

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
August 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 Rick Owen and Ed Waligroski. Council Members Shiela Fletcher and Reub Mooradian were absent. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Joe Perry, Finance Officer Sally Rominger, Utilities Clerk Carolyn Smith and Police Chief Jay Hefner. 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.

Presentation to Jean Watson. Mayor Pfohl presented a certificate of appreciation to Jean Watson for her efforts toward Town beautification. Mayor Pfohl also thanked all who worked during the Police Charity Fair.

1. *Adoption of Agenda.*

Ed Waligroski moved that Item 5a be considered between items 2 and 3 and that Kim Barley be added under item 4b. Rick Owen seconded the motion and it passed unanimously.

2. *Approval of Minutes, July 9, 1996.*

Rick Owen moved the minutes of the previous meeting be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

3. *Committee Reports.*

There were no committee reports.

4. *Persons Wishing to Address the Council.*

- a. *Phil Buchanan - Chamber of Commerce Request for Agreement in Principle.* Mr. Buchanan proposed the idea of constructing a Chamber of Commerce building on land next to the Town Hall. He indicated that there would be some volunteer labor and that Joe Pavelchak would do the architectural renderings. He also indicated that the foyer would have rest rooms, which would help with the Town Hall traffic.

Rick Owen asked if this would be a separate building. Mr. Buchanan indicated it would be an extension of the Town Hall. He estimated the cost at \$25 to \$30 per square foot. Council decided to hear a motion at the next meeting.

- b. *Kim Barley, GH-76.* Mr. Barley addressed the Council about a drainage problem. His property has been damaged by stormwater, and he indicated he has lost 16 tons of rock. He asked that Council address the correction of his problem and other stormwater problems on the mountain. Ed Powell stated that he and Joe Perry had looked at several different areas that day, including

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Mr. Barley's problem. Mr. Powell said the water needs to be intercepted. Although he does not have an estimate on the cost, the problem definitely needs to be corrected. Joe Perry indicated there were also problems on Overbrook Trail. There are two or three catch basins needed there and in other locations. Mr. Perry said the cost for all locations would be approximately \$10,000. Joe Perry and Ed Powell will come up with a plan and costs by the next regular meeting.

5. ***New Business:***

- a. ***Consider Request for Funding from Long Range Planning Committee.*** Roger Bullock, Chairman of the Ad Hoc Long Range Planning Committee, proposed that a survey be sent to all Beech Mountain property owners requesting their input on future recreation facilities. He suggested that an educational letter be sent out before the survey, after which the survey would be sent out with a stamped, self addressed envelope. The cost for the mailing would be approximately \$4,800. He also proposed that NC State process the survey grouping answers by residence owner vs lot owner; permanent resident vs part-time resident; and those with current Club membership vs those without. The quote from NC State was \$1 per reply. Mr. Bullock requested that the funds for the survey be taken out of the Occupancy Tax receipts. As many of the surveys will probably not be returned, it is estimated that the total cost would be between \$8,000 and \$9,000.

Mr. Bullock noted that ASU had given the Town a quote of \$16,750 for processing the surveys, with the Town bearing the cost of printing and mailing them.

A gentleman in the audience opposed sending the survey to NC State. He said he felt the committee could do a better job of processing the information, and noted he had been involved in surveys in the past, and the information received by having the surveys processed out of house was not as good as one would want.

Mr. Bullock disagreed with the gentleman. He noted that the Committee had considered this several times and they were all in agreement that in-house counting would be incredibly time consuming.

Ramona Bullock suggested a special meeting be held on the subject. Council decided to delay a decision until next month's regular meeting.

- b. ***Make Annual Settlement with Tax Administrators.*** Ed Waligroski moved to accept the annual settlement with the tax administrators of Beech Mountain, Watauga and Avery Counties as presented. Rick Owen seconded the motion and it passed unanimously.
- c. ***Charge Beech Mountain Tax Administrator with Collection of 1996 Ad Valorem Taxes.*** Ed Waligroski moved to charge the Tax Administrator with collection of 1996 ad valorem taxes. Rick Owen seconded the motion and it passed unanimously.
- d. ***Consider Tax Releases.*** Rick Owen moved to approve the tax releases presented. Ed Waligroski seconded the motion which passed unanimously.
- e. ***Award Contract for Water Tank Painting.*** Ed Powell indicated five bids were received on the water tank painting project. The low bid was from Superior Industrial Maintenance, at \$32,177. Ed Powell stated that the contract with the successful bidder would have a 45 day completion date.

Ed Waligroski moved to accept the bid of Superior Industrial Maintenance Rick Owen seconded the motion and it passed unanimously

- f. **Consider Occupancy Tax Budget Amendment for Holiday Lighting.** Mr. Lawless reported that the Economic Development Committee had recommended that \$3,800 be appropriated from Occupancy Tax receipts to purchase lighted snowflakes, the design for which had been submitted by Jim Rickard, for power poles between the Town limit and the entrance to Ski Beech. These funds would also be used to install outlets on each pole, and to pay the electric service from November 15th to March 1st. Ed Waligroski moved to fund the project out of Occupancy Tax receipts Rick Owen seconded the motion and it passed unanimously.

Mr. Lawless also noted that the Economic Development Committee had recommended no lighting along the guard rails this year.

- g. **Consider Amendment to Personnel Ordinance.** Sally Rominger presented a proposed change to the Personnel Ordinance which would allow accrued sick leave to be used for immediate family illness, including transportation to medical and dental appointments and birth of a child. She said this provision seems to have been erroneously deleted when the Personnel Ordinance was changed in 1991. Mayor Pfohl asked what other municipalities do, and Mrs. Rominger said she had contacted the Town of Boone, the Town of Banner Elk, Avery County and Watauga County, and they all have this provision as part of their sick leave policy. Ed Waligroski moved the Personnel Ordinance be amended as proposed Rick Owen seconded the motion and it passed unanimously
- h. **Set Date for Public Hearing on Annexation of Archer's Inn/Jackalopes Restaurant.** 6:00 PM on Tuesday, August 27, 1996 was set as the date and time for a Public Hearing on a request from Archer's Inn/Jackalopes Restaurant for satellite annexation. Mr. Lawless announced that the Police Department is having a meeting at 7:00 PM that night, so if the Public Hearing is not over then, it would be moved to another venue.
- i. **Consider Donation of Lot C-569 to Town.** Mr. Lawless pointed out that there are no outstanding Beech Mountain or Watauga County taxes on this lot. Rick Owen moved the Town accept the donation. Ed Waligroski seconded the motion and it passed unanimously.

6. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Ed Powell reported that the paving of Skiloft and Pinnacle Ridge Roads is basically complete. The State is in the review process on the Grassy Gap Wastewater Treatment Plant. Mr. Powell anticipates building to begin in the spring.
- b. **Public Works Director's Report.** Mr. Perry reported the Town received only two bids on the garbage trucks and one on the flat bed truck. He has decided to readvertise. Council set 5:45 PM on Tuesday, August 27th, as the date and time for awarding the bids
- c. **Town Attorney's Report.** David Paletta reported that one 1993 tax foreclosure has been challenged, and he will keep Council posted on the outcome.
- d. **Chief of Police's Report.** Chief Hefner reported his department has two new employees, Tim Barnett as a Patrolman and Gary Miller as part time dispatcher. He also said application has been

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made for a \$10,000 grant to purchase computer equipment. This will help in his reporting process, and there is currently sufficient money in his investigations line item to match the grant.

Chief Hefner found 14 marijuana plants on the mountain and they have been disposed of

The Charity Fair was a success, and Chief Hefner stated he had deposited in excess of \$10,000

- e. ***Town Manager's Report.*** Mr. Lawless advised that the League of Municipalities' annual convention would be held October 13, 14 and 15. The deadline for early registration is September 20th, so any Council Member interested in attending should let the staff know by that time.

Mr. Lawless reported \$5 million will be available in North Carolina from the Parks and Recreation Trust Fund. It will be available in the form of a 50-50 matching grant. The application period begins around January 1st.

The pump house in Skiloft has radio transmitters located in it, and the Town has received transmitter fees from Brown Brothers Construction and Elk River.

Mr. Lawless reported the Town has begun feeding ammonia at the water plant, which will continue for 60 days, then revert to free chlorine.

The official Council photograph will be made before the next regular meeting.

Mr. Lawless noted that Mayor Pfohl will speak at the next Beech Mountain Club meeting on August 31st, and he (Lawless) would also be attending.

The annual employees' picnic will be August 30th at around noon. Council is cordially invited to attend.

- f. ***Financial Report, Tax Report and Building Inspections Report.*** The reports were distributed without questions from the Council.

7 ***Other Business.***

A gentleman asked when the striping would be done and Mr. Lawless replied that the State will stripe after the resurfacing is completed.

Mayor Pfohl displayed a plaque received by the Town for first place in town beautification from the Western North Carolina Development Association.

ADJOURN

There being no further business to come before the Council, Rick Owen moved the meeting be adjourned. Ed

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Waligroski seconded the motion and the meeting was adjourned at 7:24 PM.

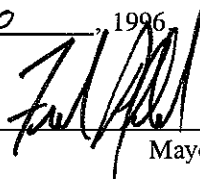
Respectfully submitted,



Sally Rominger
Deputy Town Clerk

SR/blm

Minutes approved by Town Council on September 10, 1996



Mayor

ATTEST:


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, August 27, 1996

CALL TO ORDER

Pursuant to notice duly given to The Watauga Democrat on August 14, 1996, Mayor Pfohl called a Special Meeting of the Beech Mountain Town Council to order at 5:45 PM Tuesday, August 27, 1996 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 and Public Works Director Joe Perry. Present in the audience were Tony Catoe of Archer's Inn/Jackalopes View Restaurant, Mr. and Mrs. Bill Coleman, Bill Sposato and Jim Rickard.

1. *Consider Bids on Three Public Works Vehicles.*

Council reviewed the report of the bid opening on one 10 cu. yd. side loading refuse truck, one 20 cu. yd. rear loading refuse truck and one flat bed dump truck which had been held at 2:00 PM that afternoon. Mayor Pfohl asked what kind of warranty was offered on the bodies of the two refuse trucks, and Joe Perry indicated it was a one year warranty, 90 days on a pump and two years on cylinders, allowing for normal wear and tear. Seth Lawless asked how many tons of refuse a 20 cu. yd. truck could handle, and Mr. Perry replied 40,000 lbs. or 20 tons.

Mr. Lawless pointed out that the lowest bid on the flat bed truck was some \$11,000 over the figure which had been budgeted for the purchase. There was general discussion about the various aspects of the vehicles, and Mr. Perry indicated his preferences. Mr. Lawless recommended \$40,000 be taken out of the reserve from sale of the previous garbage truck(s). Reub Mooradian asked if the purchases would all be on a lease-purchase arrangement, and Mr. Lawless agreed that was the plan. He said he had not requested formal bids, but interest would probably run 5% to 5.25% at this time.

Shiela Fletcher moved the Council accept the bid of \$65,349.00 on the 10 cu. yd. side loading refuse truck submitted by Nu Life Environmental; that Council accept the alternate bid of \$81,022.20 on the 20 cu. yd. rear loading refuse truck submitted by Cavalier Equipment Company; and that Council accept the bid of \$52,168.00 on the flat bed dump truck submitted by Scruggs Equipment. Reub Mooradian seconded the motion, which passed unanimously. Mr. Lawless said the financing plan would probably be ready for recommendation at the October Council meeting.

2. *Public Hearing, Satellite Annexation Request of Archer's Inn/Jackalopes View Restaurant.*

Pursuant to due notice having been published in The Avery Journal of August 15, 1996 and The Watauga Democrat of August 16, 1996, Shiela Fletcher moved the Public Hearing be opened. Ed Waligroski seconded the motion and it passed unanimously. Mayor Pfohl opened the floor for questions and comments from the audience at 6:08 PM.

Mr. Lawless gave an overview of the reason for the public hearing: A valid petition had been received from the owners of Archer's Inn and Jackalopes View Restaurant requesting satellite annexation by the Town of their entire property, some 2.92 acres on the Beech Mountain Parkway. If accepted into the Town, the property would generate some \$4,800 in ad valorem taxes and provide additional occupancy tax monies as well. The Town would extend police services, the two businesses would be involved in the garbage contract and recycling, and Town zoning codes would apply there, as well. Water and sewer is not available at this time.

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Jim Rickard asked what zoning restrictions they would be asked to adhere to. Mr. Lawless indicated the Planning Board had recommended an ordinance to cover newly annexed property, but it has not yet gone before the Town Council. It would require compliance with the Sign Ordinance within one year, and that the Council review the parking area with the view that the owner do as much as possible to bring parking as close to that required by the Zoning Ordinance on new construction. Mr. Rickard asked if there would be any time schedule for the parking upgrade, and Mr. Lawless said that would be at the discretion of the Council.

Bill Coleman asked if a diminution of property value could be expected due to becoming part of the Town. Mr. Lawless said he was in no position to answer that question, and Reub Mooradian said he could not see how this could be so. Mr. Coleman's concern seemed to be that if the inn and restaurant did not conform to the parking requirements of the Zoning Ordinance, any future sale might be adversely affected. Mr. Lawless indicated whatever was agreed to by the Council at the time of annexation would be "grandfathered," and that the only requirement for additional parking would be in the event of addition(s) onto the existing buildings.

Jim Rickard indicated he had intended to endorse the annexation as a private citizen, but since the Chamber of Commerce was not represented, and in view of discussions with their Board, he voiced endorsement on behalf of the Chamber. Joe Perry, speaking as a neighbor and occupant of Banner Elk's extra-territorial jurisdiction, wholeheartedly endorsed the annexation, and Bill Sposato added his endorsement. Mr. Sposato said he felt they would be a big asset to the Town.

Mayor Pfohl indicated five letters had been received, all supporting the annexation, and that those letters will be appended to the minutes of the meeting and made a part thereof.

Tony Catoe indicated he had already made arrangements for a new, smaller sign, which would be installed in April or May. He had presented a plan for additional parking to the Department of Transportation, since it would involve digging into the bank of N.C. 184, and he needed their approval before so doing.

There being no further questions or comments from the audience, Ed Waligroski moved the Public Hearing be closed. Shiela Fletcher seconded the motion, which passed unanimously, and the Public Hearing was closed at 6:25 PM.

Reub Mooradian suggested, in dealing with the annexation, that the Council stipulate that in the event sewer service becomes available to the site, the area now used for a drain field be used to whatever extent necessary to bring the parking up to that required by the Zoning Ordinance. He suggested perhaps one year from the date on which the businesses receive sewer service as a deadline for the additional parking. Mr. Lawless said he saw no problem with that, but that he would ask David Paletta for his legal opinion.

3 *Other Business.*

Mr. Lawless announced the Region D Annual Meeting and Banquet would be held at Hound Ears on September 6, 1996, and asked that any Council Member wishing to attend let Mrs. Mooradian know no later than August 30th.

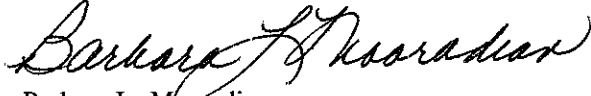
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ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 6:45 PM.

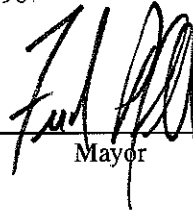
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

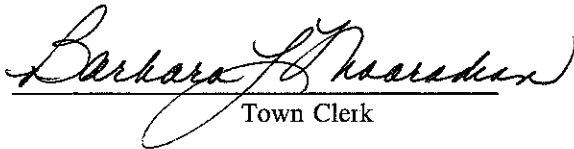
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Minutes approved by Council on September 10, 1996.



Mayor

ATTEST:



Town Clerk