

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
September 10, 1996

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:04 PM. Other Council Members present were Shiela Fletcher, Reub Mooradian and Rick Owen. Councilman Ed Waligroski was absent. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Ed Powell, 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.* Shiela Fletcher led those present in the Pledge of Allegiance to the Flag.

1. *Adoption of Agenda.*

Mayor Pfohl asked that item "c" under be switched to "a," and that two items be added under New Business: consideration of BB&I loan offer on public works trucks and consideration of purchase of a power pruner. Reub Mooradian moved the agenda be approved as amended. Shiela Fletcher seconded the motion and it passed unanimously.

2. *Consent Agenda.*

Rick Owen moved adoption of the Consent Agenda. Shiela Fletcher seconded the motion and the following items were approved unanimously:

- a. Minutes of regular meeting of April 13, 1996.
- b. Minutes of special meeting of April 27, 1996.

Before proceeding further, Mayor Pfohl paid special tribute to the individuals who helped the Town get ready for Hurricane Fran. He expressed relief that the plan did not have to be utilized, but gratification that a plan is now in place for future approaching storms.

3. *Committee Reports.*

Seth Lawless reported that Kakii Handley had indicated that Blowing Rock is planning for additional baseball/softball fields. Also, the Watauga Recreation Department was planning to ask for monies for lights for their ball fields from the State recreation fund. Reub Mooradian asked if Beech Mountain was eligible for grants from that fund, and Mr. Lawless replied it is. Mayor Pfohl asked all present to be thinking about recreation enhancements for which we might request funding.

4. *Old Business:*

- a. *Consider Request for Funding, Long Range Planning Committee.* Seth Lawless gave background on the creation of the Long Range Planning Committee, and the subsequent spinoff of the Survey Subcommittee. Roger Bullock indicated that the survey which had been produced had been sent to every member of the larger committee, and is believed to be completely endorsed.

since no suggestions for change had been received. He addressed the question of sending out two mailings, saying that "Citizen Surveys" published by the ICMA had strongly recommended that the respondents not be educated and surveyed by the same document. The letter will give the background of the reason for the survey, and the survey will follow shortly. Mr. Lawless reported that Calder Smoot, Chairman of the Economic Development Committee, was unable to attend the meeting but had stated the EDC is in favor of the project. They have some hesitation since they would like to see visitors to the mountain surveyed in addition to owners. Roger Bullock indicated the assumption of the subcommittee had been that visitors are likely to indicate they want all sorts of recreation activities available, but the ultimate costs would have to be borne by the property owners.

Reub Mooradian moved the Council approve the expenditure, out of occupancy tax monies, necessary to send the information letter and survey to every property owner, and have the results analyzed by N.C. State University at a cost of \$1 per survey returned. Shiela Fletcher seconded the motion and it passed unanimously.

- b. ***Consider Agreement in Principle for Chamber of Commerce Building.*** Jim Rickard presented a request for agreement in principle for the construction of an 825 square foot building adjacent to the Town Hall which would house the Chamber of Commerce and restrooms for the public. He indicated his space in the Town Hall had been halved when the E 9-1-1 system was put in place in the dispatch office, and that it is difficult to operate in such cramped quarters. He also indicated that the Town Hall restrooms are used beyond their capacity, due to the popularity of the sledding hill and the fact that surrounding businesses direct people to the Town Hall when they ask to use the restroom. The provision of the two additional restrooms, accessible 24 hours a day, would greatly alleviate this overcrowding. The intention of the Chamber of Commerce is to use volunteer labor to erect the building, they have already received pledges of architectural help, plumbing, construction and electrical help, free of charge. The request of the Chamber at this point is simply an agreement in principle for the Chamber to proceed with plans for the structure.

Shiela Fletcher asked about a time frame, and Mr. Rickard indicated no start could be considered prior to spring. Mrs. Fletcher then moved the Council support the project in principle. Reub Mooradian seconded the motion and it passed unanimously.

- c. ***Consider Satellite Annexation of Archer's Inn/Jackalopes View Restaurant.*** Mayor Pfohl reported that the Council had held a public hearing on the question of voluntary satellite annexation of Archer's Inn and Jackalopes View Restaurant on August 27, 1996. Roger Bullock indicated the Planning Board had recommended adoption of an ordinance which would cover voluntary annexations with regard to bringing signage into compliance with our Sign Ordinance and parking into or near compliance with our Zoning Ordinance within one year of the annexation. He suggested Council may wish to adopt the voluntary annexation ordinance prior to considering the annexation ordinance for Archer's/Jackalopes, and David Paletta said that would be appropriate.

Seth Lawless read both proposed ordinances. Mr. Bullock pointed out that the proposed voluntary annexation ordinance is deliberately ambiguous as to the parking required, using the word "maximize" as opposed to having to bring the parking into compliance with the zoning ordinance. The Planning Board felt the Zoning Administrator should have the ability to decide what additional parking could be gained while still allowing necessary green areas. He also pointed out that in

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the case of involuntary annexation, whatever parking and signage is in effect at the time of the annexation is grandfathered and not subject to change.

David Paletta said he felt the two requirements of the proposed voluntary annexation ordinance should be (1) part of the sign ordinance and (2) part of the zoning ordinance, the latter requiring a public hearing before adoption. Mr. Bullock suggested, in the interest of proceeding with the annexation of Archer's/Jackalopes, the voluntary annexation ordinance be passed, then at a later date it can be repealed and the two provisions inserted into the respective existing ordinances.

Shiela Fletcher asked how many parking spaces presently existed at the facility, and Mr. Catoe said there were 35. There was a good deal of discussion regarding how to pin down the number of additional parking spaces which will be provided due to the annexation. David Paletta suggested Mr. Catoe present a verbal proposal to the Council about the number of additional spaces he will provide. After further discussion Mayor Pfohl called for a short recess at 7:15 PM.

The meeting was recalled to order at 7:28 PM. Mayor Pfohl asked Mr. Catoe to state to the Council his plan for additional parking. Mr. Catoe said he could commit to 40 parking spaces, total. Shiela Fletcher moved his proposal be accepted. Rick Owen seconded the motion and it passed unanimously.

David Paletta suggested that the last sentence in paragraph two of the proposed voluntary annexation ordinance be deleted and that the following sentence be added in its stead: "Such plan must be completely implemented within one year after the effective date of the annexation." Reub Mooradian moved that Chapter 45 of the Code of Ordinances, "Annexation by Petition," be adopted with the suggested change. Shiela Fletcher seconded the motion and it passed unanimously.

Reub Mooradian moved that Chapter 46 of the Code of Ordinances, "Archer's Inn/Jackalopes View Restaurant Annexation," be adopted as presented. Shiela Fletcher seconded the motion and it passed unanimously.

### 5. ***New Business:***

- a. ***Consider Approval for Hillclimb, April 1997.*** Jim Rickard referred to his letter requesting approval to hold the SCCA Hillclimb at Beech Mountain April 25, 26 and 27 and requesting Council's solicitation to the DOI to allow the closing of NC 184 on those days. Reub Mooradian said he thought it was a great event, and would like to see them come back. Shiela Fletcher noted how nice it was to receive so many letters from the participants. Rick Owen moved Council approve the Hillclimb for 1997 and ask the DOI to close the road for the event on the dates specified. Shiela Fletcher seconded the motion and it passed unanimously.
- b. ***Consider Budget Amendment, EDC.*** Seth Lawless reported that representatives of the Beech Mountain Biking Club had approached the EDC to request support for the construction by volunteers of biking trails, as well as some signage and brochures. The EDC had voted to support the Biking Club by a donation of \$1,200 to be used for trail signs, posters for trailhead kiosks and brochures. Jim Rickard reported that the Chamber of Commerce had voted to donate the funds necessary to construct the kiosks. Shiela Fletcher moved Council approve the expenditure out of

occupancy tax monies. Reub Mooradian seconded the motion and it passed unanimously.

- c. ***Discuss End of Season Cookout.*** Mr. Lawless reported that he had thought an end of the summer season party to recognize all the resident volunteers who do so much for the Town would be appropriate. Jim Hanratty, owner of Pelican Seafood, had suggested an end of the season seafood cookout. The plan which Mr. Lawless presented was for the Town to front \$1,000 of the cost, Mr. Hanratty would provide shrimp, catfish and oysters at his cost (plus the gas to pick them up), which would be augmented by slaw, hushpuppies, etc., and Mr. Hanratty would collect a reasonable fee at the door for attendees, estimated at \$7 per person. This would not require a budget amendment unless the amount collected does not meet the costs. The cookout would be held at the Club Pavilion on September 28th at about 4:00 PM. All permanent residents and visitors who are still in Town would be invited. Reub Mooradian said he thought it was a wonderful idea and moved Council accept the proposal. Shiela Fletcher seconded the motion and it passed unanimously.
- d. ***Consider Purchase of Computer Work Station.*** Mr. Lawless noted that the budget for the current fiscal year includes a reserve fund of some \$18,000 for eventual upgrading of our computer system. He proposed to utilize \$1,800 of these funds to purchase one work station which would be placed at the second desk in the Clerk's office, and which would allow use of programs which Windows 95 provides, as well as access to Internet and creation of a Beech Mountain home page. Cost for inclusion in the State's CIPS program of our web page would run \$25 per month, and there would be an initial set up fee of \$50. Rick Owen moved approval of the plan. Reub Mooradian seconded the motion and it passed unanimously.
- e. ***Appoint Representative to N. C. Resort Towns Association.*** Mr. Lawless pointed out that Tim Holland had been our last representative, and the Association had requested we appoint another. Shiela Fletcher volunteered to fill the position and was approved by acclamation.
- f. ***Consider Recommendations on Storm Water System Improvements.*** Ed Powell reported that his report had not yet been completed, but would be ready for consideration at the October meeting.
- g. ***Consider BB&T Loan Offer for Public Works Trucks Lease/Purchase.*** Mr. Lawless reported that he had gotten bids from First Citizens, First Union, NationsBank and BB&T for a five year lease/purchase agreement for the three public works trucks on order. BB&T's bid was that the first year's payment would be made up front, then four annual payments at an interest rate of 4 67% on \$160,290. The \$38,000 held in reserve from the previous sale of Town garbage trucks would be used to partially offset the entire cost for the trucks, and the first payment could be made from the sanitation budget. Reub Mooradian moved the Town enter into a lease/purchase agreement with BB&T as outlined. Shiela Fletcher seconded the motion and it passed unanimously.
- h. ***Consider Purchase of Power Pruner.*** Mr. Lawless noted that trees have begun encroaching on a number of roadways, which needed to be pruned back, and the staff would like approval to purchase a power pruner with which to do the work. The cost of the equipment would be \$700. After general discussion about the necessity for the equipment, Shiela Fletcher moved Council approve the purchase. Rick Owen seconded the motion and it passed unanimously.

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6. *Staff/Consultant Reports:*

- a. *Town Engineer's Report.* Ed Powell reported that his firm, as previously noted, was preparing a plan which would address the stormwater system improvements necessary in the Town. He said the 95/96 road paving projects had been completed, lacking only striping and installation of reflectors. He reported that contracts had been prepared for the painting of the two water tanks, and it was the intention to have the work done before the onset of bad weather this year. The Grassy Gap Wastewater Treatment Plant expansion is in final review. The intention is to have the contractor make its purchases so that it can be constructed this coming summer (1997).
- b. *Public Works Director's Report.* Joe Perry was not present. Mr. Lawless reported on the advance work which had been done in anticipation of the arrival of Hurricane ran. He reported that the Bear Branch project is close to being closed out. The new line to the Frisbie property south of Town has been connected and is being chlorinated at the moment.

Reub Mooradian said it had been two years since the Town had repaired or replaced any hydrants, and there are a number which are inoperable, several in heavily populated areas. He urged that some program be put into effect whereby at least one or two hydrants can be repaired/replaced each week. Mr. Lawless said he would see that this was given priority.

- c. *Town Attorney's Report.* David Paletta needed some clarification for his preparation of the Articles of Incorporation for the non-profit corporation (Police charity). He needed to know what name the corporation wished to have, and "Beech Mountain Police Charity Foundation, Inc." was decided upon. He asked about the composition and means of selection of the Board of Directors. One member will be from the Council, and Rick Owen volunteered to be that member. Two members will be from the Police Department, one being the Chief and the other to be selected by the Police Department personnel. The two citizen members would be appointed by the three members just listed. Mr. Paletta asked if the two citizen members would need to be residents, and it was suggested "taxpayers" would be the criteria.
- d. *Chief of Police's Report.* Chief Hefner had no report.
- e. *Town Manager's Report.* Mr. Lawless said his report consisted mainly of notification of a number of upcoming meetings:

(1) September 21 is the deadline for League Conference reservations, which will be held in Winston-Salem October 15, 16 and 17.

(2) Watauga County EDC will hold three meetings: September 24, October 8 and October 22. They had requested that only individuals who could commit to all three meetings attend. Calder Smoot volunteered to attend. As October 8 is the next Town Council meeting, no Council Members could attend.

(3) The DOI Transportation Improvement Plan is being displayed for comments/suggestions in Boone on November 7 at the Cooperative Extension Building. Mayor Pfohl asked that the Planning Board come up with a suggestion on the improvement of NC 184 from Invershiel to its terminus in Beech Mountain, and the Town would solicit resolutions from Towns which would benefit by the improvement.

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(4) The Department of Commerce is scheduled to hold a meeting in Asheville on September 25 at 10:00 AM to inform employers of new N C corporate income tax rate and job credits action.

Mr. Lawless said a number of requests had been received from citizens asking for an ordinance which would require the screening of dumpsters. Reub Mooradian recommended that the Town also look at the question of garbage enclosures, since they are such an eyesore. Mayor Pfohl asked that the Planning Board consider the question of screening for dumpsters and whether or not to continue to allow above-the-ground garbage containers.

Mr. Lawless indicated the School Boards are trying to put together a group to promote both bond referenda which will be coming up in November: that for highways and that for school improvements. Mr. Lawless said he would try to get to both the Avery and Watauga Board meetings.

7. *Closed Session, Personnel Matter, N.C.G.S. 143-318.11(a)(6).*

Reub Mooradian moved the Council go into closed session to discussion a personnel matter. Shiela Fletcher seconded the motion and the Council went into closed session at 8:20 PM. The Council came out of closed session at 9:15 PM.

8. *Set Date and Time for Public Hearing, Zoning Ordinance Amendment.*

Mayor Pfohl called a public hearing for 6:00 PM October 8, 1996, to discuss the proposal of amending the Zoning Ordinance to allow for parking provisions for annexations by petition.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:17 PM.

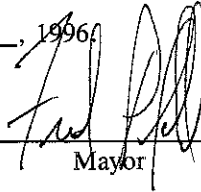
Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

BLM/hs

Minutes approved by Town Council on October 8, 1996.

  
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Mayor

ATTEST:

  
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Town Clerk