

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 12, 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 Police Chief Jay Hefner. Present in the audience were a number of interested parties.

Public Hearing - Proposed Closing of Town Right-of-Way. Mayor Pfohl called the Public Hearing, duly advertised in the February 16 and 23, and March 1 and 8, 1996 editions of The Watauga Democrat, to order, and asked Seth Lawless to summarize the proposed closure. Mr. Lawless explained that the Town had received a request to abandon a small right-of-way located off Pine Ridge Road between AA-97 and AA-99 by the owner of AA-97. He said he had looked at the right-of-way from Pine Ridge Road and the unopened road below and had thought it would be too steep a grade for the Town to open and maintain a road there. He noted that he had walked the property again that day, and it appears there exists a roadbed which is a lot less steep, and suggested the Council hold off on a decision until the staff can ascertain if the grade of the right-of-way is adequate for a roadway. He also noted there had been an objection to the closure received from the owner of lot BB-85, which also abuts the property, who had intended to access his lot via the right-of-way.

Chuck Nichols, owner of AA-97 and the petitioner for abandonment, spoke in favor, noting that lots AA-97 and AA-99 hold by far the majority of the property abutting the right-of-way, whereas BB-85 only abuts a minuscule part. He also pointed out that the owner of AA-99 was fully in favor of the abandonment. Reub Mooradian said he was in favor of holding any action in abeyance until the next Council meeting.

There being no further comments from the audience, Ed Waligroski moved the public hearing be closed. Rick Owen seconded the motion, which passed unanimously. The public hearing was closed at 6:10 PM.

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

Ed Lotz asked to address the Council and Mayor Pfohl placed him under "Other Business." Reub Mooradian moved adoption of the agenda as amended. Ed Waligroski seconded the motion and it passed unanimously.

2. ***Approval of Minutes, February 13, 1996.***

Ed Waligroski moved Council approve the minutes of the February 13, 1996 meeting as submitted. Rick Owen seconded the motion and it passed unanimously.

3. ***Committee Reports.***

Seth Lawless reported that he had attended the Watauga County Commissioners' meeting March 4th. Their Board of Equalization and Review begins sitting April 17th and May 2nd is the last day to file any appeal on property values. Mayor Pfohl suggested this be published in the MountainEar coming out in early April. Mr. Lawless reported the County as developed a one stop center for the Employment Security Commission, job training, social services and employment applications. The health screenings at senior

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centers in Boone have been suspended for the remainder of the fiscal year due to a lack of funding. He announced the Recreation Committee had eliminated its scholarship program for children who attend day care, and will direct all monies to entrance fees, etc., on programs they administer.

4. ***New Business:***

- a. ***Consider Abandonment of Public Right-of-Way.*** Reub Mooradian moved consideration of this item be shelved until the next regular meeting. Ed Waligroski seconded the motion and it passed unanimously.

- b. ***Appoint Sherry Garris as Regular Member of Board of Adjustment and Appoint Replacement Alternate Member.*** Ed Waligroski moved Sherry Garris be appointed as a regular member of the Board of Adjustment to fill out the remainder of Erika McClung's term (until December 1996). Shiela Fletcher seconded the motion and it passed unanimously. Reub Mooradian asked that consideration of an alternate member be shelved until the Council can contact some other possible candidates. Ellen Anderson pointed out that the Board needed someone by the April meeting, since there was a hearing coming up which would prove to be a conflict of interest for several of the members. She said she had contacted several people and Nancy Hoffman had agreed to serve. She urged the selection of Nancy Hoffman.

Seth Lawless asked if it would be possible for the Board to hold a special meeting after the April Town Council meeting, to allow time to select a replacement, and Miss Anderson replied that Mr. Bridges, who would be heard at the meeting, has been put off several times, and will be here for the April meeting. It was hoped he would not have to be told to change his travel plans again.

After further discussion, Shiela Fletcher moved that the decision be tabled until the Friday, March 15, 1996 planning workshop. Ed Waligroski seconded the motion and it passed unanimously.

- c. ***Award Bid on 1991 Nissan Pathfinder.*** Mayor Pfohl said he had spoken with the staff in the Town garage, and they suggested the Council take the high bid and be thankful for it. Chief Hefner was asked to describe the condition of the vehicle and repairs which had been necessary. Reub Mooradian moved Council accept the highest bidder ('76 Auto Sales, \$4,268.50). Ed Waligroski seconded the motion which passed unanimously.
- d. ***Instruct Tax Administrator to Advertise Tax Liens.*** Seth Lawless indicated a complete list of delinquent taxpayers was contained in the agenda packet. Ed Waligroski moved the Tax Administrator be instructed to advertise the tax liens. Shiela Fletcher seconded the motion which passed unanimously.
- e. ***Consider Tax Releases.*** Ed Waligroski moved to approve the tax releases as presented. Rick Owen seconded the motion and it passed unanimously.
- f. ***Consider Amendment to Chapter 3, Streets and Driveways.*** Seth Lawless explained that Vern Holland had expressed some concerns about how the present ordinance has been enforced, and brought to his attention several areas where there are objects in the Town right-of-way. In fact, all over the Town there are mail boxes, garbage receptacles and landscaping. The matter was sent to the Planning Board for consideration. Roger Bullock, Chairman of the Planning Board, explained the Board had spent about 45 minutes on the subject, and had come up with the

proposed changes which would allow objects in the right-of-way, while focusing on vision and safety. Vern Holland said he was concerned about objects actually in the travelled portion of the road, including tree limbs which have grown to intrude on the travelled portion. Mr. Bullock said the Planning Board did not disagree with Mr. Holland's view that where there is an encroachment it should be removed. The Code Enforcement Officer should have no problem enforcing the ordinance. Reub Mooradian moved the amendment be approved as submitted. Shiela Fletcher seconded the motion and it passed unanimously. Reub Mooradian suggested it might be appropriate if Mr. Lawless and Mr. Perry take a ride around the Town to identify any real problem areas in this regard so steps can be taken to alleviate the problem.

- g. ***Consider Proposal to Create Charity Fair Oversight Committee.*** Mr. Lawless noted that the Police Department's Charity Fair had generated enough funds, and would no doubt continue to do so, that a committee should be appointed to oversee the affair, from aims to distribution of funds. He said he had originally thought the Fair should be under the control of a not-for-profit corporation, but it had been incorporated into the Town budget. Chief Hefner said that Norma Buchanan, who has been very active as a volunteer in the Fairs, had begun gathering information about the formation of a not-for-profit organization to run the Fair and oversee the donations. Mrs. Buchanan indicated she had contacted an attorney in Blowing Rock who suggested the Beech Mountain Community Trust be set up, to be managed by a five person board. The attorney is sending a proposal, suggested by-laws, etc. The Trust, when organized, would be set up in such a way that it could accept large donations from individuals, not just monies generated by the Fair.

Roger Bullock asked what liability the board members would face, and how that would be safeguarded, and David Paletta indicated the State Statutes prohibit directors of non-profit organizations from liability. Mayor Pfohl indicated he was 100% in favor of taking this program out of the hands of the Town. Reub Mooradian asked David Paletta if there was any problem, precedent-wise, of having a private organization take over something which had been begun by a Town department, and Mr. Paletta said the only problem he could see is that the bigger it becomes, the more control of the monies is required. Seth Lawless suggested the Council might wish to see how the committee will be formed before deciding, and Mayor Pfohl asked that a proposal be placed before the Council, and promised to act very quickly once that occurs.

- h. ***Consider Resolution 96-03-01.*** Seth Lawless said the proposed resolution had been suggested by the Risk Management section of the League of Municipalities. It is designed to protect individual agents of the Town in case they are sued for doing Town business, but the Town itself is not sued. David Paletta indicated it was a good resolution and he recommended adoption. Reub Mooradian moved Council adopt the resolution as presented. Rick Owen seconded the motion and it passed unanimously.

- i. ***Consider Maintenance Contract with Larry Parent.*** Seth Lawless explained that the Economic Development Committee had proposed an agreement with Larry Parent last year to maintain the flower barrels and day lily beds. Mr. Parent has made a proposal to expand his services to include around the Town entrance sign, across the street from the sign, all around the Town Hall, the Town Hall sign and sledding hill next door, totalling \$3,505.00. The way it would be approached would be that the EDC continue with the \$1,000 contribution (\$500 from this fiscal year and \$500 from next fiscal year), and the remainder would be the Town's responsibility, half this year and half out of next year's budget. There is sufficient money in the Town budget this year in grounds maintenance for this project. Reub Mooradian suggested asking Mr. Parent to

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expand his proposal to include the area around Sunset Park, as well as all the Sunrise, Sunset areas. Reub Mooradian moved approval of the initial proposal. Shiela Fletcher seconded the motion and it passed unanimously.

- j. ***Consider Budget Amendment and Transfer.*** Seth Lawless explained the Council had approved \$50,000 from the fund balance so Joe Perry could get started with repairs following Hurricane Opal. In November, that figure was amended to \$74,800. A lot of the work has been completed, and the Town has received reimbursement from FEMA in the amount of some \$69,000. The materials line item has been depleted in the Road Maintenance budget, and this amendment will add sufficient monies to purchase needed materials. Shiela Fletcher moved the budget amendment be approved. Rick Owen seconded the motion and it passed unanimously.

The transfer request is in the Water and Sewer budget, transferring \$2,150 from contingency to telephone expense, since Skyline Telephone had mistakenly stopped charging the Town for the telemetry system lines since the move to the new Town Hall. They have discovered their error, and have started billing the Town again. This amount is to cover the period beginning January 1, 1995. Reub Mooradian moved the transfer be approved. Ed Waligroski seconded the motion and it passed unanimously.

- k. ***Schedule Public Hearing for Proposed Amendment to Chapter 11, Zoning Ordinance.*** Mr. Lawless explained that the Beech Mountain Club is contemplating asking for a Zoning Ordinance amendment in light of their planned expansion of the Club Restaurant. While this amendment has not yet been requested, in an effort to delay the Club no more than necessary, it is asked that a Public Hearing be scheduled. If it is not needed, then it can easily be cancelled. The date and time for the hearing was scheduled for 6:00 PM on Tuesday, April 9, 1996.

- l. ***Consider Planning Board Recommendation to Petition the N.C. DOT.*** Roger Bullock indicated he had received requests from several citizens, and the Planning Board had discussed at their last meeting, the possibility of requesting the DOT place the widening of N.C. 184 up Beech Mountain into their Transportation Improvement Program. It will not be long before this area is served by four lane roads, and this will impact the ingress and egress at Beech Mountain. Roger Bullock suggested the matter be discussed at the special meeting to be held with the Banner Elk Town Council on March 19th, and perhaps letters from Banner Elk, Beech Mountain and Sugar Mountain could be written, adding to the impact of the request.

5 ***Staff/Consultant Reports.***

- a. ***Town Engineer's Report.*** Mr. Powell reported that the paving project would begin just as soon as weather permits. Maymead has indicated our job is at the top of their list. Plans for the expansion of the Grassy Gap wastewater treatment plant will be submitted to the State the end of this month. The engineers are in the process of securing permission from the State for the painting of two water tanks, interior and exterior.
- b. ***Public Works Director's Report.*** Joe Perry had no report. Reub Mooradian asked if replacement of bad fire hydrants could be worked into the schedule, and Mr. Perry indicated he had already ordered parts.
- c. ***Town Attorney's Report.*** Mr. Paletta had no report.

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- d. **Chief of Police's Report.** Chief Hefner had no report. Reub Mooradian asked if any penalties had been levied against homeowners whose smoke/burglar alarms emitted falsely, and Chief Hefner replied a number of letters had been written, but the Department tries to take into consideration weather conditions, like high winds, which cause many alarms to sound falsely. Mr. Mooradian urged the Department to be as strict as possible about these problems.
 - e. **Town Manager's Report.** Mr. Lawless reminded Council of the planning workshop scheduled for 9:00 AM in the Valle Crucis Conference Center on Friday, March 15. He also reminded Council about the special joint meeting with the Banner Elk Town Council in Banner Elk at 7:00 PM the following Tuesday, March 19th.
 - f. **Financial Report and Building Inspections Report.** The reports were accepted without comment.
6. **Other Business.**
- a. **Growth Report, Ed Lotz.** Dr. Lotz distributed his updated growth report on the Town, covering the period up to June 1995. He noted several items of interest. A copy of the report is available in the Office of the Town Clerk for anyone who is interested.

ADJOURN

There being no further business to come before the Council Shiela Fletcher moved the meeting be adjourned. Ed Waligroski seconded the motion and it passed unanimously. The meeting adjourned at 8:00 PM.

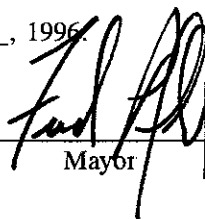
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on April 9, 1996.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, March 15, 1996

CALL TO ORDER

Mayor Pfohl called a special meeting of the Beech Mountain Town Council, held pursuant to due advertisement in the March 1, 1996 edition of The Watauga Democrat, to order at the Valle Crucis Conference Center. Other Council Members present were Shiela Fletcher, Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Public Works Director Joe Perry, Planning Board Chairman Roger Bullock, Code Enforcement Officer Don Fulkerson, Wastewater Treatment Operator Robert Heaton and Gene Johnson of the Division of Environmental Management.

I. *Wastewater.*

- A. *Presentation of Facility Performance Study.* Seth Lawless stated that several months previously, the Division of Environmental Management had contacted the Town and discussed a new service the State was offering: the conduct of an audit of wastewater systems which may be approaching non-compliance status. The Town requested the service and provided data to the Division, which also made several visits to the facilities. From this material and the visits, a final report has been prepared on both the Pond Creek wastewater facility and the Grassy Gap wastewater facility, which reports were distributed to the Council. Mr. Johnson was asked to give an overview of the final reports.

While Mr. Johnson's report was fairly lengthy, it will not be repeated here, but both reports are on file at the Town Hall and can be consulted during normal business hours. The largest problem noted was massive inflow and infiltration, which problem has been addressed by the Town for several years, and that will continue to be the case. Beech Mountain's substantial amount of wastewater piping (which would easily support a municipality of 25,000 or more) only compounds the problem.

- B. *Financing Proposal for Grassy Gap Wastewater Treatment Plant Expansion.* Seth Lawless indicated that the proposed expansion will cost approximately \$250,000. The current year's budget includes funds for having the facility designed and the designs sent to the State for approval. The Town's options on procurement of funds are limited. Interest rates on installment purchase loans are running between 4.5% and 4.75%. Mr. Lawless has requested informal quotes from NationsBank, First Union and BB&T on what they would charge the Town on a \$150,000 installment purchase loan. The Town has approximately half of its annual water and sewer budget in reserves, which amount he would not like to see dip below one-fourth. \$100,000 could be dedicated from reserves rather than financing. The April Council agenda will contain a resolution making application to the Local Government Commission to borrow between \$75,000 and \$125,000. The resolution will contain the maximum amount of \$250,000, but how much to actually borrow and how much to take out of reserves can be decided at budget time. At the April meeting the Council will also be asked to approve the financial institution from whom to seek the loan, based upon quotes received.

Based upon Mr. Johnson's findings, the Town will set up a meeting with the Regional Office of DEHNR and ask Mr. Johnson to attend to present his report, in an effort to insure that the Town still must adhere to the SOC and expand the Grassy Gap plant.

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II. *Planning - Land Use.*

- A. ***Review Estimate of Survey Prepared for Long Range Planning Committee.*** Seth Lawless stated that an ad hoc long range planning committee, consisting of the Town Council, Planning Board, Economic Development Committee and representatives from the Club and Resort had been formed the preceding year to look at long range recreational and facilities needs. It had been universally decided that a questionnaire directed at property owners and visitors was needed to ascertain which facilities would be most used and agreeable for funding by the Town. ASU had been approached to assist in the creation and evaluation of the questionnaire, and had presented a proposal, the cost of which would be \$16,675.00. Mayor Pfohl indicated he thought the proposal much too expensive, and asked Roger Bullock if he felt the Town could develop its own survey.

Mr. Bullock responded that he had felt all along the Town could do it, but it needed to insure that there was no bias built into the questions, so perhaps the help of an outside agency would be appropriate. Mr. Bullock recommended the committee be convened so that all members could have the opportunity to read and discuss the proposal. Perhaps the committee would appoint a group out of its members to concentrate on preparing a survey. The Council could then be approached about funding requirements. Perhaps the ASU group could act as "coach" for the survey committee. April 2, 1996 at 10:00 AM was decided upon as the date for the meeting.

- B. ***West Bowl Golf Course Land Acquisition.*** Mr. Lawless indicated the Planning Board had recommended acquisition of property in the west bowl which could be used to construct a golf course and other recreational facilities in the future. Roger Bullock said the Beech Mountain Club is aware of its eventual saturation point, and if the Town wished to have land available for any municipal facilities, it might be wise to make the purchase soon, or the Club could acquire the land itself, making any facilities it would construct private ones. The Club would certainly have the financial power to be a formidable opponent for the Town in acquiring the land.

Mayor Pfohl asked about financing such a purchase. Mr. Lawless indicated there are a few avenues available for getting the funding: a general obligation bond referendum or installment purchase with a bank. Ed Lotz had noted in the Planning Board meeting that the property could be used for another purpose, or sold, if not needed for recreational development. Reub Mooradian said he was in favor of the Town studying what needs to be done in acquiring the property, but he felt construction of a golf course should be well in the future. After further discussion, it was decided to first find out if the Town could exercise eminent domain outside the Town limits.

- C. ***Watershed Protection - Designation of Area to Allow 70% Built-Upon Density.*** Mr. Lawless indicated the General Assembly had just loosened up the Watershed Protection Act, allowing governments to amend their ordinances to allow greater density of development. With this relaxation of the Act, all the non-residential property within the Town can be developed, so no designations have to be made by Council.
- D. ***Board of Adjustment Alternate Member Selection.*** Mayor Pfohl said he had talked with the proposed member, Nancy Hoffman, at some length. There were no other suggestions of possible replacements. Shiela Fletcher moved Nancy Hoffman be appointed 3rd Alternate Member. Rick Owen seconded the motion and it passed unanimously.

III. *Administration.*

- A. *Discussion of Staggered Terms for Council Members.* Reub Mooradian said he had long favored amending the Town's Charter to allow for staggered terms for Council Members. The most common process would be for the two Council members receiving the most votes in the next election would serve for four years, the remaining three for two years. Then, in the subsequent elections, three seats would be up for election, the two members receiving the most votes would be elected for four years, the one remaining for two years. Hence, every two years, three seats would be up for election each election year. He said he did not know if this change would require an action by the Legislature, or if the Town could make the change on its own. Mayor Pfohl, Shiela Fletcher and Ed Waligroski all expressed approval of the plan. Seth Lawless said he felt the Town could so change its Charter without Legislative approval.
- B. *Consideration of Insulation Requirements.* Don Fulkerson said he gets a number of requests each year to construct log homes, and the present insulation ordinance effectively prohibits such construction. He said the State Building Code had been amended since the Town's adoption of its Insulation Ordinance, and now is more strict than the Town's. It does permit less than R-19 in walls if extra insulation is added in the floor and ceiling to create a whole insulation package which is adequate. After general discussion it was decided to ask the Planning Board to consider whether or not to repeal the Insulation Ordinance.

IV. *Solid Waste.*

- A. *Suggestions for Request for Proposals on Garbage Pickup.* Mr. Lawless indicated the contract with GDS will expire this year, and the Town will request interested bidders to present proposals. He asked if anyone had any suggestions on what to include in the Request for Proposals. Joe Perry suggested the crew be on the mountain four days, rather than three, in order to reduce the areas in which trash must be collected on any given day. There was general discussion about the possibility of charging customers for the amount collected, even perhaps based upon water consumption. He announced that Watauga County has decided they will start charging us for the Avery County trash we bring to the landfill. It looks as if this charge will be some \$9,000 per year. It was agreed the waste question requires more work.
- B. *Review Recycling Effort.* Mr. Lawless reported that SB 111 required a 25% reduction in the waste stream, based upon figures from the "base year" of 1990/91, and 40% by the year 2000. The Town's reduction from the base year was 13.49% in 93/94, 12.8% in 94/95 and is projected to only be 1.7% for 95/96. The problem with the base year concept is that it does not allow for growth. At the rate of 30 new homes per year, this fiscal year included 150 additional homes. The State is going to be looking at SB 111 again, and perhaps the requirements will be changed.

V. *Finance.*

- A. *Review Financial Condition.* Mr. Lawless went over the year-to-date financial report. He asked how large the Council wished the Occupancy Tax reserve to grow. He pointed out that there were a number of projects which serve to encourage visitors, but which are not advertising projects.

Mr. Lawless indicated the Public Works Department was going to try quarterly readings for one year. This may result in a suggestion the Town go to a flat fee for water, rather than a

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descending usage rate. Such a flat fee is often cited as acting as an incentive for conservation of water resources

- B. *Establish Schedule for 96-97 Budget Workshops.* Mr. Lawless said the staff would have a proposed budget to the Council prior to the May meeting (May 14). After general discussion it was decided to schedule a Budget Workshop for May 21 at 6:00 PM, and the Public Hearing on the Budget for June 3rd, to be followed by a second Budget Workshop. If additional Workshops are required, they can be set at a later date.

VI *Goal Setting.*

Council went over the goals for 1995/96, the long range goals decided upon at the last retreat, and made suggestions for additional goals. Mayor Pfohl asked that everyone compile a list of things to be done by Mountain Electric at the substation site

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 3:45 PM

Respectfully submitted,



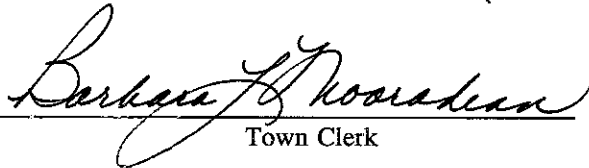
Barbara L. Mooradian
Town Clerk

Minutes approved by Town Council on April 9, 1996.



Mayor

ATTEST:



Town Clerk