

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
August 12, 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 and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

Invocation. The meeting was opened in prayer by Pastor Hayst Harrold.

Pledge of Allegiance. Those present joined in the Pledge of Allegiance to the flag.

1. *Adoption of Agenda.*

Consideration of a permanent contract with WECR-FM, 102.3 Beech Mountain, was added under New Business, and Mr. Lawless indicated there were two legal matters to be taken up during the Closed Session. Shiela Fletcher moved the agenda be adopted as amended. Rick Owen seconded the motion and it passed unanimously.

2. *Consent Agenda.*

Reub Mooradian moved the consent agenda be approved. Ed Waligroski seconded the motion and the following items were unanimously approved:

- a. Minutes of the regular meeting of July 8, 1997.
- b. Minutes of the special meeting of July 23, 1997.

3. *Committee Reports.*

There were no committee reports.

4. *Old Business:*

- a. *Consider Repair Options for Town Hall Sidewalk.* Mr. Lawless said he had been advised that concrete which resists de-icers can be mixed, and he has also found a local individual who will do the sidewalk in flagstone, if that is the Council's wish. There was general discussion, after which Shiela Fletcher moved to instruct Mr. Lawless to get bids on doing the sidewalk in flagstone. Reub Mooradian seconded the motion and it passed unanimously.

5. *New Business:*

- a. *Consider Resolution 97-08-01, Declaring Three Vehicles Surplus.* Mr. Lawless indicated that, while three vehicles are suggested to be declared surplus, he would only advertise the Police vehicle and the Public Works pickup truck, waiting to advertise the old sand truck until the new sand truck is received. Rick Owen moved the Council adopt Resolution 97-08-01. Ed Waligroski

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seconded the motion and it passed unanimously.

- b. **Consider Resolution 97-08-02, Declaring Contract with BB&T a Tax-Exempt Obligation.** Mr. Lawless explained this resolution would approve the lease/purchase agreement with BB&T on the sand truck, the contract for which had been awarded at the meeting of July 23, 1997. The agreement will be in the amount of \$54,180, payable in five installments, at an interest rate of 4.87%. Shiela Fletcher moved the Council adopt Resolution 97-08-02. Ed Waligroski seconded the motion and it passed unanimously.
- c. **Consider Budget Amendment, Lease/Purchase of Sand Truck.** Mr. Lawless explained this amendment was required in order to show receipt of the loan proceeds and their expenditure as a capital outlay to purchase the sand truck. Reub Mooradian moved the Council approve the budget amendment. Rick Owen seconded the motion and it passed unanimously.
- d. **Accept Tax Settlements of Avery and Watauga Counties and the Beech Mountain Tax Administrator.** Mr. Lawless explained that it is the responsibility of Tax Administrators to settle with the governing body after each fiscal year. The Tax Administrator of Avery and Watauga Counties have submitted their settlements, showing the total amount to be collected, penalties and interest, the amount collected, releases, etc., for the preceding fiscal year, and in the case of Watauga County, for prior years. A similar settlement has been presented by the Beech Mountain Tax Administrator. Shiela Fletcher moved the Council accept the settlements submitted. Reub Mooradian seconded the motion and it passed unanimously.
- e. **Charge Beech Mountain Tax Administrator with Collecting 1997 Taxes.** Reub Mooradian moved the Council charge the Tax Administrator with the collection of 1997 ad valorem taxes. Shiela Fletcher seconded the motion and it passed unanimously.
- f. **Consider Property Owner Mailing re Survey Results.** Mr. Lawless explained that the ad hoc Long Range Planning Committee had recommended that a joint letter from the Town and the Club be sent to all property owners informing them of the survey results and recommendations stemming from them. The proposed letter had been submitted to the Club for its approval, and has now been returned. In the interim, however, an article has been published in the *Mountain Ear* which is sent to all property owners which reported virtually the same information. The cost of sending out the letter will be \$1,213.43, and the staff wished to know if the Council felt the letter was still necessary. After a bit of discussion during which it became apparent that a number of property owners are still misinformed about the Town's plans for future recreation facilities, Reub Mooradian moved the letter be sent. Ed Waligroski seconded the motion and it passed unanimously.
- g. **Consider Proposal to seed Infield at Ball Field.** Mr. Lawless said that those property owners who use the ball field every Sunday afternoon have proposed that the infield be improved by planting grass in the center, and installing clay in the base paths. While the field is not in really poor condition, there are some holes where people have driven their four-wheelers around, and the base paths have pebbles and stones which make them somewhat hazardous, and the drainage is really poor. The proposal is to put a very fine-screened topsoil in the center, which would be seeded with grass and covered with straw. It is estimated this dirt and seed will cost approximately \$1,920. Watauga County gets their clay free from the DOI in Wilkesboro, so it is likely we can do the same, having only to drive over there and pick it up. He noted that Taylor

Rees had volunteered to spread the clay for the Town. Mayor Pfohl expressed his concern that the improvements not impede in any way the elementary school's use of the facility for their Little League games. Reub Mooradian suggested Mrs. Handley push for additional funds from the Watauga County Recreation Program to help defray the costs of this upgrade. Reub Mooradian moved the project be approved, providing the facility remains usable by the Little League. Shiela Fletcher seconded the motion and it passed unanimously.

- h. ***Consider Architectural Proposal.*** Mr. Lawless explained that architect Carl Petersen has proposed to draw plans for the Public Works Building approved in the budget. It would include the slab, building, electrical, heating, plumbing and project management. Mr. Lawless said he felt Mr. Petersen's proposal was quite reasonable, although Mr. Petersen estimated the cost of the building at quite a bit more than the \$55,000 budgeted. Mayor Pfohl asked if the Fire Department was still interested in having a bay for one of their fire trucks, and Mr. Perry replied they seemed to be, but had not submitted a firm request. Mayor Pfohl urged that any plans drawn include space for a possible Fire Department bay. Reub Mooradian said that, in the interest of not creating another eyesore on the mountain, he would be willing to go along with an increase in the budgeted amount to make sure the building looks good. Shiela Fletcher moved Mr. Petersen be allowed to proceed with plans so that the project can be put out for bids. Reub Mooradian seconded the motion and it passed unanimously.
- i. ***Consider Resolution 97-08-03, Authorizing Waiver of Bid Bond.*** Mr. Lawless explained that the legislature had recently eased the public purchasing laws, and allows waiver of bid bonds in the purchase of equipment and materials. This seems sensible, since the purpose of the bid bonds is to insure the bidder complete the contract, and the Town does not pay for equipment or materials until it has been delivered. This waiver would not cover construction contracts, which would still require a bid bond to insure completion of any projects. Reub Mooradian moved the Council adopt Resolution 97-08-03. Shiela Fletcher seconded the motion and it passed unanimously.
- j. ***Consider Amendment to Cable Franchise.*** Mr. Lawless explained that the recently-approved Cable TV Franchise requires the cable company to remove the towers and satellite dishes located on Bill Elder's property behind Vasaraleys. Mr. Elder has offered to purchase the towers from Helicon, and sell space on them to cellular phone companies and the like. The proposed amendment to the agreement would allow the towers to remain, while the cable company would be required to remove the satellite dishes. This solution would save Helicon the cost of removal, and would keep Mr. Elder from simply erecting the towers again out in his property in the meadows outside the Town limits, perhaps creating more of an eyesore than now exists.

Reub Mooradian stated he was unalterably opposed to leaving the towers where they are. He said that if Mr. Elder created an eyesore outside of Town limits, at least it would be his eyesore and not one created or allowed by the Town Council. Don Fulkerson explained that Mr. Elder could go before the Board of Adjustment to request a conditional use permit to re-erect the towers where they are. Paul Piquet said he initially agreed with Mr. Mooradian, but upon reflection realized that Mr. Elder could erect the towers in a less aesthetically pleasing place. Mr. Mooradian reiterated that he did not feel the Town should be blackmailed by someone who has publicly vilified the Town Council in the vilest of terms, just so he can make some money. Kakii Handley stated that the Council has an agreement that the towers be taken down, and she wondered if the Council wished to change this agreement just because somebody threatened to do something. This type of pressure has been brought to bear before without result. Shiela Fletcher said she agreed

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with Mrs. Handley Reub Mooradian moved the Cable TV Franchise Ordinance not be changed to allow the towers to remain where they are. Rick Owen seconded the motion and it passed unanimously.

- k. **Consider More Permanent Contract with WECR-FM, 102.3 Beech Mountain.** Mr Lawless pointed out that the agreement with WECR-FM is rather casual in nature, consisting merely of the minutes of the meeting at which the Council agreed they could install their antenna on Town property and place their receivers in the Town's old pump house above Skiloft. Mr Rondinaro would like to work out a contract which would give the station some security. After general discussion it was agreed that Mr. Rondinaro should present his request for a five year contract to David Paletta, who would work out the language and present it to Council for approval.

6. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Mr. Powell was not present.
- b. **Public Works Director's Report.** Mr. Perry indicated Mr. Powell had talked to the contractor for the Grassy Gap Wastewater Treatment Plant project, and they are progressing along very well. They anticipate being able to put water in to test by August 25th. The paving contractor will start on Christie Way immediately, and he will also be doing some patching on other Town streets as well.
- d. **Town Attorney's Report.** Mr. Paletta had no report.
- e. **Chief of Police's Report.** Chief Hefner reported that the Police Fair did well, and he anticipates they made somewhere in the neighborhood of \$8,000.
- f. **Town Manager's Report.** Mr. Lawless reported that the State had sent a letter indicating the Town will not be penalized for the Grassy Gap Wastewater Treatment Plant project extending beyond the deadline imposed by the SOC.

Mr. Lawless indicated that WECR-FM was being played in the background on Channel 2 now. He had been under the misimpression that a commercial station could not be used, but after all the problems the Town has had in getting a public radio station to come in clearly he checked with the FCC and found there was no such prohibition.

Mr. Lawless reported that the Town had received a letter from Emerald Mountain offering dedication of the sewer pump which services Blocks C & D. After some research, the status of the ownership of the pump was unclear, so this letter would clarify the situation. Ed Waligroski moved the Town accept dedication of the sewer pump. Rick Owen seconded the motion and it passed unanimously.

Mr. Lawless stated the Chamber of Commerce is proceeding with their building plans. This building is proposed to be a free-standing building, to be constructed by a contractor. Paul Piquet explained that the Chamber intends to submit Mr. Pavelchak's plans for bids, so that the Chamber will have a concrete proposal to place before Council.

Mr. Lawless announced Mayor Pfohl had received a letter indicating a public hearing on the proposed change from WS II to WS V of the east Pond Creek water supply watershed will be held at the Beech Mountain Club meeting room at 7:00 PM on September 18th. Mayor Pfohl suggested an information sheet be prepared for dissemination to all property owners explaining the effects such a change would bring, and pointing out the Council's concern about our natural resources. Everyone should encourage vigorous participation in the public hearing by all property owners.

Mr. Lawless noted that Region D's annual banquet will be held at Hound Ears on September 5th. The deadline for indicating attendance is August 29th. The Annual League meeting will be held in Raleigh October 19-21

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

7. ***Other Business.***

Reub Mooradian asked out a letter which the Town had received from Charles Schaus regarding a concrete dam on a neighbor's property. Mr. Lawless said he had received numerous complaints regarding the pond which the dam creates, since the water is by and large stagnant and breeds numerous mosquitos. Mr. Lawless had visited the site and verified masses of mosquitos, and had written the owner of the dam declaring it a nuisance and requesting its destruction. The owner has written a letter back disagreeing with this finding. The next step will be to declare a final decision after which, if the owner still disagrees, it will come before the Council.

8. ***Closed Session.***

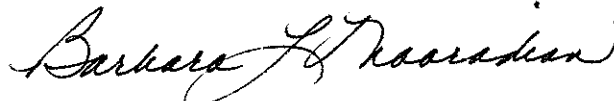
Shiela Fletcher moved the Council go into closed session under the provisions of N.C.G.S.143-318.11(a)(6), (3) and (5) to discuss a personnel matter, two legal issues and the possible acquisition of land. Reub Mooradian seconded the motion and it Council went into closed session at 7:25 PM. The Council came out of closed session at 8:55 PM.

Shiela Fletcher moved the Town pay 80% plus the collection costs of the wastewater fine issued by N.C.DEHNR. Reub Mooradian seconded the motion and it passed unanimously

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:00 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on September 9, 1997

ATTEST:

Barbara J. Nasradian
Town Clerk

Jud [Signature]
Mayor