

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 11, 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, and Town Engineer Ed Powell. There were a number of interested persons in the audience.

Invocation. The meeting was opened in prayer by Pastor Fred Wilkins.

Pledge of Allegiance. Ed Waligroski led those present in the Pledge of Allegiance to the Flag.

Public Hearing, Proposed Amendment to Zoning Ordinance. Pursuant to due notice published in the January 24 and January 31, 1997 editions of The Watauga Democrat Mayor Pfohl called a public hearing on a proposed amendment to the Zoning Ordinance to order at 6:03 PM. Seth Lawless explained that the proposed amendment would require submission of design specifications for commercial buildings as part of the Conditional Use Permit application, as well as requiring that the Planning Board be sent an agenda for any Board of Adjustment meeting at which a Conditional Use Permit for commercial use will be considered. The amendment is an effort to strengthen the Town's ability to influence the aesthetics of any new structure or addition. There were no comments or questions from the audience. Shiela Fletcher moved the public hearing be closed. Reub Mooradian seconded the motion, which passed unanimously. The public hearing was closed at 6:06 PM.

Presentation of Certificate, Mickie Lengel. Mayor Pfohl presented a certificate of appreciation to Mickie Lengel for all her work on the holiday lighting displays.

1. *Adoption of Agenda.*

Reub Mooradian moved the agenda be approved as submitted. Rick Owen seconded the motion, which passed unanimously.

2. *Approval of Minutes, January 14, 1997.*

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

3. *Committee Reports.*

Shiela Fletcher announced she would be going to a Resort Towns Association meeting in Raleigh the following Friday. Mayor Pfohl announced he and Ed Waligroski would be attending an Institute of Government workshop in Chapel Hill on February 19th.

4. *New Business:*

- a. *Consider Increase in Cable Franchise Fee.* Mr. Lawless explained that the proposal would increase the Franchise Fee from 3% to 5% of the gross revenues of the cable company, add some \$6,500 to General Fund Revenues, and cost the consumers who receive expanded basic service.

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about 50¢ per month. It was hoped that, if approved, the new fee could go into effect at the same time the new cable rates do. Kakii Handley asked if the additional monies were slated for anything specific and if not, why was the increase necessary. Mr. Lawless replied that any time the Town can increase the General Fund without increasing taxes it is worth talking about. Reub Mooradian suggested the funds could be used to offset the money the Town is spending to make snow for the sledding hill. Mr. Mooradian moved the Council approve raising the Franchise Fee from 3% to 5%. Shiela Fletcher seconded the motion, which passed four votes to one, with Dr. Waligroski dissenting.

- b. **Consider Offer to Purchase CR-155.** Reub Mooradian asked if consideration could be held in abeyance until the March meeting to allow all Council Members to visit the lot. The consensus of the Council was to delay consideration.
- c. **Consider Amendment to Zoning Ordinance.** Norma Buchanan said she did not see the need to change the Zoning Ordinance, because as it stands now individuals bring their plans for buildings to the Board of Adjustment when they apply for Conditional Use Permits. Mayor Pfohl noted that he, Seth Lawless and Roger Bullock had attended a meeting at which the desirability of having an appearance commission had been discussed. This proposed change is a means of exerting the same pressure on developers of commercial properties without having to name an appearance commission (which would have to meet, by statute, eleven times per year). After some further discussion, Reub Mooradian moved the amendment be approved. Shiela Fletcher seconded the motion and it passed unanimously.
- d. **Consider Budget Amendments.** Mr. Lawless described the first amendment as being necessary to show the revenue from the Police Charity Fair and its distribution to the private non-profit corporation which oversees it. The second amendment would appropriate monies from the General Fund Balance to compensate for the water used to make snow on the sledding hill. Mayor Pfohl asked if this expense should be budgeted for next year, and Mr. Lawless agreed, but also said the Town would look at another source for water before next winter. Reub Mooradian moved both budget amendments be approved. Rick Owen seconded the motion and it passed unanimously.
- e. **Set Date for Annual Planning Session.** After general discussion, Friday, March 21, 1997 at the Valle Crucis Conference Center was set as the date and locale for the annual planning retreat.
- f. **Call for Joint Meeting, Public Hearing.** Mr. Lawless indicated the Banner Elk Planning Board had not completed its work, so the Council will await word from them before calling for a joint meeting. Bernie Fow asked what the meeting would be about, and Mayor Pfohl replied it was simply to be able to protect the roadway (NC 184) between the two towns from unwanted development.
- g. **Consider Audit Contract.** Mr. Lawless referred to the proposal by Holder, Copeland & Associates to conduct the annual audit for FY 1996/97, noting their bid was some \$400 higher than last year. There are several additional requirements with which they will be dealing, including federal funds for Hurricane Opal damage. Shiela Fletcher moved the contract be awarded to Holder, Copeland & Associates. Ed Waligroski seconded the motion, which passed unanimously.

- h. **Consider Amendment to Chapter 2, Motor Vehicles and Traffic.** Reub Mooradian explained that he had noted two areas where he believed stop signs should be installed, i.e., corner of Spring Branch Road and Lower Grouse Ridge, and corner of Overbrook Trail and Spring Branch. Rick Owen asked why at these locales and not Wild Daisy Lane, for example. Mr. Mooradian replied that there probably were a number of other locations where stop signs should be installed, but these were simply two he had noticed. Mr. Lawless noted that there may be another request for amendment to this ordinance in the future, as there are areas where stop signs have been installed but which do not appear in the ordinance. Perhaps those additional sites for signs can be included then. Reub Mooradian moved the amendment be approved. Ed Waligroski seconded the motion and it passed unanimously.
- i. **Instruct Tax Administrator to Advertise Tax Liens.** Reub Mooradian moved the Tax Administrator be instructed to advertise tax liens in accordance with the list she had provided. Shiela Fletcher seconded the motion and it passed unanimously.
- j. **Consider Capital Project Ordinance, Grassy Gap Wastewater Treatment Plant Expansion.** Mr. Lawless explained that whenever a town starts a construction project that is going to straddle two fiscal years it is required to establish a capital project fund. The budget ordinance distributed establishes this fund, indicating revenues of \$400,000 from the State revolving loan, and appropriates monies to complete the project. Ed Waligroski asked Mr. Powell about the large discrepancy between Davis-Martin-Powell's estimate and the actual bids, and Mr. Powell replied that he could show the differences once figures for individual items are received from the contractor, but a number of factors entered into the discrepancy. Ed Waligroski moved the budget ordinance be approved. Shiela Fletcher seconded the motion and it passed unanimously.

5. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Mr. Powell reported they were preparing the plans for an early spring start to the paving of Christie way. Seth Lawless pointed out that the Town is required to send out the lead/copper warning again, and Mr. Powell explained the process for those who were not aware.
- b. **Public Works Director's Report.** Joe Perry reported on the Watauga River Basinwide Water Quality Management Plan. He reported that it had been suggested perhaps the Town could get some grant money to enable the Town to take care of some of the stream (stormwater) problems it had, and Mr. Lawless has reported on two of them. Mayor Pfohl complimented Mr. Perry on the good work his staff has been doing on snow removal.
- c. **Town Attorney's Report.** Mr. Paletta had no report.
- d. **Chief of Police's Report.** Chief Hefner had no report.
- e. **Town Manager's Report.** Mr. Lawless reported that the Town staff had agreed to take part in the Watauga County Waste Management Plan. Mrs. Handley reported that she intended to attend their next meeting.

Mr. Lawless reported that the claim by Matthews Construction Company had been settled as directed by the Council.

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Mr. Lawless noted that although the cable franchise agreement had been finalized, they will still be coming to the Council for approval of the sale of the company by Booth Communications

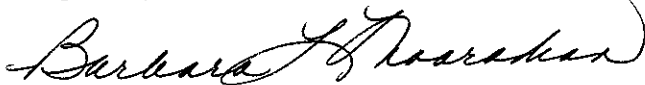
Mr. Lawless indicated there would be a workshop in Raleigh on strategies for keeping open space for parks in towns, and that he would provide Council Members with copies of the announcement, in case any wished to attend

Mr. Lawless told the Council that he had received a letter from Representative Gregg Thompson, who had drafted a bill on the wildlife sanctuary issue. The letter indicated Senator Kincaid expressed his total opposition to the proposal. When called, Senator Kincaid told Mr. Lawless there was no possibility of his changing his mind. Mayor Pfohl said the Council is considering other possibilities to achieve its objective which would not require legislative approval.

ADJOURN

There being no further business to come before the Council, Shiela Fletcher moved the meeting be adjourned. Reub Mooradian seconded the motion and it passed unanimously. The meeting was adjourned at 7:35 PM.

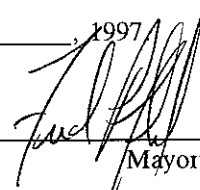
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on March 11, 1997



Mayor

ATTEST:



Town Clerk