

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 13, 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, 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.

Public Hearing - Proposed Changes to the Zoning Ordinance. Mayor Pfohl called the Public Hearing, duly advertised in the February 7, 1996 edition of The Watauga Democrat, to order, and asked Seth Lawless to summarize the proposed amendments. Mr. Lawless explained that the issue had surfaced several months ago when the Town merged the Soil Erosion Ordinance into the Zoning Ordinance, and Mr. Paletta had mentioned that Boone had required a soil erosion plan be submitted when soil-disturbing activities exceeded one-half acre, instead of the one acre mentioned in Beech Mountain's ordinance. The Planning Board had studied the issue, and recommended changing our requirement to one-half acre. Mayor Pfohl opened the floor to questions or comments from the audience. There were none. Mayor Pfohl asked how many projects in the past year the change would have affected, and Mr. Fulkerson replied perhaps the Der Wasserfall project, and perhaps the substation disturbed over a half-acre, but Mountain Electric had had to present a plan to the State for that. There being no further comments or questions, Shiela Fletcher moved the Public Hearing be closed at 6:03 PM. Ed Waligroski seconded the motion and it passed unanimously.

1. **Adoption of Agenda.**

Mayor Pfohl asked that consideration of a Proclamation of Red Cross Month be placed under "Other Business." Seth Lawless asked that a request from Maymead for installation of a radio antenna on Town land and consideration of an offer to purchase ten lots from the Town be placed under "Other Business."

2. **Consent Agenda.**

Shiela Fletcher moved the Consent Agenda be approved. Ed Waligroski seconded the motion and the following items were unanimously approved:

- a. Minutes of Council Meeting January 9, 1996
- b. Resolution Releasing Funds to Region D Council of Governments.

3. **Committee Reports.**

There were no committee reports.

4. **Old Business:**

- a. **Set Location for Planning Session.** Mr. Lawless distributed a bid sheet showing four different possible locales for the March 15 planning session. After brief discussion Shiela Fletcher moved the meeting be held at the Valle Crucis Conference Center. Rick Owen seconded the motion and it passed unanimously.

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5. ***New Business:***

- a. ***Consider Amendment to Zoning Ordinance.*** Ed Waligroski moved the amendments presented at the Public Hearing be approved. Rick Owen seconded the motion and it passed unanimously.
- b. ***Consider Offer to Donate Lot RW-353.*** Mayor Pfohl noted the donor owed some \$176 to the Town in back taxes, and \$109 to Watauga County. After brief discussion, Shiela Fletcher moved the Town accept the donation. Ed Waligroski seconded the motion and it passed unanimously.
- c. ***Consider Adoption of Resolution 96-02-01, Setting Date for Public Hearing on Possible Closing of Right of Way.*** Mr. Lawless explained the process whereby the Town could abandon the small right of way between lots AA-99 and AA-97 as requested by Mr. Charles Nichols. The Town would have to hold a Public Hearing, advertise the possible closing for four consecutive weeks before the Hearing, and notify all owners of abutting property by Certified Mail of the date and time of the public hearing. He said he and Mr. Perry had visited the property and cannot foresee the need for a public road in that location. Rick Owen moved Resolution 96-02-01 be adopted, setting 6:00 PM Tuesday, March 12, 1996 as the date and time for the Public Hearing. Ed Waligroski seconded the motion and it passed unanimously. David Paletta pointed out the closing would involve some expense to the Town, and suggested Council might wish to require the requesting party to assume the expense of survey, advertising, etc., and it was the consensus of the Council that this was the procedure they desired to follow. Mayor Pfohl asked that Mr. Lawless notify Mr. Nichols of this requirement to ascertain if he wished to continue with the process.
- d. ***Consider Adoption of Resolution 96-02-02 Declaring Nissan Surplus.*** Mr. Lawless explained that the Nissan was put out of service by the Police Department after taking delivery of the 1996 Jeep bought under State contract. The vehicle has some 118,000 miles on it and needs several repairs. Ed Waligroski moved Council adopt Resolution 96-02-02 declaring the Nissan surplus to the needs of the Town and allowing for private sale. Rick Owen seconded the motion and it passed unanimously.
- e. ***Consider Budget Amendment Increasing Road Maintenance Expense.*** Mr. Lawless went over the number of high priority projects which the Public Works Department **must** accomplish this summer, if the Town is to receive promised funds and not be penalized. Mr. Perry feels it will be possible for his Department to complete them all if he can hire three temporary workers for March, April, May and June. The monies for this additional expense will in all likelihood come out of revenue from property taxes which was not budgeted due to uncertainty over the revaluation in Watauga County. Rick Owen moved the budget amendment be approved. Ed Waligroski seconded the motion and it passed unanimously.
- f. ***Consider Tax Releases.*** Mr. Lawless indicated the three releases were self-explanatory, and Ed Waligroski moved they be approved. Shiela Fletcher seconded the motion and it passed unanimously.
- g. ***Review Engineering Information on Corrosion Control.*** Seth Lawless outlined the lead and copper rule, the results of the required tests, and indicated the State had approved a plan suggested by Davis-Martin-Powell for the introduction of a minute amount of polyphosphate into the water supply to help alleviate the problem. Ed Powell further explained how the polyphosphate works,

and indicated Council's concurrence in the proposal was needed. Ed Waligroski asked if there was any additional equipment needed to add polyphosphate, and Mr. Powell indicated the Town could use existing equipment. Shiela Fletcher moved the approval of the addition of polyphosphate into the drinking water at one part per million. Ed Waligroski seconded the motion and it passed unanimously.

- h. **Warren Wakeman Water Line Agreement.** Joe Perry explained that Mr. Wakeman had requested a similar agreement as the Council agreed to with the Frisbies to bring Town water to Fox Run II. He indicated that Mr. Wakeman and the Frisbies have tentatively agreed upon the lot lines along which the water line will be placed, but since neither party has had the property surveyed, the placement is not yet exact. Mr. Lawless explained that originally the Frisbie request was to have been a joint request with Wakeman, but they had apparently not come to agreement by the time the Frisbies wanted to present their request. He further indicated that Mr. Wakeman had agreed to pay engineering and surveying expenses if the agreement with Frisbies does not materialize. Mayor Pfohl expressed some concern about adding to the burden of the Public Works Department, especially since Wakeman wants the project complete by June. Mr. Perry explained that it would be advantageous for the Town to agree to the project now, if possible, so that he can purchase materials and make adequate plans.

There was some discussion about whether or not the Town should ask Mr. Wakeman to pay the engineering costs on the project, but Joe Perry said the cost of supplies and materials pretty much equals the engineering and planning costs, making each entity a more or less equal partner in the project. Shiela Fletcher moved the Council approve the project, with the Town paying the engineering and survey fees as with the Frisbies. Rick Owen seconded the motion and it passed unanimously.

Joe Perry indicated the owners of Southcrest had approached him about extending the line even further to their property. Mayor Pfohl asked if they should be given an indication the Council would approve an arrangement similar to the Frisbies' and Wakeman's, and it was the consensus that they should.

- i. **Consider Tour DuPont Budget Amendment and Ordinance.** Seth Lawless explained that the amendment was to clean up last year's Tour DuPont fund to reflect actual costs, and the ordinance was to set up the budget for the 1996 Tour DuPont fund. Mayor Pfohl asked that \$250 be added to cleaning costs in the 1996 budget, which matching amount could be put into T-Shirt sales. Shiela Fletcher moved that both the amendment and the ordinance (with the suggested change) be approved. Ed Waligroski seconded the motion and it passed unanimously.

6. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Ed Powell reported that his firm was proceeding with the plans on the Grassy Gap Wastewater Plant expansion project. These will be in time for the next State loan session. Paving on the two streets (Skiloft Road and Pinnacle Ridge Road) will resume once the weather is favorable.
- b. **Public Works Director's Report.** Joe Perry had no report. Mayor Pfohl thanked Mr. Perry for the fine efforts of his staff in snow removal over this winter.

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- c. ***Town Attorney's Report.*** David Paletta reported there was a list of upcoming foreclosures, about one-half of which are lots and one-half acreage. Mr. Lawless was asked to look at the properties to see if the Town has any interest in retaining any of them.
- d. ***Chief of Police's Report.*** Chief Hefner was not present.
- e. ***Town Manager's Report.*** Mr. Lawless reported he had attended a seminar in Raleigh on infrastructure financing. He learned that most low interest loan money is in a pool where the borrower has to have a 201 facilities plan to apply.

The sewer audit on the Pond Creek Plant is complete, and the findings will be presented at the planning retreat on March 15th.

The sprinkler system has been repaired in Town Hall, and potable antifreeze has been pumped into it, so there should be no further freezing. The last pipe which froze and broke was in the Chamber of Commerce office, so dry wall needs to be repaired there, and it is a good place to install a grate from the furnace system. There are still some leaks in the Dispatch office, which occur during driving rains. Carver's Roofing did some work on the roof, but they will need to return since their work did not fix the problem.

7. ***Other Business:***

- a. ***Red Cross Proclamation.*** Mayor Pfohl presented a proposed Proclamation making August American Red Cross Month. Shiela Fletcher moved the Proclamation be approved. Ed Waligroski seconded the motion and it passed unanimously.
- b. ***Maymead Request for Antenna Site.*** Mr. Lawless indicated Maymead had requested permission to erect an antenna on the site of the old Skiloft water tank, where Brown Brothers and Elk River already have antennas. After general discussion regarding possible fees for using this land, Shiela Fletcher moved the Town charge users, except WECR-FM, \$100 per month for using this site, and that Maymead be allowed to erect their antenna as requested. Ed Waligroski seconded the motion and it passed unanimously.
- c. ***Consider Offer to Purchase Town Lots.*** Mr. Lawless stated the Town had received an offer on ten of its 12 remaining lots in the amount of \$11,530, which is approximately \$6,000 more than the Town has invested in the properties. Shiela Fletcher moved the offer be accepted, subject to its being advertised for the statutory time period. Rick Owen seconded the motion and it passed unanimously.
- d. ***Letter of Commendation.*** Seth Lawless noted that Chuck Nichols had requested a letter commending the Mayor for several actions be read into the minutes. The letter was distributed to all Council Members and is attached hereto as a part hereof.

ADJOURN

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

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Waligroski seconded the motion and it passed unanimously. The meeting adjourned at 7:35 PM.

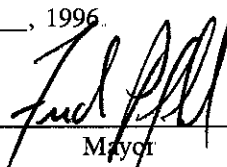
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on March 12, 1996.



Mayor

ATTEST:



Town Clerk