

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
May 14 and 15, 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, Police Chief Jay Hefner, Code Enforcement Officer Don Fulkerson and Tax Administrator Missy Norwood. Present in the audience were a number of interested parties.

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

Seth Lawless asked that consideration of the creation of a Web Page be added under "Other Business." Reub Mooradian moved the agenda be adopted as amended. Ed Waligroski seconded the motion and it passed unanimously.

2. ***Consent Agenda.***

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

- a. Minutes, April 9, 1996.
- b. Minutes, April 23, 1996.
- c. Minutes, April 24, 1996

3. ***Committee Reports.***

Seth Lawless reported that he had attended the May 6th Watauga County Commissioners meeting, but left after a few minutes because the only subjects were departmental budget requests. He reported that Kakii Handley had attended the Watauga Recreation Committee meeting, at which their main discussion was the possible impact of a Boone YMCA on the program. With regard to the Solid Waste Management group, it has not been meeting regularly and probably will not accomplish much until the problem of a landfill location and how to pay for it is decided. They have been working on a school program on recycling, and it has been implemented in some schools.

Shiela Fletcher reported that the League regional meeting she attended had been very informative. Mayor Pfohl noted that June 18th would be Town Hall day in Raleigh, and asked that Council Members who wish to attend let Mr. Lawless know. Mayor Pfohl also indicated there would be an alternative fuels conference in Charlotte on June 29th if anyone was interested in attending.

4. ***Old Business:***

- a. ***Consider Adoption of Resolution 96-05-01, Intent to Amend Town Charter.*** Seth Lawless reminded the Council that this issue had been raised at the planning session in March. The staff had prepared two possible resolutions which would accomplish the aim of staggered Council terms by different means. He said he did not think either method was preferable to the other. Mayor Pfohl asked Reub Mooradian if he had a preference, since he had been the individual to raise the

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

May 14 and 15, 1996

subject. Mr. Mooradian said he preferred the method whereby every municipal election would have three seats vacant, with the two highest vote getters being elected for four years, and the third highest successful candidate being elected for two years. Ed Waligroski said he preferred the second method, whereby every successful candidate would be elected for four year terms, but one year there would be two seats open and the following election would have three seats open. Shiela Fletcher said she agreed with Mr. Mooradian and moved that method be approved. Reub Mooradian seconded the motion and it passed four votes to one, with Mr. Waligroski dissenting.

- b. **Consider Doug Matthews Tax Matter.** Mr. Lawless recapped the Matthews matter, noting the Council had previously agreed that the Town would pay one-half of the 1995 taxes due on the lots Mr. Matthews purchased. He indicated that Mr. Matthews had asked that the Town be responsible for the accumulated interest, since it had made an error in recording the deeds. This would amount to some \$200. Reub Mooradian moved the Town pay the interest. Ed Waligroski seconded the motion and it passed unanimously.

5. ***New Business:***

- a. **Consider Insulation Requirements Ordinance.** Mr. Lawless indicated the Planning Board had studied the matter and had recommended repeal of the Town's insulation ordinance (Chapter 16 of the Code of Ordinances) and asked Don Fulkerson to introduce the topic. Mr. Fulkerson said he had very little to report, merely that the State Building Code has been amended since the Town first adopted its insulation ordinance, and is now more strict than the Town. Reub Mooradian said he did not believe it was necessary to have the insulation ordinance on the books any longer. Roger Bullock said the Planning Board had discussed the matter thoroughly and it was a unanimous decision that the Town should adhere to the State Code. Rick Owen moved the Council adopt Resolution 96-05-02 Chapter 16 of the Code of Ordinances. Reub Mooradian seconded the motion and it passed unanimously.
- b. **Consider Creation of Charitable Trust or Non-Profit Corporation for Police Fair.** Mr. Lawless gave background on the institution of the annual Police Fair. At the last Council meeting it was proposed that a charitable trust or non-profit corporation be established to administer the business of the Police Fair and set up guidelines for the use of funds. David Paletta had been asked to look into the matter and had prepared a letter on the subject which was included in the agenda packet. Mr. Paletta said there were three questions to be answered: (1) do you want the organization to distribute the money as well as raise it, (2) what size do you want for the managing board, and (3) how do you want to determine the managing board?

Phil Buchanan said he felt the board should consist of five members, and suggested they be the Police Chief, one Police Officer, a Town Council Member and two other citizens. The board would make decisions as to where the funds went, etc. Shiela Fletcher asked how the two additional citizens would be selected, and Mr. Buchanan replied that the three initial members (Police Chief, Officer and Council Member) would select the other two. There was general discussion about the benefits of a trust as opposed to a non-profit corporation. All agreed that the group did not want to have to spend a lot of money on legal fees and audits.

Chief Hefner said he believed the Fair Committee preferred a charitable trust. It was their intent to distribute funds through already-existing non-profit organizations, such as churches, fire departments, Neighbor Helping Neighbor, the Red Cross, etc. He announced that Mrs. Buchanan

had graciously volunteered to keep the books, generate an annual report, etc. Reub Mooradian asked for clarification, and said it appeared that the money raised would be given to existing non-profit organizations for distribution. Phil Buchanan said the monies can be earmarked for specific individuals' needs. Mr. Mooradian asked if that method would not interfere with some of the things the Police have done regarding shopping with needy children, etc. Chief Hefner said they felt they could still earmark funds for use for those purposes.

Mr. Paletta was asked for his recommendation, and he replied that he leaned toward a non-profit corporation, but perhaps that was because he was more familiar with that type of organization than with the charitable trust. Mayor Pfohl asked why they felt it would be better to have a trust and go through a third party rather than giving out the money themselves. Chief Hefner said he felt it would be easier to trace the distribution, and the Police Department itself would not be under the gun on distribution. Norma Buchanan said that Mr. Sharpe said that, with regard to shopping with the children, a check could be written by the trust to the Police Department, since they are a non-profit organization themselves.

Carter Cook said the committee had a problem with how the monies are distributed at this time, and felt the Town Manager should not determine what would be spent and on whom. Mayor Pfohl said that as long as the funds were being administered by the Town it was the Town Manager's responsibility to make those decisions. Mr. Lawless said all spending decisions had been brought to him and he had approved them all with one exception. Reub Mooradian said he had no preference, but was for the Police Fair and the good it does, and does want to get the Town Manager out from under the responsibility.

Roger Bullock asked what the legal status of the Town would be if three trustees of the charitable trust were Town employees or elected officials. David Paletta indicated he felt Mr. Sharpe had preferred there be more distance between the Town and the Trust. He suggested Mr. Sharpe be contacted about this. After some further discussion, Carter Cook suggested the matter be tabled until Mr. Sharpe could be contacted, and noted the Fair Committee was pleased that the Council agreed on a five-person board. He felt the Committee should further discuss the differences between a charitable trust and non-profit corporation. Mayor Pfohl said he thought that was a good idea, and pointed out that the Fair Committee could go forward with renting materials for the upcoming Fair as they had done in the past, by submitting a request for a check to the Finance Officer.

- c. ***Review Sanitation Proposals.*** Seth Lawless reported that the contract for sanitation services signed five years ago with GDS expires the end of June, so the staff had requested proposals from five different organizations. Three proposals had been received: one from GDS, one from County Disposal and one from the Public Works Department. The Public Works Department's bid was not competitive with the other two, which were outlined for the Council. Mr. Lawless recommended that one or two members of the Council and he visit the low bidders, County Disposal, to better understand their capabilities, and if they are satisfied, pursue the low bid.

Representatives from GDS and County Disposal addressed the Council regarding their capabilities. Shiela Fletcher, Reub Mooradian, Rick Owen and Ed Waligroski all expressed their desire to visit County Disposal to inspect their facilities. The County Disposal representatives requested that the subject be addressed quickly, as they await signing of this contract to go forward with loans and truck purchases. Mr. Lawless said he did not feel comfortable with coming up with an approved

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

May 14 and 15, 1996

contract prior to the end of the week, as suggested by County Disposal. It was decided the Town representatives would visit their facilities the following day

6. *Staff/Consultant Reports:*

- a. *Town Engineer's Report.* Ed Powell reported the paving project in Skiloft was proceeding right now. They have laid their first layer of asphalt, and are working on adding stone to Pinnacle Ridge Road. It is their intention to have Pinnacle Ridge ready for the first layer of asphalt immediately after they lay the second layer on Skiloft Road.

The Grassy Gap Wastewater Treatment Plant design is in the review stage. It is anticipated a permit will be issued so that construction can proceed this summer. The waterline expansion to the Frisbie and Wakeman properties is underway.

The addition of a polyphosphate to inhibit leaching of lead and copper has been approved, and the Town has been given 24 months to have the project complete. After that, the Town will again conduct the sample procedure.

- b. *Public Works Director's Report.* Joe Perry had no report. Mayor Pfohl thanked him for all the work done by his department prior to the Tour DuPont. He also indicated 22 piers have been poured at Lake Coffey for completion of the fitness trail. The bridges and steps on Pond Creek Trail have all been repaired, but there are still some washed-out areas. Mr. Perry solicited volunteer help with that repair. Le O'Neal complimented the department for the fine job done on the Hillclimb.
- c. *Town Attorney's Report.* David Paletta had no report.
- d. *Chief of Police's Report.* Chief Hefner had no report.
- e. *Town Manager's Report.* Mr. Lawless reminded the Council of the budget workshop at 6:00 PM Tuesday, May 21st. He said he would try to have the budget presented to them prior to the meeting. He announced he would be away from Town June 13 and 14 for a N.C. Town and County Managers' meeting.

Mr. Lawless announced that the Town had been approved for a low interest revolving loan from the State at 2.95% interest. It was the suggestion of the staff to borrow the entire amount needed for the project, as the Town can make more in interest than it will be paying for the funds. He commended Ed Powell and Joe Perry and their staff for their work in getting this approval, and also thanked Roger Bullock for suggesting the second meeting.

- 7. *Other Business.* Mr. Lawless indicated that several communities in the State have gotten "Home Pages" on the Internet and suggested Beech Mountain look into this possibility. All present agreed it was an idea which should be explored.

Reub Mooradian brought up the electric substation site, and expressed his concern about the size and quantity of trees being planted, the size of the berm, and the general landscaping plan. Mayor Pfohl indicated they had already been in touch with Mountain Electric on the subject, and Mr. Lawless assured that he and the Building Inspector will continue to stay close to the situation. Roger Bullock said a number

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

May 14 and 15, 1996

of citizens had asked that they be notified when the change from one line to the other is going to happen so they might disconnect appliances for fear of a surge. Mr. Fulkerson said they had assured the Town they would have a three to four day advance notice.

RECESS

There being no further business to come before the Council Reub Mooradian moved the meeting be recessed until 2:00 PM the following day. Shiela Fletcher seconded the motion and it passed unanimously. The meeting was recessed at 8:05 PM.

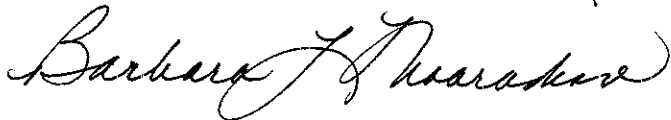
RECALL TO ORDER

The following Council Members reconvened at the County Disposal facility on Highway 105 at 2:00 PM Wednesday, May 15, 1996: Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless and Assistant Public Works Director Dolin Carpenter. After touring the facility, the group travelled to County Disposal's office on State Farm Road and discussed their capabilities, and reviewed their insurance and performance documents.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 2:20 PM.

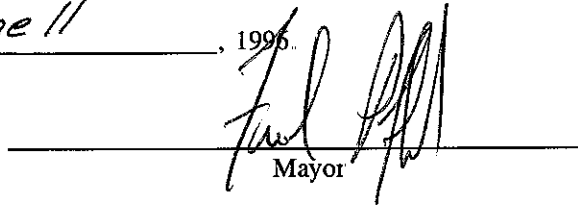
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on June 11, 1996.


Mayor

ATTEST:


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Budget Workshop, May 21, 1996

CALL TO ORDER

Mayor Pfohl called a Special Meeting of the Beech Mountain Town Council to order at 6:03 PM on Tuesday, May 21, 1996. Other Council Members present were Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless and Public Works Director Joe Perry.

Mayor Pfohl polled the Council to see if all were in agreement to review the budget message and supplementary inserts, then take some time on their own to look over the line item recommendations before the next meeting. There was unanimous agreement to proceed in that manner.

Mr. Lawless presented the budget message. Mayor Pfohl asked about the proposed water and sewer increase, and questioned whether or not it had anything to do with the change to quarterly meter readings. Mr. Lawless replied that quarterly meter readings should reduce revenue because large users are more able to take advantage of the declining rate scale over 90 days as opposed to a 30-day reading. Mr. Lawless also pointed out that water and sewer revenues were up over both current year budget estimates and last year's final figures. The proposed increase is strictly a measure to increase revenue in the water and sewer fund.

General discussion was held among several members regarding the sanitation bids and how it would impact the coming year's budget. Councilman Waligroski asked Joe Perry to explain why the Public Works bid was higher than the two received from private firms. Mr. Perry explained that his bid included Wednesday special pickups, cleaning up the recycling center, hauling white goods to the landfill and other sanitation services that averaged approximately \$9,000 a year. He also stated that the request for proposals required bids based upon a five year contract, and that the average life of the new equipment Public Works would need is ten years.

Councilman Mooradian asked Mayor Pfohl what would happen to any excess in the Tour DuPont reserve if and when the race stopped coming to Beech Mountain. Mayor Pfohl said there had been no official designation for those funds, but that a couple of ideas were to keep the reserve open in case the race skipped a year or two and then returned to Beech Mountain, or using the funds for a one-time special project of some type.

After several questions regarding capital outlay requests, Mr. Lawless reminded Council of the Public Hearing and next workshop June 3rd at 6:00 PM, and indicated corrections to the budget would be sent to them.

ADJOURN

The meeting was adjourned at 7:20 PM.

Respectfully submitted,

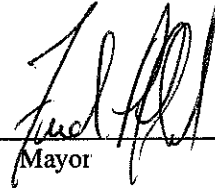


Seth Lawless
Town Manager

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

May 21, 1996

Minutes approved by Town Council on June 11, 1996.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, May 30, 1996

CALL TO ORDER

Mayor Fred Pfohl called a Special Meeting of the Beech Mountain Town Council to order at 6:00 PM in the Council Chamber at Town Hall. Other Council Members present were Shiela Fletcher, Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry and representatives from GDS and County Disposal Company.

Mayor Pfohl asked the Town Manager to give the Council and public a review of the sanitation bid process to date. Mr. Lawless passed out copies of the sanitation bid summary which had been presented at the May regular meeting and reviewed the bids of GDS and County Disposal. Mr. Lawless also informed the Council of a site visit to the County Disposal maintenance garage as well as the GDS facility in Boone.

Mayor Pfohl then asked both companies if they would like to have an opportunity to present any new information about their ability to serve Beech Mountain. Bill Schrum, representing GDS, spoke of the five year commitment his company has made to the Town and emphasized their local experience and their resources as a large sanitation provider in western North Carolina. Mayor Pfohl asked Mr. Schrum why there had been so much difficulty in resolving the repeated complaints relating to upside down garbage cans, missing lids and scattered litter around the garbage bins. Mr. Schrum replied that he thought the complaints had been handled in a timely manner and vowed to resolve them to the Council's satisfaction regardless of which company got the bid.

Jeff Collins with County Disposal Company spoke. He affirmed that his company was relatively young and had no municipal contracts, but emphasized their eagerness to provide quality service at the lowest price.

Council Member Waligroski then asked Joe Perry to discuss the Town's sanitation bid, specifically the amount of man hours and resources necessary to do Wednesday pickups and special trips to the landfill for white goods. Mr. Perry estimated the cost of those services at \$6,000 to \$12,000.

After further questions directed at Mr. Perry by members of the Council and upon a motion by Reub Mooradian, seconded by Shiela Fletcher, the Town Council voted to pursue an agreement with County Disposal Company contingent upon a successful review of a contract by the Town Manager and Town Attorney.

ADJOURN

There being no further business to come before the Council Shiela Fletcher moved the meeting be adjourned. The motion was seconded by Reub Mooradian and passed unanimously.

Respectfully submitted,



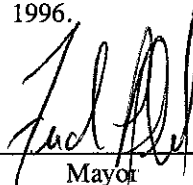
Seth Lawless
Town Manager

SL/blm

MINUTES - BEECH MOUNTAIN TOWN COUNCIL

Special Meeting, May 30, 1996

Minutes approved by Town Council on June 11, 1996.



Mayor

ATTEST:



Town Clerk