

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
January 9, 2001

***CALL TO ORDER***

Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:00 P.M. in the Council Chamber at Town Hall. Other Council Members present were Gil Adams, Rick Owen and Reub Mooradian. Jim Herbert arrived at 8:00 P.M. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Police Chief Jay Hefner, Town Engineer Ed Powell, Public Works Director Riley Hatch and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

***Invocation – Hayst Harrold***

Hayst Harrold 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 called for the adoption of the agenda as submitted. All agreed.

***2. Approval of Minutes***

Mayor Holland called for the minutes of December 12, 2000, under Old Business, to read 'western'. Rick Owen moved to accept the minutes as amended. Reub Mooradian seconded the motion and it passed unanimously.

***3. Committee Reports***

Mayor Holland reported to the Council that he and Seth Lawless had met with the President and new Manager of the Beech Mountain Club. In an effort to have better communications the Club had requested that the Town supply them with an agenda packet of the monthly Council meetings. Reub Mooradian asked if the Club would send the Town their meeting materials. Brian Barnes indicated that they would. The Council agreed they did not have a problem sending the agenda packet.

Kakii Handley took the opportunity to remind the Council that the Parks and Recreation grant was conditional on the basketball courts being included at Buckeye Lake.

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

- a. Kakii Handley asked the Council members how they felt about Resolution 97-11-04, which dealt with the selling of Town owned lots. Rick Owen, noting that he had listened to the tape from the meeting in 1997, gave a brief history for the passing of Resolution 97-11-04. The Town had sold approximately 80 lots to one individual and Mayor Fred Pfohl was interested in the Town holding on to their lots for green space. Mr. Owen indicated that he had voted for Resolution 97-11-04, but he had also raised the question of availability of lots that adjoined lots with houses built on them and the homeowners desire to own the vacant lot next door to them. Mr. Owen did not see a problem with that in 1997 and still adheres to the same feelings.

Reub Mooradian indicated that he had also voted in favor of Resolution 97-11-04 and the only way he would consider selling one of the Town lots would be to have deed restrictions on the lot indicating that it would not be built upon and remain as green space.

Mayor Holland indicated that he did agree with Mr. Owen regarding the selling of property to a neighboring property owner. Mayor Holland indicated that he was not on the Council at the time, but noted that he did speak out against the passing of the resolution at the time. He felt as long as the property was kept as green space there should not be a problem in selling Town owned lots. His definition of green space was more liberal allowing for topping of trees and clearing of underbrush. Mayor Holland went on to say that the Town, in keeping with the resolution, no longer sent out letters to property owners who had property adjoining lots asking whether or not they were interested in purchasing them.

Fred Pfohl asked that the Town continue to abide by the Resolution. Mr. Pfohl pointed out the property purchased by Mr. Garman did not have the proper restrictions placed in the deed to keep it as green space. Further, he felt there should be a public discussion before the Council makes a decision to go against one of the Town resolutions.

Gil Adams, who was not on the Council in 1997, indicated that he felt green space was untouched property, trees not topped and underbrush left undisturbed. Mr. Adams is opposed to selling any of the Town owned lots to anyone and did regret that he had been party to the selling of the lot to Garman earlier.

Mr. Brad Nickum, speaking on behalf of Robert Bedore, asked the Council about the ability to purchase C-402 at which point Mr. Paletta informed the Council that C-402 had not been deeded over the Town. The owners had indicated a desire to deed the property over and the Town accepted the lot. However, when Mr. Paletta started to prepare the necessary papers it was found that there was an error and the current owner needed to contact the previous owner to get it corrected. The current owner did not pursue the issue and neither had Mr. Paletta. Mr. Paletta advised Mr. Nickum that Mr. Bedore would have to contact the current owner directly. Item 'b' under 5. Old Business was removed from the agenda.

Jim Brooks suggested that restrictions be put in the deed when the property is given to the Town, which would eliminate the problem. Further, he noted an individual donating property could have it appraised prior to giving it to the Town. After the deed restrictions were placed on the property it could be appraised again and the difference would be their tax right off, giving the incentive to avoid foreclosure.

Seth Lawless suggested a compromise of setting aside a certain percentage of property within each subdivision for green space. Once the Town has acquired an excess of that amount the property could then be sold. The percentage could be determined with the help of the Planning Board. The Town could also exclude selling lots in such areas as properties bordering a stream, Town property or a hiking trail.

## 5. *Old Business*

- a. Request to Purchase Lot A-18, Larry Parent

Mayor Holland opened the discussion by reading the activities and uses listed in the 'Non-Warranty Deed' prepared by Attorney Paletta for A-18. After a brief discussion and clarification of the decision at the December 12<sup>th</sup> meeting, the Council agreed to send the topic of lot sells to the Planning Board, thus putting Mr. Parent's request on hold.

- b. Sale of C-402 – This item was removed from the agenda.

- c. Resolution 00-12-02 Requesting Authority to Establish ETJ

Mr. Lawless passed out maps showing the areas the Town was interested in having ETJ over. He informed the Council that the Legislature would begin a new session on January 24<sup>th</sup> and it is important that the Town get the information submitted as soon as possible. There are 3 areas that the Town would like to have ETJ over: the 184 corridor, Pond Creek water shed area and the Buckeye water shed. Reub Mooradian moved to accept Resolution 01-01-01 as amended. Rick Owen seconded the motion and it passed unanimously.

## 6. *New Business*

- a. Alan Holcombe addressed the Council with regards to a house his client was attempting to sell that did not have the setback required by the Town. The house was built 17 years ago, prior to the setback regulations. After a brief discussion Rick Owen made a motion to pass a resolution indicating that the Town has just cause to find that the house on lot CR-149 was started before the enactment of the Town's Zoning Ordinance and is a legal non conforming use. Jim Herbert seconded the motion and it passed unanimously. Mr. Paletta asked that the Zoning Administrator write a letter to the property owner indicating the findings of the Town Council.

- b. Resolution 01-01-02 Authorizing Application for Recreational Trails Grant.

Rick Owen moved to accept Resolution 01-01-02. Gil Adams seconded the motion and it passed unanimously.

- c. Consider Consultants for Comprehensive Wastewater Analysis.

Mayor Holland reported to the public that the Town had received four very good bids for the wastewater study. Mr. Lawless went over the Interview Committee recommendations to the Council, which was to break up the project into three separate jobs; 1) Collection system locating, inspecting, evaluating and mapping; 2) Treatment plant operations; and

3) Funding recommended improvements. The Committee recommended dividing the job between Hobbs & Upchurch and Davis, Martin & Powell. Mr. Lawless suggested that he and Mr. Paletta would have to draw up a contract for the two engineering firms if the Council approved the proposal. Rick Owen moved to accept the recommendation of the Interview Committee and proceed with preparing the contracts. Reub Mooradian seconded the motion and it passed unanimously.

d. Resolution 01-01-03 Declaring Surplus Property.

Reub Mooradian moved to adopt resolution 01-01-03, amended to sell at auction the 1988 Plymouth Grand Fury. Rick Owen seconded the motion and it passed unanimously.

7. *Staff/Consultant Reports.*

a. ***Town Engineer's Report.*** Ed Powell thanked the Council for the opportunity to work with Hobbs & Upchurch on the wastewater issue. Mr. Powell went on to report that Piedmont Automation, Inc. out of Winston-Salem, who has been contracted to do the analytical work at the water plant, had received the equipment and would start with the installation on January 22<sup>nd</sup>.

b. ***Public Works Director's Report.*** Riley Hatch reported that one of the motor graders was in Asheville to be repaired. Transportation had been provided by Eggers Construction. The grader had lost 4 teeth, which were being welded back and could be back on the road next week. A new turntable would take 4 to 6 weeks to order and cost \$4,870.00. Mr. Hatch proposed getting the part welded and go ahead and order the replacement part as a back up.

The State has informed the Town that it will be one of the first to comply with the wastewater collection system permit regulations. A representative from Winston-Salem will meet with Town employees to go over the requirements on January 22<sup>nd</sup>.

c. ***Town Attorney's Report.*** Mr. Paletta requested that the Council allow the Planning Board to look over a copy of the criteria that the town of Boone came up with that allows their planning board to grant a variance in certain circumstances. The Council was in agreement.

d. ***Chief of Police's Report.*** Chief Jay Hefner went over the report submitted to the Council noting that the vandalism was to the Gander's sign. Mr. Herbert commended that he knew who had committed the crime. Mr. Hefner indicated that he would follow up with Mr. Herbert after the meeting. Chief Hefner also reported that he had filled the half-time position.

e. ***Town Manager's Report.*** Seth Lawless went over his report enclosed in the agenda packet.

f. ***Tax Report*** is in the agenda packet.

- g. ***Building Inspections Report*** is in the agenda packet. Don Fulkerson pointed out that there were 21 new building permits issued before the 14<sup>th</sup> of December. Council asked that Mr. Fulkerson keep a close watch on the projects to ensure that they were indeed started within the 6-month deadline.

**8. Other Business**

- a. Gil Adams reported to the Council that Turner South would air a program on Monday February 5<sup>th</sup> at 8:00 P.M. featuring Beech Mountain. Mr. Adams also went on to ask that the Council consider not charging the Resort for sanding the roads up to the parking areas for Ski Beech. He noted that Ski Beech was the number one draw for the area. The Council chose not to take any action on the issue.

**9. Adjournment**

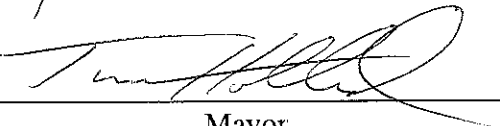
There being no further business to come before the Council Mayor Holland adjourned the meeting at 8:30 P.M. All agreed

Respectfully submitted,

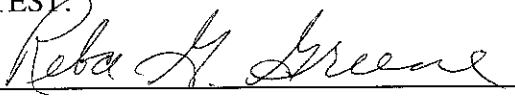
Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on February 13, 2001.

  
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Mayor

ATTEST:

  
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Town Clerk