

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 8, 2000

CALL TO ORDER

Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:05 PM in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Jim Herbert, Rick Owen and Reub Mooradian. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Police Officer Kevin Frye, Public Works Director Joe Perry, Code Enforcement Officer Don Fulkerson and Tax Administrator Missy Norwood. There were a number of interested parties in the audience.

Invocation – Charlie Burleson.

Charlie Burleson opened the meeting in prayer.

Pledge of Allegiance

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

1. ***Adoption of Agenda***

Mayor Holland added item 'h' to the agenda, parking and snow removal. Reub Mooradian moved the agenda be approved as amended. Rick Owen seconded the motion and it passed unanimously.

2. ***Approval of Minutes***

Reub Mooradian made the motion to approve the January 11th and the January 20th minutes as submitted, Rick Owen seconded the motion and it passed unanimously.

3. ***Committee Reports***

Kakii Handley reported the County recreation committee would meet on February 16th. She will meet with Mr. Lawless to put together some information to send out to the members regarding the expansion of the recreation facilities.

4. ***New Business***

- a. ***Consider Resolutions.*** Resolution 00-02-01 to Declare Surplus Property. The 1996 Jeep Cherokee used by the Police Department. Seth Lawless stated the Resolution, if passed, would be published in the newspapers and the bid opening is set for February 17th at 2:00 PM. Rick Owen made the motion to adopt the resolution. Reub Mooradian seconded the motion and it passed unanimously.
- b. ***Proposed FY 1999-00 Audit Contract.*** The audit firm of Holder, Copeland & Associates, P.A. submitted their renewal contract to the Town Council. Seth Lawless noted a fee increase of \$190, which is \$1.00 per hour. Jim Herbert moved the contract be accepted. Gil Adams seconded the motion and passed it unanimously.

- c. ***Budget Amendment.*** Amendment to increase the Sanitation Fund account by \$600.00 in order to purchase signs for the Recycling Center. Reub Mooradian moved the amendment be accepted. Rick Owen seconded and the motion passed unanimously.
- d. ***Review D.E.N.R fines for wastewater violations.*** Seth Lawless indicated the town received fines based on the October readings for both the Pond Creek and the Grassy Gap plants. Last month's report indicating the next few months were in compliance was not correct. The Town Engineer, Ed Powell, arrived Sunday night to go over the problems. Our performance has improved, however November and December will receive fines. Getting into compliance is still in development stages. Mr. Powell stressed more cleaning and also to change the sampling days from Wednesday to Tuesday, which will give results on Thursday, giving time to resample if the results are bad. It is not yet known if a bad sample can be replaced with a resample or whether or not it can be pulled into the average if it is better. We will further check with the D.E.N.R. We have consultants, retired state employees, scheduled to arrive on Thursday 10th and Friday 11th, to evaluate our plant and the plant design. Mr. Lawless will have a report on this at the next meeting, it was noted the consultants do not charge for their services. Reub Mooradian made motion to pay fines. Gil Adams seconded the motion and it passed unanimously.
- e. ***Appointments to Joint Municipal Study committee.*** Mayor Holland stated the Council had previously agreed to join with Banner Elk, Seven Devils and Sugar Mountain to do some long range planning. Four committee members will represent each town. Mayor Holland and Rick Owen expressed a desire to be on the committee. Mayor Holland asked Kakii Handley to serve on the committee and she accepted. Roger Bullock will be contacted to see if he will be willing to serve on the committee.
- f. ***Consider Request to Extend Sanitary Sewer.*** Mr. Scott Porter representing 'Carefree Service Corp.' a resort services organization addressed the Council requesting water and sewer services as well as improvements for Rabbit Hop Loop Road. Mr. Porter provides seasonal sub-contractors to Elk River and Grandfather Golf & Country Club to work on the golf courses. He has been approached by the Beech Mountain Club to look into providing workers for the golf course and the Club House Restaurant. In order to do this economically, Mr. Porter would need housing for 16 migrant workers. He and his partners own 300 +/- acres of land in the West Bowl area that would be ideal for their needs. By locating a doublewide mobile home near the intersection of Pinnacle Ridge Road and Buckeye Creek Road, off Rabbit Hop Loop Road, a water and sewer tap would be necessary. This section of property is not in the Town limits and the Town does not have any land use jurisdiction for buildings outside the town limits. If a contract could be drawn up it would give the Town more control over any type of housing unit placed on the property. The contract could be on a year-to-year basis and would be subject to renewal. Mr. Porter would need a decision by February 28th. After much discussion a consensus was reached to adjourn the discussion and continue on February 23rd at 6:00 P.M. to further investigate the possibility of a contract allowing a water and sewer tap. Mayor Holland requested that Seth Lawless come up with a proposed contract to show the Council at that time.

Mr. Porter wondered if Rabbit Hop Loop Road, portion of which is in the town, would be finished by the Town. Mayor Holland indicated the Town is not obligated to continue road construction on unfinished roads.

- g. **Parking.** Mayor Holland felt the parking problems deemed looking into again. The homeowners and rental agents are not clearing the driveways, resulting in cars parking in the roads. This being a potential hazard for emergency vehicles will be addressed by holding a meeting with the rental agencies. Mayor Holland has the Councils support and will work on the issue.

3 **Staff/Consultant Reports.**

- a. **Town Engineer's Report.** Ed Powell was absent, no report available.
- b. **Public Works Director's Report.** Joe Perry had no report. Overbrook Trail resident thanked Mr. Perry for his good work in road maintenance. Mr. Herbert requested signs be put around Snow Lake. People are sledding down Kick Turn Lane onto the lake when it is iced over.
- c. Mr. Perry has signs and will have them put up
- c. **Town Attorney's Report.** Mr. Paletta indicated a need to recapture the pro rata grant funds on Rascal's BBQ Pub. The Community Block Grant of 1997 made improvements to the building. Due to the sale of the building the Town is obligated to recapture part of the investment made by the State. Mr. Paletta needs the town manager and finance officer to sign the agreement between the property owner and the town, Paletta's original copy was not signed. Mr. Paletta requested that the Council adopt a motion ratifying all actions taken by the Community Development Block Grant. Reub made motion to approve, Rick Owen seconded the motion and it passed unanimously.
- d. **Chief of Police's Report.** Sargent Frye had no report.
- e. **Town Manager's Report.** Seth Lawless requested starting up the Long Range Recreation Committee again. The sub-committees will need to start on the tennis court specifications and the other committee will need to investigate an indoor swimming pool. He will be contacting the committee members prior to the Council's retreat on April 7th. The new dumpster for the recycling center has been ordered. The quarterly newsletter, Beech MountainEar, is scheduled to go out April 15th. Public input is encouraged. Any articles or suggestions should be turned to the town hall within the next month. The purchase of lot PA-70 lot has been completed. There will be two meetings taking place next week. Wednesday 16th at 10:30 AM with Senator Garwood will be at the town hall to discuss the resolution requesting a one percent increase in the occupancy tax for dedicated capital recreational outlay. Mr. Lawless will be calling the Council members to get ideas and hopefully they can attend the meeting. Later that afternoon Mr. Lawless will be meeting with other Watauga County Managers at the Court House in Boone to discuss the reversal of sales tax. The Town of Boone is opposed to that position because whatever we get, they will be giving up. A report will be given at the next meeting. Timing is critical because April is the only month in which the sales tax distribution can be changed.
- f. **Tax Report.** See agenda packet.
- h. **Building Inspections Report.** Don Fulkerson reported that permits were slow, which is typical this time of year. There are approximately 20 houses under roof with work continuing on them, 6 more are under snow with work at a standstill.

5. *Closed Session.* Upon a motion by Reub Mooradian, seconded by Rick Owen, the Council entered executive session under the provisions of NCGS 143-318(a)(3) to consult with the Town Attorney. The Council came out of the closed session at 8:40 P.M. No Action taken.

RECESSED

There being no further business to come before the Council at this time, the meeting was recessed until 6:00 P.M., February 23rd upon a motion by Reub Mooradian, seconded by Rick Owen All agreed. The meeting ended at 8:40 PM.

Respectfully submitted,

Reba G. Greene
Town Clerk

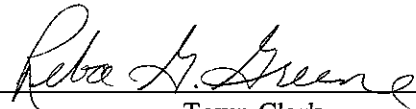
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Minutes approved by Town Council on March 14, 2000.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 23, 2000

CALL TO ORDER

Mayor Tim Holland reconvened the February 8th meeting of the Beech Mountain Town Council at 6:15 PM in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Rick Owen and Reub Mooradian. Also present were Town Manager Seth Lawless and Scott and Nancy Porter.

1. Old Business

a. Discussion of property acquisition.

Seth Lawless reported to the Council that Mr. Marshall Smith, who owns the property that the Town stores the culvert pipe and other materials on, wants to terminate the lease by April 15th. Mr. Ron Shane has been contacted regarding his property near Buckeye Creek, past the pumping station. It consists of 1.3 acres between the creek and the road and on the other side is another .5 acre. We offered \$1000 per year, he countered with \$100 per month with a 2 year lease, 90 day cancellation clause from either party. After the 2 years it would go into a month-to-month agreement. Gil Adams asked about item #9 in the proposed agreement with S. Scott Porter in which reference was made to the town leasing property for a marshaling yard. Mr. Lawless indicated it was put in as a back up plan in the event that the Council did not want to rent the property from Mr. Shane. Mr. Porter had no problem with the town leasing about 1 acre of his property for a marshaling yard, however it would be inconvenient for the town, access would be from Old Beech Mountain Road. Rick Owen moved to offer Mr. Shane \$100 per month with a 3-year lease. Reub Mooradian seconded the motion and it passed unanimously. Mr. Lawless ask if the Council would allow him to accept the 2 year plan if Mr. Shane would not accept 3 years, this would be ok and Council agreed.

b. Watauga Democrat Editorial.

The February 18th edition of the Watauga Democrat ran a guest editorial regarding the sales tax allocation and how the resort communities' share is distributed. Mayor Holland felt it would be in the best interest of the Town to reply. Seth will meet on Friday with Don Holycross from Blowing Rock and Joanna Cates from 7 Devils to put together a unified position. Mayor Holland asked Seth Lawless to draft a letter and pass it around to the council members for their input. Mr. Lawless would like to wait until the later part of March to put the rebuttal in the paper because it will be closer to the time the Commissioners will hold their meeting in Boone. The publication time will be considered when the draft is complete.

c. Consider Request to Extend Sanitary Sewer.

Mayor Holland opened the discussion on Mr. Scott Porter's request. Mr. & Mrs. Porter arrived at 6:40 P.M. Mr. Porter approached the Town for water and sewer services to his property adjacent to the Town, by Pinnacle Ridge Road and Grassy Gap Road. Rick Owen questioned the number of individuals to be living in the units. Seth Lawless clarified that 32 workers was his estimate and would require 2 double wides. Mr. Owen stated town control would be the only reason he would be in favor of the units. He would also prefer the number of people to be at 16. At the last meeting Mr. Porter indicated that he would not put the workers down by the lake if he did not have public support. Mayor Holland stated even if Mr. Porter does not do it, who's to say someone else won't. Mr. Porter arrived late, looked over the proposed Agreement drawn up by the Town attorney, David Paletta. He was concerned with the fact that all 300 acres of land were restricted in the proposed agreement and felt it should only include restrictions on the 13-acre tract adjoining the town. Mr. Porters housing will be HUD approved with asphalt roofs and vinyl siding. Agreement to be reviewed in one year. Reub Mooradian made a motion against the project stating an adverse affect on property values, recent paving and the planned recreational area in the vicinity. Mayor Holland asked for a second, hearing none the motion dies. Rick Owen requested further discussion. With Mr. Porter agreeing to the various restrictions the town places on the project, one being that he will not maintain the migrant housing on the property if it does not please the council after 1 year. Motion by Gil Adams to approve the project with the aforementioned changes to the agreement, especially the limitation to 16 individuals. Rick Owen seconded the motion with the request that the Town be given documentation of what is required of Mr. Porter to get the workers to the US and the rules they must abide by. Mayor Holland called the question. The vote was 3 to 1 in favor of the motion, with Councilman Mooradian opposed.

d. Council Photo.

The Council Members voted on the photo to be placed in the council chambers. Reub Mooradian made a motion for number 8. Rick Owen seconded and the motion passed unanimously. Rick Owen made a motion to have the selected photograph available to any other council members requesting a copy. Reub Mooradian seconded the motion. The motion passed unanimously.

ADJOURN

There being no further business to come before the Council the meeting was adjourned upon a motion by Rick Owen, seconded by Reub Mooradian. All agreed. The meeting ended at 8:10 PM.

Respectfully submitted,

Reba G. Greene
Town Clerk

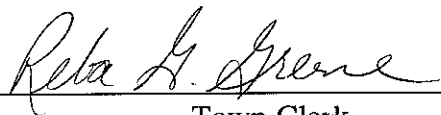
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Minutes approved by Town Council on March 14, 2000.



Mayor

ATTEST:



Town Clerk