

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 13, 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, Jim Herbert, Rick Owen and Reub Mooradian. Also present were Town Manager Seth Lawless, 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 – 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 called for the addition of item 6-a Budget Amendments, 6-d Donation of AA-240 and 6-e Chamber Committee Appointment and item 8-a Modify Grassy Gap Permit and 8-b Executive Session. All agreed to accept the agenda as amended.

2. Approval of Minutes

Reub Mooradian moved to accept the minutes of January 9, 2001. Jim Herbert seconded the motion and it passed unanimously.

3. Committee Reports

Seth Lawless reported that he and a number of Town people attended a program at the Broyhill Conference Center, 'The Dollars and Sense of Preserving Community Character'. The speaker, Edward T. McMahon, Director of the American Greenways Program for the Conservation Fund, spoke about the preservation and enhancement of the local communities and their unique character, the environment and overall beauty. Mr. Lawless felt it was a very worthy presentation and urged everyone, if given the opportunity, to go hear Mr. McMahon.

4. Special Presentation

Mayor Holland read the plaque that honored Ricky Holcombe for her years of service on the Economic Development Committee and noted that they would deliver the plaque to Ms. Holcombe.

5. Old Business

- a. Proposed Contract - DMP
- b. Proposed Contract – Hobbs/Upchurch

Mr. Lawless stated that following the January Regular meeting, he and Mr. Paletta prepared two separate contracts for the Comprehensive Wastewater Analysis. The Davis, Martin, Powell & Associates, Inc. contract is for treatment plant analysis and the Hobbs, Upchurch & Associates contract is for the system inspection and mapping. Both agreements were prepared according to the Interview Committee recommendations. Reub Mooradian moved to approve both contracts. Jim Herbert seconded the motion and it passed unanimously.

6. New Business

a Proposed Capital Project Budget – Budget Amendments

Mr. Lawless went over the proposed transfers which would fund the Comprehensive Wastewater System Analysis Capital Project. The budget amendments would transfer money from the General Fund and Water & Sewer Fund into a Capital Project Budget Ordinance. The Town has received a \$40,000 grant from the North Carolina Rural Center to help with the project. Rick Owen moved to approve the Capital Project Budget. Jim Herbert seconded the motion and it passed unanimously. Rick Owen moved to approve the budget amendments. Reub Mooradian seconded the motion and it passed unanimously.

b Consider Request from Banner Elk – Mapping Invoice

The Town of Banner Elk approached the members of the High Country Municipal Association to assist in paying for the digital mapping of the five towns and surrounding unincorporated areas. Reub Mooradian moved to pay \$612.50 to cover ¼ of the total bill of \$2,450.00. Jim Herbert seconded the motion and it passed unanimously.

c Consider Special Meeting – Planning Retreat

Mayor Holland reported to the public that the Town held a retreat every year to assist in preparing the yearly budget. After a brief discussion it was agreed to meet on April 6th at the Broyhill Center in Boone. Mr. Lawless will put together an agenda and contact the Planning Board, Long Range Planning Committee and other individuals who may have an issue they could like the Council to study. We will have a progress report on the wastewater study, an update on the occupancy tax as well as a number of budget items.

d Donation of lot – AA-240

Reub Mooradian moved to accept the donation of AA-240. Gil Adams seconded the motion and it passed unanimously.

e Chamber Committee

Mayor Holland informed the Council and the audience that a committee had been formed by the Chamber to look into alternatives for providing additional Chamber space and public restrooms. Mayor Holland requested that a position be made available for a Council member to be on the committee. Mayor Holland then asked for volunteers. All agreed to have Rick Owen on the Committee as the Council representative.

7. Staff/Consultant Reports.

a Town Engineer's Report. Ed Powell reported that they would start work at the sewer treatment plants next week and the Hobbs & Upchurch group would start on their mapping project the

first of March. Mr. Powell went on to say that he would be in contact with Mr. Cobel of the Winston-Salem office of the Department of Environment and Natural Resources, to set up a meeting to bring them up to date with the progress the Town had made toward ending the moratorium. He also indicated that the monthly reports from the wastewater plants over the last 4 months had improved and the Town had not received any violations. The spring paving projects are being prepared. Mr. Powell then introduced Mike Slusher, who will be the project engineer dealing with the wastewater issue.

- c. **Public Works Director's Report.** Riley Hatch has started submitting a written report to be included with the agenda packet. Mayor Holland asked if anyone had any suggestions for information they would like to see included on the report. He then requested that Mr. Hatch include the Right of Way clearing once it is continued in the spring. Mr. Hatch announced that Wednesdays has been chosen as the construction trash collection day. It will be posted on channel 2. Mr. Hatch reported that the recyclables for paper and plastics were being rejected, mainly because of the paper goods not being separated properly and folks continue to leave their paper products in plastic bags. Mr. Lawless noted that boxes, the type used for cereal, were no longer being accepted and they do not qualify as corrugated cardboard.

Mr. Powell and Mr. Hatch reported that the wastewater collection system permit regulations meeting held on January 22nd went well. The Town has met most of the requirements. The requests they had made of the Town were very minor. The Town will have no trouble with complying with the regulations.

- d. **Town Attorney's Report.** Mr. Paletta was absent.
- e. **Chief Jay Hefner** went over the report submitted to the Council noting two cell phones had been returned to their owners, an arrest had been made in connection with the vending machine vandalism and the incident at the Pinnacle Inn had been turned over to the North Carolina Real Estate License Commission. It was a very busy month.

Jim Herbert asked whether or not Chief Hefner had made any progress on the vandalism his business had received last month. Chief Hefner indicated that no progress had been made and he would be calling to discuss the situation.

- f. **Town Manager's Report.** Seth Lawless noted that the items in his report had already been covered. He informed the council that he had been called for jury duty on March 5th. April 10th has been set as the bid opening on the Buckeye tennis courts. Missy Norwood, the Tax Administrator, will be returning to work March 5th.
- g. **Tax Report and the Building Inspections Report** is in the agenda packet.

8. *Other Business*

- a. **Grassy Gap Permit**

Mr. Lawless reported that when he and Mr. Hatch had gone to Winston-Salem to meet with Mr. Cobel, Director of the Winston-Salem Regional office, the idea of moving the discharge pipe further down stream had been discussed. Since then speculative limits had been issued indicating a less restrictive ammonia limit if the effluent were discharged into Buckeye Creek. The Town would have to ask the state to modify the permit. The pipe in question could be moved approximately 1500 feet and this could even help with the clearing for the hiking trail since the route would be in the same proximity. Further study will be given to the idea. Mr.

Slusher suggested the Town add the request for additional flow at the same time. After some discussion it was agreed that Mr. Slusher and Mr. Lawless work out the details together. Reub Mooradian moved to apply for the modified permit. Rick Owen seconded the motion and it passed unanimously.

Upon a motion by Councilman Owen, seconded by Mooradian, the Council went into closed session under the provisions of NCGS 143-318(a)(3). The motion passed unanimously and the Council entered closed session at 7:00 p.m.

Upon a motion by Councilman Herbert, seconded by Councilman Adams, the Council ended the Closed session at 7:25. Mayor Holland reported that no action had been taken.

ADJOURN

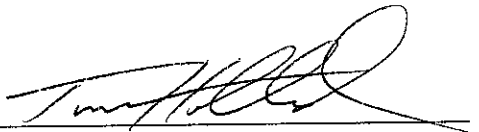
There being no further business to come before the council, the meeting was adjourned upon a motion by Councilman Adams, seconded by Mooradian.

Respectfully submitted,

Reba G. Greene
Town Clerk


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Minutes approved by Town Council on 3-13, 2001



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 23, 2001

CALL TO ORDER

Mayor Tim Holland called the special meeting of the Beech Mountain Town Council to order at 1:00 P.M. 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, EDC Chairman Calder Smoot, Chamber President Sherry Garris and a number of other interested parties.

Mayor Holland informed the audience that the purpose of the meeting was to review the occupancy tax issue. Seth Lawless gave a brief overview of the issue noting that the Town Council had passed Resolution 00-10-01 on October 3, 2000, seeking authorization to increase the occupancy tax Town wide from 3% to 6% with the additional funds going toward the indoor recreation center at Buckeye Lake. A few weeks ago the Town learned that Avery County was discussing reestablishing their room tax, including all the municipalities that already have an occupancy tax. This would include the portion of Beech Mountain that is in Avery County.

Mr. Lawless reported that he and Mayor Holland attended a meeting of the Avery County Commissioners on Monday, February 19th. A formal request was made that the Town be exempt from the provisions of their occupancy tax bill. It was discussed, Commissioner Joe Strickland made a motion on the Towns request and it failed 3 to 2. The various hardships that this would place on the Town were discussed and they did appear to sympathize with us, however they did ask that we consider supporting what they were trying to do and ask if we could support 4% instead of the 6% we were seeking. Mayor Holland indicated that he would have to discuss this with the Council. The Commissioners have scheduled another meeting to finalize the issue for March 1st at 3:00 P.M. Mr. Lawless plans to attend the meeting to give the Councils decision to the Commissioners.

Reub Mooradian asked about the properties that would be effected. Mr. Lawless reported the following; Archers Inn, Pinnacle Inn which has at least two rental companies renting their units, Top of the Beech, Emerald Mountain and a number of homes on Skiway Circle, Ski Loft Road and Christy Way.

The Council agreed that to fight the Commissioners on their request would not be in the Town's best interest. Mayor Holland's proposal was to go along with their requested 2% and only ask for and increase from 3% to 4% in Avery County. This would make the tax a 4 – 2 split, 4% for Beech Mountain and 2% for Avery County. We could proceed as planned and ask Watauga County to support Beech Mtn. going from 3% to 6%.

The resolution passed by the Avery County Commissioners outlined the proposed new Avery County Tourism Development Authority. The Authority shall have nine voting members appointed as follows:

1. One individual selected by the Avery/Banner Elk Chamber of Commerce who shall be appointed by the Board of Commissioners;
2. One individual selected by the Avery County Lodging Association who shall be appointed by the Board of Commissioners;
3. Two individuals from a collation of the Towns of Banner Elk, Beech Mountain and Sugar Mountain, provided that these two members, who shall be appointed by all three boards for their appointment to be effective shall be from different towns;
4. One individual selected by the Green Valley and Frank Fire Departments who shall be appointed by the Board of Commissioners;
5. One individual selected and appointed by the Newland Town Council;
6. One individual selected and appointed by the Elk Park Town Council;
7. One individual selected and appointed by the Crossnore Town Council;
8. One individual selected by the Fall Creek Fire Department and who shall be appointed by the Board of Commissioners.

The consensus was that everyone was very much opposed to the proposal. Mayor Holland noted and agreed that the ones that were collecting most of the money are not getting the full representation. No one from the Town's Chamber of Commerce, Linville or Seven Devils was given a vote. Mr. Adams noted that the Banner Elk Chamber promotes Beech Mountain, and that any new funding directed to that Chamber would be better than the current arrangement.

After much discussion Mr. Mooradian made a motion that we write a letter to the Avery County Commissioners noting the discrepancy in the proposed nine voting member appointment and giving our support their request for a 2% occupancy tax. The Town will only ask for 1% in Avery County and go ahead and ask Watauga County for the additional 3% as the originally resolution requested. Gil Adams seconded the motion and it passed unanimously.

OTHER BUSINESS

Rick Owens requested that the Planning Retreat be moved from April 6th to April 12th. All agreed.

ADJOURN

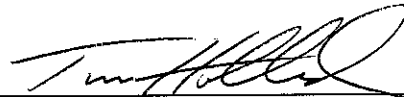
There being no further business to come before the Council the meeting was adjourned at 3:55 P.M.

Respectfully submitted,

Reba G. Greene
Town Clerk

rg

Minutes approved by Town Council on 3-13, 2001.



Mayor

ATTEST:



Town Clerk