

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
April 9, 1996

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. Other Council Members present were Shiela Fletcher and Rick Owen. Council Members Reub Mooradian and Ed Waligroski were absent. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, and Public Works Director Joe Perry. Present in the audience were a number of interested parties.

1. Adoption of Agenda.

The agenda was amended to include pending litigation under "Closed Session" per N.C.G.S. 143-318.11(a)(4). A motion was made by Shiela Fletcher to adopt the agenda as amended, seconded by Rick Owen and passed unanimously.

2. Approval of Minutes, March 12, 1996 and March 15, 1996.

Rick Owen moved Council approve the minutes of the March 12, 1996 meeting and special meeting of March 15, 1996 as submitted. Shiela Fletcher seconded the motion and it passed unanimously.

3. Committee Reports.

Seth Lawless reported that he had attended the Avery County Commissioners meeting on April 1 and the Commissioners voted to donate \$1,500 out of room tax to the Tour DuPont bicycle race.

4. Old Business.

- a. Consider Abandonment of Public Right-of-Way. After comments by Fred Pfohl against and Chuck Nickols for the abandonment of the public right-of-way between AA-97 and AA-99, Shiela Fletcher moved the adoption of the resolution to close the right-of-way; Rick Owen seconded the motion which passed two votes to one with Mayor Pfohl dissenting.

5. New Business.

- a. Consider Adoption of Proclamation, National Drinking Water Week. Rick Owen moved the adoption of the proclamation declaring May 5 through May 11 National Drinking Water Week. Shiela Fletcher seconded the motion which passed unanimously.
- b. Set Date for Public Hearing on Proposed Contract with BB&T to Finance Grassy Gap Wastewater Treatment Plant Expansion. A public hearing and special meeting to consider resolution were set for April 24, 1996 at 9:00 a.m.

- c. **Consider Resolution of Intent to Modify Beech Mountain Town Charter.** Council decided to postpone consideration of resolution until the regular May meeting and call for a public hearing at that time.
- d. **Discussion of Insulation Ordinance.** Seth Lawless stated that a request had been made by a citizen to repeal the Insulation Ordinance. Council decided to postpone consideration until their May meeting so that the Planning Board could consider this matter at their May meeting. Seth Lawless stated that the citizen making the request would be at the next Council meeting. He also stated that a Public Hearing was not required by any state or local laws.
- e. **Consider Agreement Authorizing Participation in the Automated Clearinghouse Network.** Seth Lawless explained that the Town software package would soon include an upgrade that can communicate with a nationwide network of banks. This would allow the Town to offer utility bill drafting quite easily. Basically the Town program would include a file of customers who have authorized their accounts to be drafted. When the bills are tabulated and entered, an automatic draft would occur on the same day of every month. An electronic transfer would then post a credit to Beech Mountain's NationsBank general account. The cost for this would be \$20/month plus \$.10/draft. Mr. Lawless also proposed a resolution to charge participating customers \$.25/month. It would take 133 customers to break even at that charge. Shiela Fletcher moved to execute the agreement. Rick Owen seconded the motion which passed unanimously.
- f. **Consider Adoption of Resolution 96-04-03, Establishing a Fee for Participants in Clearinghouse Network.** Shiela Fletcher moved to adopt resolution 96-04-03 as explained in "e" above. Rick Owen seconded the motion which passed unanimously.
- g. **Discuss Doug Matthews Tax Matter.** Seth Lawless explained that Mr. Matthews was the individual who purchased 88 lots from the Town last May. Due to a miscommunication between Mr. Matthews, David Paletta, and Seth Lawless an error was made. The statutes regarding purchase of property from a public entity state that if the property is transferred before July 1, all taxes are to be paid by the purchaser. If the taxes are paid after July 1, the taxes are pro-rated 50-50. This was Mr. Matthews intent from the start; however, Mr. Matthews paid the Town in May of 1995 and he signed the deeds in Town Hall. Mr. Lawless then had them sent to David Paletta to record without instructing him to wait until July 1. The amount of taxes due is \$2,234. Shiela Fletcher moved to pay 50% of taxes due the Town of Beech Mountain and the county contingent upon receipt of 50% of taxes from Mr. Matthews. Rick Owen seconded the motion which passed unanimously.

- h. Consider Offer to Purchase AA-594. Seth Lawless stated that the Town had received an offer to purchase lot AA-594 for \$600 but that the Town had invested \$1,033 in the lot. Shiela Fletcher moved to accept the offer of \$600 on lot AA-594. Rick Owen seconded the motion which passed unanimously.
6. Staff/Consultant Reports:
- a. Town Engineer's Report. Ed Powell was absent.
 - b. Public Works Director's Report. Joe Perry had nothing to report.
 - c. Town Attorney's Report. David Paletta reported on the proposal to create a charitable trust for the Beech Mountain Police Department Charity Fair. Mr. Paletta stated that the major difference between a non-profit corporation and a charitable trust is that the non-profit corporation is more formal than the charitable trust. He stated it was Council's decision as to which they preferred. Mayor Pfohl desired this item to be on the May agenda so that Mr. Paletta could discuss this further with Attorney Sharpe who is assisting in this matter.
 - d. Chief of Police's Report. Jay Hefner was absent. There were no comments on the police report as submitted.
 - e. Town Manager's Report. Seth Lawless reported that the EDC was organizing a ceremony to dedicate a plaque to Bill McClung recognizing his service to the EDC that is located at the Town entrance sign. The date is April 16 at 2:00 p.m.

Seth Lawless reported that there would be a meeting Thursday, April 18 at 10:30 in Winston-Salem between Gene Johnson of the State who presented the sewer audit and the Winston-Salem regional office who put the Town under a sewer moratorium a year or so ago and negotiated the special order of consent with the Town to lift the moratorium. They have some differences of opinion. The Town's engineers will also attend the meeting which will be held at the Winston-Salem regional office.

Mr. Lawless reminded Council of the Hill Climb on the 27th and 28th of April.

Mr. Lawless reported that the League of Municipalities regional meetings were coming up in Shelby, Lenoir, and Canton. These meetings are for elected officials who sit through a program presented by staff members of the League who update officials on topics such as pending legislation and other hot topics. Mr. Lawless stated that he would contact Council in the next few days as to whether they would be able to attend one of the meetings.

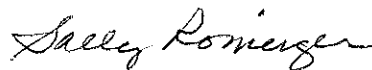
- f. Financial Report, Tax Report and Building Inspections Report. The reports were accepted without comment.
7. Other Business. There was no other business to come before the Council.
8. Closed Session, N.C.G.S. 143-318.11(a)(1) and (4) to Discuss Acquisition of Property and Pending Litigation. Shiela Fletcher made the motion to go into closed session. Rick Owen seconded the motion which passed unanimously. Council went into closed session at 7:00 p.m.

Council came out of closed session at 8:15 p.m. No action was taken.

ADJOURN

There being no further business to come before the Council Shiela Fletcher moved the meeting be adjourned. Rick Owen seconded the motion and it passed unanimously. The meeting adjourned at 8:15 p.m.

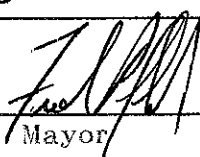
Respectfully submitted,



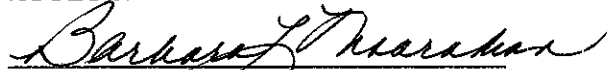
Sally Rominger
Deputy Town Clerk

SLR/HS

Minutes approved by town Council on MAY 14, 1996.


Mayor

ATTEST:


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, April 23, 1996

CALL TO ORDER

Mayor Pfohl called a joint meeting between the Beech Mountain and Banner Elk Town Councils to order at 7:00 PM in the Council Chamber at Beech Mountain and welcomed members of both Councils. Other Council Members present were Reub Mooradian, Rick Owen and Ed Waligroski of Beech Mountain, and Mayor David Tate, Brenda Lyerly, Deka Tate, and Floyd Ramsey of Banner Elk. Also present were Seth Lawless, Beech Mountain Town Manager, Mike Brooks, Banner Elk Town Manager, and Joe Perry, Beech Mountain Public Works Director.

Mr. Lawless started the meeting by presenting a nine step outline, copy attached, suggesting steps to completing a plan for the N.C. 184 corridor. The plan was developed by Mike Brooks and Seth Lawless in the days preceding the meeting. Steps 1 through 4 were to be completed by August 15, 1996, steps 5 through 7 to be completed by December 31, 1996, and steps 8 and 9 to be completed in the first half of 1997.

In addition to the nine steps, Mr. Brooks discussed the idea of bringing planning officials from both municipalities together to work on a zoning overlay district. He explained that the district could include several common elements which would provide some uniform land use regulation along the Beech Mountain Parkway.

Mayor Tate asked about the inclusion of water and sewer and why there was no discussion of either in the nine steps. Mr. Brooks replied that it certainly could be included, but that it ought to be addressed at a later date.

Mrs. Tate stated that it was her desire to see any plan be long range.

Mr. Mooradian asked everyone to remember the last time Beech Mountain attempted to establish extra-territorial zoning and cautioned that this process would not be easy.

Mayor Pfohl and Mayor Tate discussed the question of whether or not to include any plan between Banner Elk and Sugar Mountain that required legislative action in Beech Mountain's bill seeking extra-territorial jurisdiction in 1997. It was agreed by all present that support from all three towns should be gathered, but that any local bills should address individual matters.

Floyd Ramsey wanted to make sure that any affected property owners were invited to participate during steps 5 and 6.

Mayor Tate stressed getting the planning officials together quickly to develop the overlay zoning district, and urged Mr. Brooks and Mr. Lawless to initiate those meetings immediately. Mike Brooks suggested that those meetings include the Beech Mountain Zoning Administrator, both town Planning Board Chairmen, both Mayors and David Quinn of the N.C. Department of Community Development as well as Mr. Brooks and Mr. Lawless. All in attendance agreed to pursue those meetings this summer and for the group to report back to each Council immediately after they finish their study.

Mayor Pfohl asked Mr. Lawless about the width of the corridor and what properties would be included. Mr. Mooradian replied that the corridor would likely be reviewed and changed throughout the process.

Mayor Pfohl summarized the meeting by asking both Councils if the presented nine step outline was acceptable. All agreed that the outline was acceptable and urged getting the planning officials together as previously discussed.

Mayor Tate asked if a date should be set for the next meeting between the two Councils, and both agreed to wait until later in the summer to set the date for the next meeting.

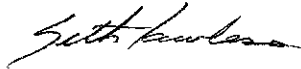
MINUTES - BEECH MOUNTAIN TOWN COUNCIL

April 23, 1996

ADJOURN

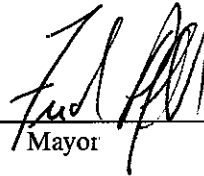
There being no further business to come before the Councils, the meeting was adjourned at 8:15 PM.

Respectfully submitted,



Seth Lawless
Town Manager

Minutes approved by Town Council on MAY 14, 1996.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, April 24, 1996

CALL TO ORDER

Mayor Fred Pfohl called a special meeting of the Beech Mountain Town Council to order at 9:00 AM on April 24, 1996 in the Council Chamber at Town Hall. Also in attendance were Reub Mooradian, Rick Owen, Ed Waligroski and Town Manager Seth Lawless.

Mayor Pfohl opened the public hearing on the proposed loan contract. Mr. Lawless gave a brief summary of the regulatory history of Grassy Gap Wastewater Treatment Plant over the last eighteen months. He went into some detail on the Special Order by Consent (SOC), a contractual agreement between the Town of Beech Mountain and the Division of Environmental Management. The SOC lifted the moratorium on new connections and imposed a time schedule to expand the plant.

Mr. Lawless then presented the project budget totalling \$250,000.00. \$135,200 of the project income was proposed to come from an installment purchase contract with Branch Bank and Trust (BB&T). BB&T quoted an interest rate of 4.59% with five annual installments. Quotes were also obtained from NationsBank and First Union.

A low interest loan/grant application was submitted to the N.C. Department of Environment, Health and Natural Resources. The application was originally rejected, but resubmitted in March, 1996. The BB&T loan agreement is scheduled for execution May 29, 1996. Mr. Lawless discussed the possibility of obtaining State loan funds at a lower rate and cancelling the BB&T proposal. The Council advised Mr. Lawless to proceed with both applications until a final priority rating is designated by NC DEHNR.

Mr. Waligroski asked about infiltration and inflow at the Grassy Gap plant. Mr. Lawless said that work to reduce infiltration and inflow had begun again this spring.

Mr. Mooradian asked what the BB&T loan repayment would be, and when the first payment was due. Mr. Lawless replied that each installment would be \$29,746.20, with the first due in July, 1996.

Mayor Pfohl called for comments from the public. No comments were received. Mayor Pfohl closed the hearing at approximately 9:40 AM.

The next two items of business were consideration of Resolutions 96-04-04 and 96-04-05. The first authorized application for an installment purchase contract to the Local Government Commission and the second authorized Mr. Lawless to execute an installment purchase contract with BB&T. Upon a motion by Mr. Waligroski, seconded by Mr. Mooradian, both resolutions were passed unanimously.

ADJOURN

Upon a motion by Mr. Owen, seconded by Mr. Mooradian, the meeting was adjourned.

Respectfully submitted,

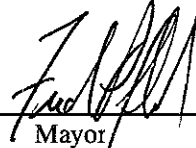


Seth Lawless
Town Manager

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

April 24, 1996

Approved by Town Council on MAY 14, 1996.



Mayor

ATTEST:



Town Clerk