

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
October 8, 1996

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 Shiela Fletcher, Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson. Present in the audience were a number of interested parties.

Invocation. The meeting was opened in prayer by Pastor Hayst Harrold.

Pledge of Allegiance. Ed Waligroski led those present in the Pledge of Allegiance to the Flag.

Public Hearing, Proposed Amendment to Zoning Ordinance. A Public Hearing on a proposed amendment to the Zoning Ordinance, having been duly advertised in the September 20, 1996 edition of The Watauga Democrat, was called to order by Mayor Pfohl. Seth Lawless explained that elements of Chapter 45 of the Code of Ordinance pertaining to Annexation by Petition were to be recodified to place those elements pertaining to non-conforming signs into the Sign Ordinance, and those elements pertaining to non-conforming parking into the Zoning Ordinance for both clarity and ease of enforcement.

Ellen Anderson asked if the use of "maximize" would allow some petitioners to have less parking than the Zoning Ordinance requires. Mr. Lawless explained that, while such a position was possible, since the current provisions of the Zoning Ordinance did not address annexed properties, so the addition of the proposed wording would strengthen the Town's ability to require the necessary parking. Roger Bullock pointed out that the proposed wording applied only to voluntary annexation, annexation involuntarily would result in the annexed developed property being "grandfathered" without any additional parking requirements.

There being no further questions or comments from the public, Reub Mooradian moved the Public Hearing be closed. Shiela Fletcher seconded the motion, which passed unanimously. The Public Hearing was closed at 6:10 PM.

1. ***Adoption of Agenda.***

Mayor Pfohl asked that item "e" under New Business be replaced by consideration of Resolution 96-10-03, a joint resolution of the Towns of Banner Elk, Beech Mountain and Sugar Mountain requesting the DOT place improvement to NC 184 in their Traffic Improvement Plan (T.I.P.). Rick Owen moved the agenda be approved as amended. Ed Waligroski seconded the motion, which passed unanimously.

2. ***Approval of Minutes, September 10, 1996.***

Ed Waligroski moved the minutes of the regular meeting of September 10, 1996 be approved as submitted. Rick Owen seconded the motion, which passed unanimously.

3. ***Committee Reports.***

There were no committee reports.

4. ***Persons Wishing to Address the Council: Luke Copeland, Audit Report.***

Luke Copeland of Holder, Copeland and Associates, presented the audit report for the fiscal year ending June 30, 1996. He thanked the Council for allowing his firm to conduct the annual audit, and reported no significant audit adjustments had been required. He commended the Town staff for its attention to record keeping and documentation. The General Fund balance increased over the previous fiscal year by some \$160,000. The increase is primarily attributable to Watauga County's revaluation of properties, as well as receipt of a grant from FEMA for Hurricane Opal damage. He noted the opinion they had rendered is an unqualified opinion — a clean opinion. Ed Waligroski asked how the Town could correct a reported weakness caused by segregation of the duties of the Finance Officer, and Mr. Copeland replied that an extra employee would have to be hired. He stressed that the internal controls practiced by the Town would serve to avoid possible losses due to the stated weakness. He said he certainly did not recommend the hiring of any additional personnel. Shiela Fletcher moved the Council accept the audit as presented. Ed Waligroski seconded the motion and it passed unanimously. Mayor Pfohl thanked Mr. Copeland for his presentation.

5. ***Old Business:***

- a. ***Consider Resolution 96-10-01, Setting Date for Public Hearing on Paving of Pinnacle Ridge Road.*** Mr. Lawless reported that, as the project is complete and costs have been calculated, the Council needed to hold a Public Hearing on the preliminary assessment roll which would be prepared, showing costs to all benefitting property owners. Reub Mooradian moved Resolution 96-10-01, setting 6:00 PM November 12, 1996 as the date and time for the Public Hearing. Shiela Fletcher seconded the motion and it passed unanimously.
- b. ***Consider Resolution 96-10-02, Setting Date for Public Hearing on Paving of Skiloft/Galax Road.*** Reub Mooradian moved the Council adopt Resolution 96-10-02, setting 6:15 PM November 12, 1996 as the date and time for the Public Hearing. Shiela Fletcher seconded the motion and it passed unanimously.

5. ***New Business:***

- a. ***Consider Amendment to Zoning Ordinance.*** Mr. Lawless read the proposed amendment to the Zoning Ordinance (attached). Reub Mooradian asked if the proposed amendment provisions would fall under the same enforcement procedures as other provisions, and Mr. Paletta said the penalty would be \$100 per day of continuing violation. He noted the Town's Zoning Map should be amended to include the newly-annexed area, following a recommendation by the Planning Board and the holding of a Public Hearing on the matter. Roger Bullock suggested the addition of the words "which the Town has accepted and approved" in the penultimate paragraph between the words "plan" and "within". Shiela Fletcher moved the amendment be approved as changed. Ed Waligroski seconded the motion and it passed unanimously.
- b. ***Consider Amendment to Sign Ordinance.*** Mr. Lawless read the proposed addition to the Sign Ordinance and noted that, without the change, annexations by petition would have three years in which to adhere to the Sign Ordinance. Reub Mooradian moved the amendment be approved. Ed Waligroski seconded the motion and it passed unanimously.
- c. ***Consider Repeal of Chapter 45, Code of Ordinances.*** Mr. Lawless explained that, as both

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provisions in Chapter 45 had been recodified by "a" and "b" above, the chapter may be repealed. Mr. Paletta said, upon further reflection, that it would be wise to keep Chapter 45 in effect for one year before repealing it, so as to insure compliance by Archer's Inn/Jackalopes View Restaurant.

- d. ***Consider Recommendations on Storm Water System Improvements.*** Ed Powell reported that plans have been completed to effect the necessary improvements in four major areas. While he did not intend to go over each improvement in detail, he would outline recommendations and estimated costs, and would have a report in writing to consider at the next Council meeting. He indicated that estimated costs were based upon the Public Works Department doing the work as opposed to an outside contractor.

The first area of consideration is the Beech Mountain Parkway east of Pine Ridge Road, which receives drainage from the Northridge area. Using the currently acceptable method of storm drainage design, they would recommend using a 48" pipe, a size much larger than currently used in Town, adjustment of the depth of the ditch and installation of riprap. The cost is estimated to be \$27,500.

The next area of consideration is the Grassy Gap Loop area where the area described above discharges, as well as a creek on the golf course. This would involve regrading, ditching, installation of riprap and replacement of a 30" pipe with a 42" pipe, at a cost of \$5,400.

The third area is in front of the Town Hall, where water from Skiloft comes onto the sledding hill and overflows across the parking area, creating dangerous ice problems in the winter. This flow would be piped and carried across the Elder property at a cost of \$9,600.

The final area is the Overbrook Trail/Spring Branch Road area. Again the engineers propose to alleviate the problems that exist because of drainage from Overbrook Trail down to Spring Branch. This would involve a significant pipe system, installation of 48" pipe and additional ditching. Cost: \$16,500.

The total cost for all projects, combined, is slightly less than \$60,000. He stressed that the improvements would handle most heavy rains, but could not hope to prevent erosion during hurricane type rainfalls when one might expect 4" in ninety minutes. Reub Mooradian asked about the estimated engineering costs, and Mr. Powell said they would equal approximately 10% of the overall cost.

Mayor Pfohl asked all Council Members to visit the various sites with Mr. Perry so as to be conversant with the needs by the next meeting.

Reub Mooradian asked about an erosion problem experienced by a homeowner on Arrowwood Road. Mr. Powell indicated they had visited the site, that the parking area has been rebuilt and that they had placed some dye in the ditch across the road to see if the water crossed under and through the rock in the parking area. If it does, then the owner or the Town might wish to seal the rock.

Mr. Powell said, if asked to prioritize the improvements needed, he would place Overbrook Trail/Spring Branch Road first, then Grassy Gap Loop, then Beech Mountain Parkway east of

Pine Ridge Road and, finally, the Beech Mountain Parkway at Town Hall. Mayor Pfohl suggested the Town Manager write the owners of properties who have experienced problems at these sites, outlining what the Town is doing to rectify the problems

- e. **Consider Resolution 91-10-03.** Mr. Lawless explained this resolution as being the result of suggestions made at the planning session held in March, modified by discussions with other local governments, to include all of NC 184 from Tynecastle to its end in Beech Mountain. The proposed resolution, and similar ones passed by Banner Elk and Sugar Mountain, would be presented to the Department of Transportation at the T.I.P. annual meeting on November 7th. Roger Bullock suggested that the words "and beyond" follow "its termination" in paragraph four of the resolution. Reub Mooradian moved the Council adopt the resolution as amended. Rick Owen seconded the motion and it passed unanimously

7 **Staff/Consultant Reports.**

- a. **Town Engineer's Report.** Ed Powell reported that the Town has still not received authorization to proceed with the expansion of the Grassy Gap Wastewater Treatment Plant.

The Town has held a pre-construction conference on the painting of the Tamarack and Meadows water tanks. After taking samples and doing tests for lead, it appears that the lead in the exterior paint contains more parts per million of lead than is acceptable, so it was suggested that rather than sandblasting the tanks they be high pressure water treated, spot primed and painted. This would lower the cost of the project, while removal of the paint by sandblasting would add \$20,000 to the cost due to the methods required to protect the atmosphere from the introduction of lead. Mr. Lawless asked if the alternate suggested would detract from the life of the painting, and Mr. Powell said it would not. It was the consensus of the Council to do the suggested alternate procedure.

Mr. Powell also reported that the permit for the waterline extensions to the Frisbie and Wakeman properties has been received.

- b. **Public Works Director's Report.** Mr. Perry reported on several projects which his department has underway, and asked the Council's help in prioritizing them. (1) Repair of hydrants, there are some ten which are in heavily-populated areas of Town; (2) Catch-basins which have been started and are in need of completion; (3) Connect Frisbie water line above Crest of Beech; (4) Several water and sewer taps; (5) Drainage problems other than the ones Mr. Powell discussed; (6) the pond at Greenbriar needs to be drained; (7) the bridge at Lake Coffey needs to be completed and (8) some road rights-of-way need to be cut.

After some discussion, it was generally agreed that the Bear Branch project needed to be completed as soon as possible, along with repair of at least the ten most necessary hydrants, connection of the Frisbie water line and some preparatory work at Lake Coffey prior to paving and landscaping in the spring. Obviously, water and sewer taps which have been paid for need to be completed as soon as possible.

- c. **Town Attorney's Report.** Mr. Paletta reported that the non-profit corporation paperwork is ready to be sent to the Secretary of State, but that he needs the name of the two citizens who will serve on the Board in addition to the two Police Officers and Rick Owen. Mr. Lawless said he would

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get that information from Chief Hefner. Following the incorporation, then the corporation will have to file the proper paperwork to request tax-exempt status.

- d. **Chief of Police's Report.** Chief Hefner was not present.
- e. **Town Manager's Report.** Mr. Lawless reported that the taxpayer survey was at the printers, and that the information letters should be sent out by Monday of the following week. The surveys, themselves, will follow in seven days, and the respondees have been asked to mail the surveys back by November 15th. The Long Range Planning Committee will need to meet to establish the various parameters for reporting the findings, and the results should be in hand by the first of the year.

Mr. Lawless reminded the Council of the League Conference the following week. He indicated he would attend a meeting on SB 111 in Wilkesboro on October 21st, to get an overview of the new requirements for solid waste disposal and recycling.

He reported the Town will undergo its second mock OSHA inspection some time within the next sixty days. This is a service of the Department of Labor, and gives the Town a good idea of where it needs to concentrate with regard to safety, before an actual inspection by OSHA.

The Sanitation budget should be ready for the Council to review at the November meeting, and the Town looks toward commencing sanitation pickups around the first of December, dependent upon delivery of the vehicles.

Mr. Lawless reported that, while the seafood cookout was a big success according to those who attended, the terrible weather did cause some 50 who had said they would be there to stay home. It is his intention to do the cookout again next year, with some changes in the planning and execution. The expenses exceeded receipts by some \$380, and he reported on the necessary budget transfer.

Mr. Lawless gave a report on Officer Debbie Case's condition, and asked that everyone keep her in their thoughts and prayers.

- f. **Financial Report, Tax Report and Building Inspections Report.** Mr. Lawless pointed out that the report from the Tax Administrator indicated the tax bills would go out at the end of the month. He reminded Council that we faced the same problem as every year with getting the information we receive from both counties converted into a form which can be dealt with by our program.

8. **Other Business.**

Mayor Pfohl reported he had received a letter from Ed Lotz indicating that health problems would keep him from remaining on the Long Range Planning Committee, and he had requested clarification of whether Dr. Lotz also intended to resign from the Planning Board. He said Dr. Lotz had suggested two possible replacements, and indicated he would let Mr. Bullock know their names.

Reub Mooradian moved the Council approve paying members of the Board of Adjustment, Planning Board and Economic Development Committee \$15 per meeting per diem for each meeting they attend starting with the month of October, 1996. Shiela Fletcher seconded the motion and it passed unanimously.

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Mayor Pfohl suggested there were a number of evergreen trees along the roadways and in front of Public Works and the Recycling Center which needed replacement. He estimated \$1,000 would be adequate for the required replacement. Reub Mooradian asked if it would be appropriate to use occupancy tax funds, and Mr. Lawless said he could prepare a budget amendment to do so. Shiela Fletcher moved \$1,000 be used of occupancy tax funds for this project. Reub Mooradian seconded the motion and it passed unanimously.

Reub Mooradian said that it had been recommended by one of the Town's leading citizens that the walking trail at Lake Coffey be dedicated to Fred Pfohl, and so moved. Ed Waligroski seconded the motion. There was a good deal of discussion about others who had also been instrumental in getting the project completed, and Mr. Mooradian said if his motion passed he would work with the Town Manager to come up with a proposed dedication which would be presented to the Council for approval at the following meeting. The question was called and the motion carried unanimously.

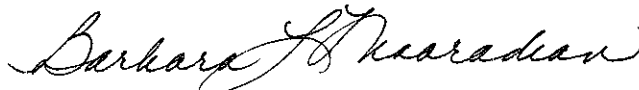
9 *Closed Session.*

Reub Mooradian moved the Council go into closed session under the provisions of N C G S 143-318.11(a)(3) and (6) to discuss a personnel matter and to confer with the Town Attorney on pending litigation. Shiela Fletcher seconded the motion and the Council went into closed session at 7:40 PM. The Council came out of closed session at 8:30 PM. Upon a motion by Councilman Mooradian, seconded by Ed Waligroski, and passed unanimously, the Town Manager's salary was increased to \$42,000 and travel allowance to \$200/month, retroactive to his employment anniversary.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:40 PM.

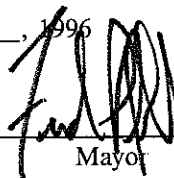
Respectfully submitted,



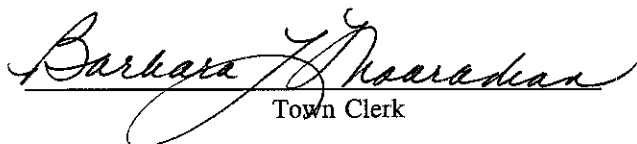
Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on November 12, 1996


Mayor

ATTEST:


Town Clerk