

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
January 14, 1997

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, Public Works Director Joe Perry, Police Chief Jay Hefner, Tax Administrator Missy Norwood, Chief Wastewater Treatment Operator Robert Heaton, Mike Slusher representing Davis-Martin-Powell, Jim Rickard of the Beech Mountain Chamber of Commerce, and Tony Barlage of Booth Communications. There were a number of interested persons in the audience.

*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 of Certificates.* Mayor Pfohl presented certificates of appreciation to Barbara Piquet and Bill Watson for all their work installing the Christmas lights, and to Ron Nichols for his recycling efforts over the past few years.

*Public Hearing, Proposed Paving of Christie Way.* Pursuant to due notice published in the December 13, 1996 edition of The Watauga Democrat and the December 17, 1996 edition of The Avery Journal, Mayor Pfohl called a public hearing on the proposed paving of Christie Way to order at 6:05 PM. Seth Lawless noted that sufficient valid petitions calling for the paving of Christie Way had been received from owners of property along the road. All had been notified by the Town of the date and time of this public hearing, and of the estimated cost per lot provided by the Town Engineer. Mayor Pfohl indicated that the petition had called for the owners to bear 100% of the cost of the improvement, if undertaken. Reub Mooradian asked where the owners had gotten their original estimate of the cost for paving, and Mr. Lawless replied that he did not know how they had arrived at that figure. However, after Davis-Martin-Powell provided their estimate, all the owners were so notified. Mr. Mooradian suggested that prospective petition-gatherers be cautioned against quoting estimates unless they had been supplied professionally. Mr. Lawless pointed out that he had tried to do so in this instance, even going so far as to provide them with the names of several paving contractors for them to contract. There were no comments from the audience. The public hearing was closed at 6:10 PM.

*Public Hearing, Cable TV Franchise.* Pursuant to due notice published in the December 20, 1996 edition of The Watauga Democrat, Mayor Pfohl called a public hearing on the renewal of the Town's cable television franchise with Booth Communications. Mr. Lawless reported that the staff had been meeting with Booth Communications since 1995 about proposed improvements to their system, which had resulted in Beech Mountain's system being consolidated with that of Boone. The cable company has acceded to all the Town's requests except that of providing cable to all residents, and would like to proceed with adoption of a new franchise for ten years, running through 2008. Tony Barlage indicated he was present to answer questions. Kakii Handley asked if the service was going to be expanded to other areas in the Town, and Mr. Barlage said they had looked at several areas, at the Town's request, but they did not yet have the required density of 25 homes per mile. He pointed out that the cost of installation of lines is \$16,000 to \$24,000 per mile in this area.

Reub Mooradian said he had watched the second playoff game the previous Sunday on channel 12, and noted a distinct degradation in the quality of the transmission when channel 12 changed to channel 5, and wondered if Beech Mountain had to accept a lower quality picture (from channel 5) when a good quality one (from channel 12) is

available. Mr. Barlage explained about invading signals which affect the transmissions which come via Rich Mountain, and said they do the best they can to enhance the signals. David Paletta asked if there were plans for providing Internet service via the cable, and Mr. Barlage said the company is exploring that possibility, but not committing to it. There were no further questions or comments. The public hearing was closed at 6:30 PM.

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

Shiela Fletcher moved the agenda be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.

2. ***Approval of Minutes, December 10, 1996.***

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

3. ***Committee Reports.***

Kakii Handley reported that all members of the Watauga Parks and Recreation Committee were asked at the last meeting to have their requests for funds in by March 7th. Mr. Lawless indicated he would write a letter requesting funds for the Town.

4. ***Old Business:***

a. ***Consider Bids on Grassy Gap Wastewater Treatment Plant Expansion.*** Mr. Lawless gave a recap on the project, and indicated the State had approved the increase of the Town's low interest loan from \$250,000 to \$400,000 at 2.96%, and the Local Government Commission has given permission for the Town to proceed with the loan. He indicated that Joe Perry, Robert Heaton and Mike Slusher had gone over the bid with the low bidder and reduced the cost of the project without reducing the quality of the new plant. Also, the staff had negotiated with Davis-Martin-Powell, who have agreed to honor their original charge for engineering services. Ed Waligroski asked if the quality of the project will be degraded by the reductions, and Mike Slusher said he did not believe it would in to any measurable level. Reub Mooradian moved the Town award the bid to Ernie Carpenter, Inc., at the negotiated contract amount of \$347,814. Shiela Fletcher seconded the motion and it passed unanimously.

b. ***Consider Resolution 97-01-01, Directing the Improvement of Christie Way.*** Reub Mooradian moved that Resolution 97-01-01 be adopted as submitted. Ed Waligroski seconded the motion and it passed unanimously. Seth Lawless said he would have Davis-Martin-Powell begin their engineering work on the project.

c. ***Consider Resolution 97-01-02, Petitioning for the Town to be Designated a Wildlife Refuge.*** Mr. Lawless read the Resolution aloud, and indicated if the Council adopted it, Representative Gregg Thompson was ready to coordinate its introduction and passage with the other local legislators. Mayor Pfohl said he had heard from Senator Foxx, who had offered her help in getting the local bill passed. Mr. Lawless pointed out some suggested changes in the wording of the bill, excluding in-house and underground rodents from the protection of the refuge. Roger Bullock asked if an individual who hit a deer or raccoon with a vehicle would be prosecuted under the bill, and David Paletta said that a vehicle would not be considered a weapon, therefore such

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an occurrence would not be prosecuted under the bill. Shiela Fletcher moved the Resolution be adopted as submitted. Reub Mooradian seconded the motion and it passed unanimously.

5. ***New Business:***

- a. ***Presentation by Jim Rickard Requesting Date for Second Hillclimb 1997.*** Mr. Rickard reported that the Hillclimb in 1996 had been so well received by the participants, that they wished to hold two during 1997 - one in April (previously approved) and the other September 20 and 21. The Chamber of Commerce requested the Town's support for the second Hillclimb, due to its positive economic impact during a traditionally slow period. Reub Mooradian asked if these dates would conflict with any other activity, and Mr. Rickard said they would not. He asked if this would place an extra burden on the Police, and Chief Hefner indicated his department could handle it, and that there had been no problems last year. Mr. Lawless reported he had been in on one meeting with the Sportscar Club members, and they had been gushing, basically, about the Beech Mountain venue. They expect the Beech Mountain Hillclimb to be rated #1 in the nation this year. Reub Mooradian moved the Town support the Hillclimb on September 20 and 21, 1997 by resolution. Rick Owen seconded the motion and it passed unanimously.
- b. ***Consider Cable Television Franchise.*** Seth Lawless asked Tony Barlage when the Town might expect a rate increase, and Mr. Barlage said he did not know. Jim Rickard asked if the old cable boxes could be exchanged for the newer ones, which would allow for the reception of all 67 channels, and Mr. Barlage said it could. After brief further discussion Ed Waligroski moved the franchise be granted to Booth Communications. Rick Owen seconded the motion and it passed unanimously. David Paletta said he believed this type of franchise took two readings before passage, suggesting it be placed on the agenda for the February meeting. *see attach.*
- d. ***Set Time and Date for Public Hearing on Proposed Changes to the Zoning Ordinance.*** Mr. Lawless said the changes had been suggested by the Planning Board to allow it to look at prospective plans for commercial buildings to insure they fit in with surrounding structures. Roger Bullock said this action had been taken in lieu of the creation of a community appearance committee, which would have to consist of nine members and meet eleven times each year. Shiela Fletcher moved the public hearing be held at 6:00 PM Tuesday, February 11, 1997. Reub Mooradian seconded the motion and it passed unanimously.
- d. ***Consider Donation of Lot BHW-141 to Town.*** Mr. Harry Myers offered to donate BHW-141 to the Town, and Mr. Lawless indicated his taxes for both Avery County and Beech Mountain were paid through the current year. Shiela Fletcher moved the offer be accepted. Ed Waligroski seconded the motion and it passed unanimously.
- e. ***Consider Tax Releases.*** Reub Mooradian moved the tax releases be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.
- f. ***Consider Offer to Purchase Lot C-569 from Town.*** Mr. Lawless reported the Town had \$88.00 in the lot, and the offer was for \$1,200. Shiela Fletcher moved the offer be accepted, subject to statutory advertisement and providing no upset bids are received. Reub Mooradian seconded the motion and it passed unanimously.

6 *Staff/Consultant Reports:*

- a. *Town Engineer's Report.* Mike Slusher had no report
- b. *Public Works Director's Report.* Joe Perry had no report. Mayor Pfohl asked about the sanitation situation and Mr. Perry replied that the new trucks and crews are here and working hard. Mayor Pfohl complimented Mr. Perry on his selection of the crew. Mr. Perry said they were changing their special pickup day from Wednesday to Thursday, and that they will concentrate on the recycling area on Tuesdays.
- c. *Town Attorney's Report.* Mr. Paletta had no report.
- d. *Chief of Police's Report.* Chief Hefner had no report. Mayor Pfohl commended Captain Dunn on his hard work investigating a recent case of passing of bad checks
- e. *Town Manager's Report.* Mr. Lawless reported that there had been an offer to purchase three lots for \$1,500 earlier in the fiscal year, and that the Council had rejected the offer since the Town has almost \$2,000 in the properties. He had been asked to check on the value of one of the lots (HH-264) and several real estate agencies had placed its worth at \$1,500. Without further direction from the Council, he intended to return the offeror's deposit.

Mr. Lawless reported on attending the Banner Elk Planning Board meeting the previous night, and on a special meeting held by the Beech Mountain Planning Board that same morning. He said he would be preparing a detailed report, but the joint committee on the NC 184 corridor between the two towns is still working toward agreement

The Environmental Management Commission met in December on watershed reclassification outside the Town limits. They would recommend the retention of WS II classification in the West Pond Creek area and reclassification to WS V in the East Pond Creek area. There will be a public hearing before any final decision is made, and the Town will continue to urge no reclassification of either area.

The Community Assistance representative will be in Beech Mountain to go over the storm damage from Hurricane Opal on January 16th.

Mr. Lawless reported that GDS had been required to work through January 1st, so the amount originally budgeted for sanitation may have to be amended, as the budget assumed the Town would take over the project on December 1st (but the trucks had not been received). Mayor Pfohl asked Mr. Lawless to prepare a letter thanking GDS for its assistance and flexibility during the changeover period.

7. *Closed Session, N.C.G.S. 143-318.11(a)(3) and (5).*

Reub Mooradian moved the Council go into closed session under the terms of N.C.G.S. 143-318.11(a)(3) and (5). Ed Waligroski seconded the motion and the Council went into closed session at 7:50 PM. The Council came out of closed session at 9:07 PM.

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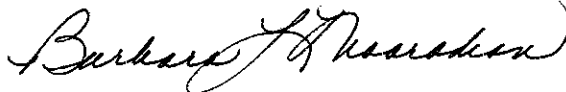
8. *Other Business.*

Rick Owen moved the Town Manager be directed to settle a claim with Matthews Construction. Ed Waligroski seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council, Ed Waligroski moved the meeting be adjourned. Rick Owen seconded the motion and it passed unanimously. The meeting was adjourned at 9:10 PM.

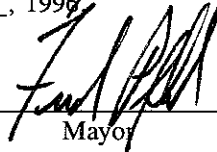
Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

BLM/hs

Minutes approved by Town Council on February 11, 1998

  
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Mayor

ATTEST:

  
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Town Clerk