

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
November 13, 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, Chief of Police Jay Hefner, Code Enforcement Officer Don Fulkerson and Tax Administrator Missy Norwood. There were a number of interested parties in the audience.

Invocation - Charles Burleson.

The meeting was opened in prayer by Charles Burleson.

Pledge of Allegiance to the Flag.

Those present joined in the pledge of allegiance to the flag.

I. *Public Hearing, Assessment Roll, Christie Way Paving Project.*

Pursuant to due notice having been published in the Watauga Democrat of October 31, 1997 and the Avery Journal of October 30, 1997, Mayor Pfohl called a public hearing on the Assessment Roll for the Christie Way Paving Project to order at 6:02 PM. Seth Lawless explained that the road had been paved, and that the project was to be paid for 100% by the property owners. The assessment roll has been prepared and is in the agenda packet, with copies available for the audience. The purpose of the hearing is to get input on the accuracy of the assessment roll. One letter had been received from Mr. and Mrs. Anthony Broglio which is attached hereto and made a part of this record as if fully set forth herein. There were no questions or comments from either the audience or Council. Ed Waligroski moved the public hearing be closed. Rick Owen seconded the motion, which passed unanimously, and the hearing was closed at 6:07 PM.

II. *Public Hearing, Proposed Abandonment of Town Right-of-Way, Southwest Corner of Mariah Circle.*

Pursuant to due notice having been published in the Watauga Democrat of October 17, 24 and 31 and November 7, 1997, Mayor Pfohl called a public hearing on the proposed abandonment of a Town right-of-way located at the southwest corner of Mariah Circle to order at 6:08 PM. Mr. Lawless explained that access to all properties which abut the right-of-way is available from other streets, and that no objections to the closing had been received. Two letters in support of the closure had been received and are attached hereto and made a part of this record as if fully set forth herein. There were no questions or comments from the audience or Council. Rick Owen moved the public hearing be closed. Ed Waligroski seconded the motion, which passed unanimously, and the hearing was closed at 6:10 PM.

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1 ***Adoption of Agenda.***

Mayor Pfohl noted that item 4c was to be removed and placed into the agenda for the December meeting. He further added an item g under New Business: Consider Water Line Extension Request, Warren Wakeman. Shiela Fletcher moved the agenda be approved as amended. Ed Waligroski seconded the motion and it passed unanimously.

2 ***Consent Agenda.***

Reub Mooradian moved the consent agenda be approved as submitted. Rick Owen seconded the motion and the following items were approved unanimously:

- a. Minutes of Regular Meeting, October 14, 1997.
- b. Minutes of Special Meeting, October 23, 1997.

3 ***Committee Reports.***

There were no committee reports.

4 ***Persons Wishing to Address the Council.***

- a. ***Marty Cooke, Co-Chairman of Disaster Services, Avery County Red Cross.*** Mr Cooke made a presentation outlining how the Red Cross was trying to get Avery County on line with shelters and other items which would be used in disaster situations, and indicated he wished to work with Beech Mountain to see if volunteers, shelters, etc , can be lined up in case of an emergency or disaster. Mayor Pfohl commented on what a good idea such planning was, and asked that Mr Cooke work directly with the Town Manager, the Fire Chief, the Chief of Police and Public Works Director.
- b. ***Luke Copeland, Audit Report.*** Mr Copeland announced that his firm did not encounter any problems with finances or operations of the Town. In fact, he reported quite the opposite. Cash and investments are invested wisely. The Town's fund balance is healthy and the tax collection rate was again excellent: 98.1%. The interest rate on the Town's debt is very low and the scheduled payments each year will be quite manageable. The records are organized in an orderly fashion and the documentation was excellent. Expenditures were below the budget. Ed Waligroski asked about the sentence in the management letter indicating some shortcoming in the Finance Department, and Mr Copeland explained this sentence was only in the letter because under the best financial practices the same person who writes checks would not enter the payments in the computer program, and so forth, but said he certainly did not recommend hiring other employees. There are additional checks and balances which offset this potential problem. Mayor Pfohl thanked Finance Officer Sally Rominger for her excellent work, as well as Melissa Norwood for her excellent tax collection rate.

5 ***Old Business:***

- a. ***Consider Resolution 97-11-01 Ordering Closing of Town Right-of-Way.*** Following the lack of objection to the closing disclosed by the public hearing, Reub Mooradian moved the resolution be

adopted Ed Waligroski seconded the motion and it passed unanimously.

- b. ***Consider Resolution 97-11-02 Confirming Assessment Roll and Levying Assessments.*** Shiela Fletcher moved the assessment roll be adopted as presented. Reub Mooradian seconded the motion and it passed unanimously.

6. ***New Business:***

- a. ***Consider Petitions to Pave Skiway Circle.*** Seth Lawless indicated the Town had received a letter from one of the property owners on Skiway Circle enclosing petitions from 17 property owners requesting the paving of their road with the Town paying one half the cost. Before having the Town Clerk certify the petitions at the court house, it seemed prudent to see if the Council was interested in pursuing the matter. Reub Mooradian said he believed the Council had already set a policy that the Town was not going to pave any more roads at Town expense. The goal was to pave the roads that gave access to most of the other roads on the mountain, which goal has pretty well been met, and the bond funds have been expended. He said he felt that if the owners want Skiway Circle paved they should be willing to bear the entire cost. Mr. Mooradian moved the Council reject the petitions requiring the Town to pay 50% of the paving cost. Ed Waligroski seconded the motion, which passed unanimously.
- b. ***Consider Tax Releases.*** Shiela Fletcher moved Tax Releases 244 (Charles) and 245 (Williams) be approved as submitted. Ed Waligroski seconded the motion and it passed unanimously.
- c. ***Consider Resolution 97-11-03 Requesting State Assistance for a Water Resources Development Project.*** Mr. Lawless gave background on the State's efforts to clean up its rivers and streams. He noted there were some projects approved for this area, including two on Beech Mountain. Joe Perry indicated the areas were West Pond Creek from above Rascal's to Foxgrape Hollow where the flooding had widened the streams, and also an area between Grassy Gap Loop and Chestnut Way which was damaged in the flood. The stream banks will be redone with native rocks, a wetland will be rebuilt and plants which thrive in moist areas will be replanted. Shiela Fletcher moved the resolution be approved. Ed Waligroski seconded the motion and it passed unanimously.
- d. ***Consider Resolution 97-11-04 Imposing a Moratorium on the Disposal of Donated Lots.*** Mayor Pfohl said he had suggested this resolution as being a way to preserve a certain amount of green space throughout the mountain. Reub Mooradian said he thought it was a good idea, and it could always be rescinded should the Town end up with a huge inventory. It was pointed out that the Town also receives lots through foreclosure, so the resolution was amended to include lots acquired through foreclosure. Shiela Fletcher moved the resolution be adopted. Rick Owen seconded the motion and it passed unanimously.
- e. ***Consider Budget Amendment, Repeater Backup.*** Mr. Lawless referred to a memorandum from Chief Hefner concerning the times when the Town's repeater has been down, making it impossible to page out fires or emergency medical calls, or talk via radio with police personnel. The suggested expenditure of \$2,600 would allow the Town to use other towers and continue to broadcast when its repeater is down. Mr. Lawless said it was hoped that the funding for this project could be done from the E-9-1-1 reserves, but that was a legal question. He said the Fire Department had offered to pay half the charge. Tim Holland asked, on behalf of the Fire

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Department, that the entire amount be paid out of E-9-1-1 reserves, if possible, and if not, the Fire Department would help with the cost. Reub Mooradian moved the project be approved, to be paid for out of E-9-1-1 reserves if possible; if not, to be paid out of general fund balance in cooperation with the Fire Department. Ed Waligroski seconded the motion and it passed unanimously

- f. **Consider Request from Wildwinds Condominium Association.** Mr. Lawless said he had received a request from Wilson King, representing the Wildwinds Condominium Association, for an extension on the time at which their dumpster must be screened from view. He had pointed out that the dumpster is located at the end of a short road nobody uses except the condominium owners and that the condominium is quite small and is trying to do the project "in house." Reub Mooradian moved they be allowed until July 1, 1998 to complete the screening. Rick Owen seconded the motion and it passed unanimously. Don Fulkerson asked what discretion he might have on granting extensions, and it was the consensus of the Council that Mr. Fulkerson could grant up to a 30 day extension, but any requests for longer extensions would have to come before the Council.
- g. **Consider Water Line Extension Request, Warren Wakeman.** Mr. Lawless read two portions of the Water and Sewer Use Ordinance which covered extending mains within the Town. After general discussion it was decided to first have Mr. Perry do an estimate on the cost of the project. Once that has been prepared the Council can decide if the funds are available to complete the project.

7. **Staff/Consultant Reports.**

- a. **Town Engineer's Report.** Mr. Powell was not present
- b. **Public Works Director's Report.** Joe Perry reported that work on the Hurricane Opal damage has been started, for which Federal funds will be received. He reported nearing the end of the Bear Branch outfall line project, with final work to be completed in the spring.
- c. **Town Attorney's Report.** Mr. Paletta had no formal report, but asked for a closed session in order to consult with Council on a legal matter.
- d. **Chief of Police's Report.** Chief Hefner had no report.
- e. **Town Manager's Report.** Mr. Lawless reported that the only bid he had received on replacing the front sidewalk with stone was just under \$7,000. He suggested the sidewalk be left as it is for the winter then re-concrete it in the spring. Mayor Pfohl suggested that perhaps between now and spring someone more reasonable can be found to do the stone work.

Mr. Lawless said his subcommittee was still working on the possible indoor recreation building, but their thought was that the facility would be used during the crowded periods during the year, and used very little in the off-season. He had contacted Lees-McRae about the possibility of leasing some of their facilities, but there did not seem to be a reasonably way to work that out. They will continue to ponder the problem.

Mr. Lawless said the Planning Board will be discussing communications towers and a possible

ordinance regulating them. He suggested some Council Members might be interested in attending their next meeting on December 3rd at 9:00 AM.

The Pond Creek Water Supply Watershed issue has been delayed from December until the February meeting of the EMC.

Mr. Lawless noted which individuals' terms of office on various committees would expire the following month. Reub Mooradian suggested the incumbents be contacted to see if they would be willing to serve again. If anyone declines, Mr. Lawless can post the vacancy on Channel 2 to attract possible volunteers.

Mr. Lawless thanked Mayor Pfohl and Vice Mayor Fletcher for having worked with him so well over the past four years, and said he looked forward to working with Mr. Holland again and with Mr. Herbert.

- f. ***Financial Report and Building Inspections Report.*** The reports were received by Council without comment.

8. ***Other Business.***

Mayor Pfohl congratulated Tim Holland and Jim Herbert on their election to Council and noted they will be sworn into office at the December meeting.

After general discussion it was decided the Council-elect will hold its organizational meeting at 5:00 PM Thursday, November 20, 1997 in the Council Chamber.

Closed Session.

Reub Mooradian moved the Council go into closed session under the provisions of N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney. Sheila Fletcher seconded the motion, which passed unanimously, and the Council went into closed session at 7:35 PM. The Council emerged from closed session at 7:55 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:57 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

SL/blm

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Minutes approved by Town Council on December 9, _____, 1997.

ATTEST:


Town Clerk


Mayor

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting November 20, 1997

CALL TO ORDER

A special organizational meeting of the Beech Mountain Town Council was called to order at 5:00 PM Thursday, November 20, 1997 in the Council Chamber at Town Hall

1. *Administration of Oaths of Office*

Tim Holland and Jim Herbert were given their oaths of office by Barbara Mooradian, Notary Public, in order that they might participate in the organizational meeting. Their formal oaths of office will be administered by Judge Lyerly at the regular meeting of December 9, 1997

2. *Election of Mayor.*

Reub Mooradian moved Tim Holland be elected to serve as Mayor of the Town of Beech Mountain. Ed Waligroski seconded the motion. Rick Owen moved the nominations be closed, and Reub Mooradian seconded the motion which passed unanimously. The vote was taken, and Mr. Holland was unanimously elected Mayor.

3. *Election of Vice Mayor.*

Jim Herbert moved Rick Owen be elected to serve as Vice Mayor of the Town of Beech Mountain. Ed Waligroski seconded the motion. Reub Mooradian moved the nominations be closed. Ed Waligroski seconded the motion which passed unanimously. The vote was taken, and Mr. Owen was unanimously elected Vice Mayor.


4. *Discussion of Time and Day for Regular Council Meetings.*

After brief discussion, Rick Owen moved the regular date and time for monthly Council meetings remain 6:00 PM the second Tuesday of each month. Ed Waligroski seconded the motion and it passed unanimously.

ADJOURN

There being no further business, Ed Waligroski moved the meeting be adjourned. Reub Mooradian seconded the motion and the meeting was adjourned at 5:08 PM.

Respectfully submitted,



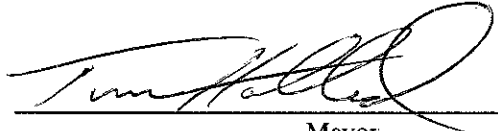
Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on December 9, 1997



Mayor

ATTEST:



Town Clerk