland said he is in favor of the road being paved, but feels very strongly that the Town should pay half the cost, since the road is used by far more people than the abutting property owners. Rick Miller asked Joe Perry about maintenance problems on Village Road and Mr. Perry replied that Village Road is a very high maintenance road, requiring machining several more times a month than other roads and there are also water problems which could be solved by paving the ditches.

Tim Holland indicated he had a personal reason for wanting the road paved, since he could use it to get to his home, but he generally avoids it because of the washboarding and dust. He said he felt the Town should look very seriously at paving the road, if not next year then the following one. Mayor Pfohl said he wished the Town could address all the paving needs of the Town, but the money is simply not available. Tim Holland moved that the paving of Village Road be inserted into the Town's Five Year Plan. Shiela Fletcher seconded the motion. Kakii Handley asked if he intended the paving to be in addition to more of Pinnacle Ridge Road or instead of it, and Mr. Holland replied it should be in place of further Pinnacle Ridge Road paving. Seth Lawless asked if he would like to recommend the year in which the paving should be placed and Mr. Holland said he would need to look at the Plan.

Kakii Handley said she would like to see Mr. Sims continue to try and get the petitions for the property owners to pay 100% of the cost, and Vern Holland said he thought the town should pay 50%. Mr. O'Neal asked how the various roads are selected for paving, by density or usage, and Mr. Lawless pointed out there were no paving projects at all in the Five Year Plan, only maintenance (repaving) of the currently-paved roads. Mr. O'Neal said if the Town was going to develop a priority list it should be looked at from the standpoint of safety and convenience of homeowners on heavily used roads.

Kakii Handley pointed out that when the paving bond issue first passed the Council had a priority list, and that Village Road was on that list. However, the owners along the road would not sign petitions in sufficient numbers to allow the paving. Now, of course, the Town can elect to pave a road without petition and still assess the benefitted property owners 50%, but the Town does not have the money with which to do the paving.

The question was called and the motion passed unanimously. Mr. Lawless said the staff would copy the current Plan for streets and roads, and place the question of amending the Five Year Plan

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on the next month's agenda.

5. ***Committee Reports.***

Kakii Handley reported that the Solid Waste Committee has had a number of teachers compiling a kindergarten through eight grade recycling program that they are going to put into the schools. They feel a good way to get the parents to recycle is to interest the children in the program. They also have a pesticide recycling program whereby they dispense new nozzles.

6. ***New Business:***

a. ***Consider Amendment to Soil Erosion Ordinance (Chapter 18 of the Code).*** Seth Lawless explained that the State prescribes that municipalities adopt minimum standards of enforcement of State regulations, and produce model ordinances for the municipalities to use. The State has made technical amendments to the model ordinance and asked all local enforcement entities to enact it. David Paletta said he had read the proposed model ordinance and suggested a couple of changes. He said he preferred having a specific penalty amount in the ordinance rather than wording of "up to" a certain amount. This kept the Council from having to decide each penalty, and possibly facing a challenge arguing that it is arbitrary. He also said he would prefer that the provisions of the ordinance be part of the Zoning Ordinance, thereby freeing the Council from having to hear the appeals. If it is part of the Zoning Ordinance, the Board of Adjustment would hear any appeals from the Code Enforcement Officer's decision. It was decided to defer decision on this matter so that Mr. Paletta can contact the appropriate State agency for their views. If their response is positive, then he will prepare changes to the "Appeal" and "Penalty" sections, which will be considered at the next Council meeting.

b. ***Consider Donation of Lot C-271 to Town.*** Mr. Lawless indicated that the individual seeking to donate C-271 to the Town owes a total of \$87.50 in taxes. Tim Holland moved the Town accept the donation. Kakii Handley seconded the motion and it passed unanimously.

c. ***Consider Amendment to Zoning Ordinance Regarding Minimum Lot Size in R-2A.*** Tim Holland moved that the minimum lot size in the R-2A zoning district be changed from 2,800 square feet to 4,000 square feet. Shiela Fletcher seconded the motion which passed, four votes to one, with Mrs. Handley dissenting.

d. ***Consider Capital Project Ordinance, Paving of Skiloft and Pinnacle Ridge Roads.*** Mr. Lawless explained that by establishing a capital project ordinance the monies appropriated in this fiscal year would remain available to the project even if unspent at the end of the fiscal year. He explained how he and the Finance Officer arrived at the figures. Tim Holland moved the capital project ordinance be approved. Kakii Handley seconded the motion and it passed unanimously.

e. ***Consider Budget Amendments.***

(1) ***General Fund - Appropriation for Paving Project.*** Mr. Lawless explained that the budget ordinance would appropriate \$52,280 from the fund balance to the newly-approved paving capital project ordinance, as well as transferring the already-appropriated \$35,000 from the current fiscal year's budget.

(2) **General Fund - Public Safety Department.** Mr. Lawless explained that the proposed amendment reflected the monies received as a result of the Charity Fair over budget, as well as \$3,300 from the court system as a result of a plea bargain. It would allocate the \$3,300 for severe weather gear for the officers.

Shiela Fletcher moved that both budget amendments be approved as submitted. Tim Holland seconded the motion and it passed unanimously.

f. **Consider Revolving Loan Resolution and Grant Resolution.** Mr. Lawless explained that both grants and low-interest revolving loan monies are available from the State, and that the Town wished to apply for both for the expansion of the Grassy Gap wastewater treatment plant. Kakii Handley moved both resolutions be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

g. **Consider Amendment to the Water and Sewer Use Ordinance.** Mr. Lawless explained that it had been brought to the staff's attention by the Fire Department that they were encouraging people to install sprinkler systems in new construction, and such systems require a one-inch water meter. The current chart of water fees calls for 1" meters to have a \$45.18 minimum, and the suggested change in wording would allow a residential user to select either the \$45.18 minimum or the standard minimum of \$11.30 generally charged for 3/4" meters. Tim Holland suggested the wording be altered so that it is readily apparent that this option is only available to residential users on 1" meters, not to commercial users. Tim Holland moved that the ordinance be so amended. Shiela Fletcher seconded the motion and it passed unanimously.

7 **Staff/Consultant Reports.**

a. **Town Engineer's Report.** Ed Powell said that Davis-Martin-Powell is working with Mr. Lawless on the SOC to avoid violations and to secure the necessary funding and they are proceeding with the plans for expansion. The Bear Branch wastewater outfall line is progressing extremely well. The ammonia feed system at the water treatment plant is just about operational. The contracts from Maymead will be reviewed by David Paletta and executed by the Town. The plan is to do the Skiloft area this fall and, hopefully, proceed with Pinnacle Ridge Road. However, it may be that the Pinnacle Ridge portion will not be completed until the spring.

b. **Public Works Director's Report.** Joe Perry reported that the Bear Branch outfall line was completed between Thistle Lane and Wintergreen. Dolin Carpenter and three men have worked very hard, and even had time to put in the Frisbie 6" water main. That line has not yet been State approved, so it has not been tied into the system. Mayor Pfohl pointed out that the Frisbies purchased the materials for the line. Ed Powell pointed out how much help that line will be to the Town by eliminating pumps and tanks. Le O'Neal commended the Public Works Department for repairing a drainage ditch problem on his street.

c. **Town Attorney's Report.** David Paletta had no report, but did note that Doug Matthews, who purchased the 82 lots from the Town, has sold a number of them.

d. **Chief of Police's Report.** Chief Hefner reported that the Police Department will be taking the initiative on the Click-it or Ticket program this month. The State is concentrating heavily on western North Carolina because this area showed low use the last time efforts were concentrated

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in the area. The Highway Patrol will be assisting in the initiative here, and Chief Hefner urged everyone to wear their seat belts. Seth Lawless asked about the child safety seat law, and Chief Hefner stated that anyone four years of age or younger must be in a safety seat, whether in the front seat or back.

- e ***Town Manager's Report.*** Seth Lawless reported that the street bonds were refinanced and the low bid was 4.93% interest. This will save the town \$104,000 between now and 2004, and between \$10,000 and \$11,000 this year alone.

He noted that the Town must continue to notify citizens on the lead and copper violations until we can pass two consecutive tests, so a brochure on the subject is being mailed to all water customers. It will contain an insert about switching to chloramines, as well. Ed Powell is submitting a plan to the State regarding adding polyphosphate to the water in order to keep lead and copper from leaching in private home systems.

Mr. Lawless pointed out two budget transfers which had been made - one covering lightning damage to a computer in the 9-1-1 system and one adding \$300 to the advertising line item to cover the additional fireworks costs.

Mr. Lawless said he had contacted Avery County about the 9-1-1 customers outside the city limit but within the 387 exchange and had not yet heard from them as to whether or not they would turn the 9-1-1 fees they collect from those individuals over to the Town.

Mr. Lawless reported that the SOC agreement has been executed and the sewer moratorium is lifted. He further reported that the State had decided not to fine the Town for previous violations. The Bear Branch line cannot be connected immediately as a permit has not yet been granted.

He reported that the cable company will have crews in Town replacing lines and extending some, so anyone who is not yet on cable should notify him so that he can pass it on to them. It appears that the Town will get its Beech Mountain temperature information back, and perhaps BeechVision as well. Rick Miller asked about a second NBC station and Mr. Lawless said that the Manager is less positive about that than he was previously.

- 8. ***Other Business.*** Mr. Lawless reported that Archer's Inn has requested satellite annexation by Banner Elk. The statutes require that no other municipality be closer than the one to whom one applies for annexation, and since Beech Mountain is closer to Archer's Inn we may be approached by Banner Elk to see if we have any problem with their proceeding with the annexation. This requires no action at the moment, but he did want the Council to have this information.

ADJOURN

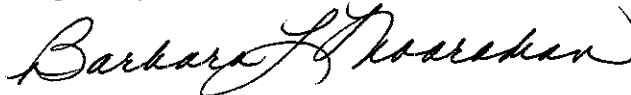
There being no further business to come before the Council Kakii Handley moved the meeting be adjourned. Ed

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Waligroski seconded the motion and the meeting was adjourned at 7:53 PM.

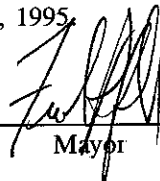
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on October 10, 1995



Mayor

ATTEST:



Town Clerk