

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
August 14, 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, Reub Mooradian and Rick Owen. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Police Chief Jay Hefner, Engineer Ed Powell, Public Works Director Riley Hatch, Intern Jonathan Hobbs, Tax Administrator Missy Norwood and Code Officer Don Fulkerson. There were many interested parties in the audience.

***Invocation – Haste Harrold***

Haste 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 added “d-2”, the Consideration of a Budget Amendment transferring funds to purchase a roll-off dumpster. Mr. Don Bennett was added as item “7-a.”

***2. Consent Agenda***

Reub Mooradian made a motion to accept the minutes of July 10<sup>th</sup>/24<sup>th</sup> as submitted. Gil Adams seconded the motion and it passed unanimously.

***3. Committee Reports***

Seth Lawless reported that the Chamber of Commerce met earlier in the day and were not able to vote on the by-law changes due to the lack of a quorum. A quorum is 25% of the membership. The issue will be on the agenda for their September 11<sup>th</sup> meeting.

Mayor Holland reported to the Council that he and Mr. Lawless had gone to Raleigh to meet with the Legislature on the occupancy tax issue. Mayor Holland noted that Representative Virginia Foxx of Watauga County had introduced an amendment for the Watauga County portion of the Town that looks promising. Mayor Holland felt the Town would get the additional occupancy tax for the Watauga portion of the Town but not for the Avery County side.

***4. Persons Wishing to Address the Council – Linda Tobin***

Linda Tobin addressed the Council inquiring as to the action they were going to take with regards to the “double wide trailer” issue. Mrs. Tobin was hoping that the Council

had been in contact with the Legislature and the League of Municipalities to get them started on changes to State Law that would grant additional authority to municipal governments. Mayor Holland indicated that the Council had taken the action promised at the July 10<sup>th</sup> meeting by sending the matter to the Planning Board. The Planning Board will make recommendations to the Council. Seth Lawless informed the Council and audience that the State of North Carolina does not review the Town Ordinances. Mr. Lawless also reported that he had been in contact with Mr. Ellis Hankins, Director of the North Carolina League of Municipalities, who informed him that the next meeting of the policy review committee would be in October at the Annual Meeting. North Carolina has a part time Legislature and the deadline for bills for the current session was in April. Nothing new can happen this year. They operate on a two-year cycle – this is a long session, next year will be a short session. The only things that come up under a short session are issues that they did not have the opportunity to finish the previous year, therefore it will be 2003 before any type of consideration could be given to any new request. The Town can submit a detailed request, but no action will be taken until 2003. Mayor Holland noted that the Council would wait for the Planning Board to make recommendations before taking any action.

**5. Special Presentation – Pay and Benefit Study – Jonathan Hobbs**

Jonathan Hobbs, Intern from Appalachian State University, addressed the Council with regards to a compensation study he just completed. Mr. Hobbs' study compared the surrounding towns of Banner Elk, Boone, Sugar Mountain, Seven Devils, Blowing Rock and Avery and Watauga Counties. Of the 7 areas Mr. Hobbs noted that the Town ranks 5<sup>th</sup> in items such as budget, number of employees and population. Mr. Hobbs noted that the study covered all the positions that the Town has as well as the pay ranges. The study also compares the benefits and Mr. Hobbs noted that the Town is one of only two towns that offers its employees a 401-k benefit.

Mr. Hobbs concluded that he felt the Town was doing an excellent job with it comes to compensation and benefits.

Mr. Mooradian asked for recommendations to which Mr. Hobbs indicated that one thing he felt the Town lacked was in the length of pay ranges for some of the positions.

The turnover rate was brought up and it was noted that other than retirement the, police department has the highest turnover rate. Ms. Tobin noted that in South Miami they had a high turnover rate because of the lack of action in the community.

Mr. Mooradian asked Mr. Hobbs to come up with some recommendations in regards to the pay ranges.

Mr. Lawless noted that Mr. Hobbs had done an excellent job and he would compare it to any survey that towns would pay several thousand dollars to have done.

**6. Old Business – Visitor's Center Bid Tabulations**

Mr. Lawless reported that the Town had gone through the bid process for this project four times before receiving 2 bids, one of which was incomplete. The architect, Joe

Pavelchak, had done some negotiating with the low bidder and was ready to give the Council a report.

Mr. Pavelchak related to the Council that the problem with a bid of this type was the project size did not coincide with the process necessary to bid, being that it required a bid bond and was a small building, 900 sq. ft. The low bid was from Pendley, Inc. for \$129,739, not including the parking area. Mr. Pavelchak felt that could be negotiated and also pointed out a few areas that could be changed to save some money.

Mr. Lawless reminded the Council that the construction budget for this project was \$110,500, not including the parking area.

Rick Miller addressed the Council stating that he felt corners should not be cut in the bathrooms, noting that was one of the major reasons for having a Chamber building. Mr. Miller also recommended putting a 'cap' on the project and allowing Mr. Pavelchak to negotiate with the builder.

Cindy Keller asked whether or not the building would be able to obtain a sewer tap, to which Mayor Holland replied no because of the moratorium. Mayor Holland went on to say that the Town did not want to wait for the moratorium to be lifted to continue with the plans for the building. It would only slow down the process – this way the Town would be ready to proceed with the building when the moratorium was lifted.

Fred Pfohl agreed with Rick Miller that the bathrooms should not be compromised.

Mr. Pavelchak noted there were some items that could be added at a later date as funds become available and there were things that the Town could do like the picnic area seeding and mulching.

Mr. Lawless noted that Occupancy Tax Reserve was at \$250,000 and about \$118,000 was transferred into this capital project fund leaving an estimated amount of \$132,000.

After much discussion Mr. Mooradian made a motion to cap the project at \$123,000 and retain the electronic valves in the bathrooms and proceed with the project with Occupancy Tax Funds. Gil Adams seconded the motion. Rick Owen asked if Mr. Pavelchak felt he could retain the electronic sensor and tile work for this price. Mr. Pavelchak felt it was a good plan. The motion passed unanimously.

Mr. Paletta is in the process of reviewing the contract from the Pendley Company.

## **7. New Business**

### **a. Don Bennett**

Mayor Holland informed the Council that Mr. Don Bennett was building a new house in the Slopes Subdivision which had a setback violation on one corner of just under one foot and on the other side of 1.5'. Mr. Bennett appeared before the Board of Adjustment to ask for a variance and was partially denied. Mr. Bennett was now asking to purchase a small piece of property from the Town, the Town does own the right-of-

way in front of Mr. Bennett's house. After a brief discussion Rick Owen moved to approve the selling of 2' of Town right-of-way across the entire length of the property line to Mr. Bennett for a price of \$1,000 plus the cost of a survey and attorney fees. Reub Mooradian seconded the motion and it passed unanimously.

Mr. Paletta advised Mr. Bennett to contact his surveyor and have him make the necessary adjustments. Upon receiving a copy of the survey Mr. Paletta would then draw up the deed.

b. Call for Special Meeting

Mayor Holland called for a special meeting for paving bids. The initial advertising resulted in one bid, the project has been readvertised for Tuesday August 21<sup>st</sup>. The Council agreed to adjourn the August 14<sup>th</sup> regular meeting until Tuesday, August 21<sup>st</sup> at 4:00 P.M.

c. Proposed Amendment to Street Events Ordinance

Don Fulkerson reported to the Council that the Planning Board recommended a change in the Streets and Events Ordinance to require a 72-hour advance permit application for street events. Reub Mooradian moved to adopt the proposed amendment to Title VI Chapter 75, Section 1-3. Rick Owen seconded the motion and it passed unanimously.

d. Consideration of Budget Amendment

Gil Adams moved to approve the Budget Amendment to the Lake Coffey Basketball Court. Reub Mooradian seconded the amendment and it passed unanimously.

Reub Mooradian moved to approve the Budget Amendment to the Sanitation Fund to purchase a 40 cubic yard roll off dumpster. Rick Owen seconded the motion and it passed unanimously. Mayor Holland took the opportunity to remind the public that the recycling center would be manned in the future and open a limited number of hours.

e. Nominations/Appointment to Planning Board

Mayor Holland reported that Ted Crager has resigned. Mayor Holland nominated Marge Bailey as a replacement to serve until Mr. Crager's term expires in December of this year. Rick Owen seconded the motion and it passed unanimously.

f. Resolution 01-08-01 GIS on the Web

Mr. Lawless informed the Council and audience that the Town had an opportunity to place the Geographic Information System or GIS, on the web. This would allow anyone with internet access to view the tax maps for all the Town parcels and tax card information and water and sewer availability as well as information on zoning. Mr. Lawless noted that between the months of May and September we have between 10 and 20 requests a day for information that could be obtained from the GIS system. The firm that has been working on the sewer mapping study, Hobbs and Upchurch, will host

this web site for free for two months if the Town chooses, the site will cost \$150 per month after the initial two months. The information that would be posted would be more up to date than the information the Town has in the office and it would also carry a disclaimer as to the accuracy of the information. The city of Roxboro has city information on the web if anyone would like to see an example of how easy it will be to access the information.

Rick Owen made a motion to adopt resolution 01-08-02. Gil Adams seconded the motion and it passed unanimously.

g. Offer to Donate WH-121

Rick Owen moved to accept the donation of WH-121. Reub Mooradian seconded the motion and it passed unanimously.

h. Consider Community Policing Proposal

Chief Jay Hefner informed the Council of the formation of a C.O.P. Committee. The committee is a direct result of the recently completed survey on the overall performance of the police department will consist of 21 individuals including 4 Council members. Chief Hefner suggested the Council recommend 4 persons to serve in the place of the Council members if they are not available. The C.O.P. Committee has its first meeting on September 11<sup>th</sup> at 9:00 A.M. in the Council Chamber at Town Hall.

The purpose of this will be set up a mission and goals for the police department. Mayor Holland informed Chief Hefner that he would be in contact with regard to the Council members available to sit on the committee.

i. Resolution 01-08-02 Preliminary Assessment for Mariah Circle

Rick Owen moved to accept Resolution 01-08-02 for the Preliminary Assessment for Mariah Circle. Jim Herbert seconded the motion.

Mayor Holland informed the audience that this would be added as a change order to the existing bids for the work the Town has planned.

Gil Adams spoke against the paving of Mariah Circle noting that he was not convinced that a gravel road was more expensive to maintain than a paved road. The motion passed 4-1, with Adams voting against.

j. Tax Matters

1. Assessment Release

Reub Mooradian moved to approve the Assessment Release. Rick Owen seconded the motion and it passed unanimously.

2. Annual Settlements – Town of Beech Mountain, Avery County and Watauga County

Melissa Norwood presented the Town's annual tax settlement, as well as those prepared by Avery and Watauga Counties. Rick Owen moved to approve all three annual settlements.

3. Charge Tax Collectors – Town of Beech Mountain, Avery County and Watauga County

Rick Owen moved to charge the Tax Collector, Melissa Norwood, with the collection of the 2001 Beech Mountain ad valorem property taxes as well as the motor vehicle property tax for both the Avery County and Watauga County portions of Beech Mountain. Reub Mooradian seconded the motion and it passed unanimously.

## 8. *Staff/Consultant Reports.*

- a. Town Engineer's Report.

Ed Powell reported the following: 1. The 2001-2002 paving projects, which include Oz Road, Oz Circle, Tamarack Road and Grassy Gap Loop Road, had been readvertised with an opening date set for Tuesday, August 21<sup>st</sup>. Last week's rain affected Tamarack Road and the Town will have a change order with the contractor to repair the flood damage to that road. Mr. Powell did indicate that the work would be completed before the winter season. 2. The tennis courts at the Buckeye Lake Recreation Facility are paved, the fence will be completed on the 15<sup>th</sup> and work is being done on the parking area. The asphalt on the tennis courts must cure for 30 days before Court I can come back to complete the project. 3. The project to improve water pressure on Upper Pinnacle Ridge Road has been completed.

- b. Public Works Director's Report.

Riley Hatch reported that he had a very good response from his employees with regards to the work on the flooding the Town experienced this past weekend with a rainfall of 4.7" reported at Fred's. Mr. Hatch met with Lisa Danner, Watauga County Emergency Management, who will assist the Town in applying for flood damage funding from the state. Mr. Hatch continued with his report on the following: 1) The recycled products report was not available from G.D.S., therefore those figures are missing from the monthly report, however the mixed paper and plastic were rejected. 2) The Town has picked up a lot of brush from the property owners this summer. The Town has set a limit of 4 pick-ups per household. 3) The construction drop offs have continued to do well with the Wednesday schedule.

Cindy Keller asked for an update on the moratorium to which Mr. Lawless reported that the state was sending a representative up on the 21<sup>st</sup> to do their yearly inspection of the wastewater systems and they would also do a follow up at this time to the request to lift the moratorium on the Pond Creek Plant section of the Town. Mr. Lawless indicated

that he had made the request on July 26<sup>th</sup> and the performance of the plant since February would warrant a lifting of the moratorium on the Pond Creek Plant.

- c. Town Attorney's Report. Mr. Paletta had no report.
- d. Police Report. Chief Hefner gave a brief overview of the report noting that the carved bear stolen between the dates of May 29<sup>th</sup> and July 11<sup>th</sup> was still under investigation and they had no leads. There was an automobile accident in the parking lot at Fred's with over \$1,000 worth of damage to one of the vehicles.
- e. Town Manager's Report. Seth Lawless took the opportunity to thank Mr. Hatch and his employees for coming up to work on the flood situation. Mr. Lawless went on to report on the following: 1) The NC DENR report was given under the Public Directors Report. 2) Mr. Lawless pointed out the materials in the agenda packet dealing with an attempt to bring equity in State and Federal funds to the 26 western counties. The group dealing with this would like volunteers from the various areas, elected officials, to serve on a State wide advisory committee. The Council will be updated as progress is made. 3) Region D will hold its Annual Banquet on Friday, September 7<sup>th</sup>, Council is invited to attend. 4) The basketball court should be open by mid-September. 5) The network server will cost more than estimated. The new total will be approximately \$12,000. 6) The recycling center will be staffed starting on or about the 22<sup>nd</sup> of August. 7) Mr. Lawless ended his report by reminding Council of his upcoming vacation, August 17 – 24.
- f. The Tax Report and the Building Inspections Report were accepted as submitted.

#### **9. Other Business**

Mayor Holland reminded the audience that the September and October Council meetings will be on the 3<sup>rd</sup> Tuesday, not the 2<sup>nd</sup>

After a brief discussion regarding the \$5.00 charge for e-mail to receive the Council minutes Rick Owen made a motion to no longer charge for this service. Reub Mooradian seconded the motion and it passed unanimously.

#### **10. Executive Session**

Upon a motion by Rick Owen, seconded by Gil Adams, the Council entered into Executive Session at 8:25 P.M. under the provisions of NCGS 143-318(a)(3) to consult with the Town Attorney. The Council came out of the closed session at 9:05 P.M. Mayor Holland reported that based upon the manager's annual performance review, he would receive a \$1,500 bonus and a 3% salary increase.

#### **11. Recessed**

There being no further business to come before the Council, the meeting was recessed until Tuesday, August 21, 2001 at 4:00 P.M. upon a motion by Reub Mooradian, seconded by Rick Owen. All agreed.

***Reconvened – 8-21, 4:00 P.M.***

Vice Mayor Rick Owen reconvened the regular meeting, recessed until August 21<sup>st</sup> at 4:00 P.M. Present was Vice Mayor Rick Owen, Council Members Gil Adams and Reub Mooradian. Also present were Town Manager Seth Lawless, Jonathan Hobbs, Town Engineer Ed Powell and Public Works Director Riley Hatch.

Vice Mayor Rick Owen called the meeting to order at 4:00 P.M. and called for the first order of business.

- a. Mr. Lawless informed the Council that today, Tuesday, August 21<sup>st</sup> was the bid opening date for the improvements to Oz Road, Oz Circle, Tamarack Road and Grassy Gap Loop Road. Mr. Lawless noted that Smith and Sons was the low bid, coming in under estimates.

The Town Engineer, Ed Powell, will request Smith and Sons to add Mariah Circle as a change order to their contract. Upon a motion by Reub Mooradian, seconded by Gil Adams, the paving contract was awarded to Smith and Sons. A copy of the bid tabulation is a part of the official minutes of this meeting.

***Adjourn***

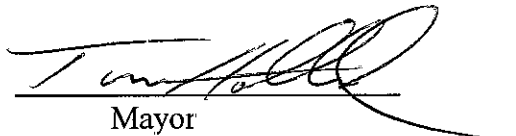
There being not further business to come before the Council, the meeting was adjourned at 4:30 P.M. upon a motion by Reub Mooradian, seconded by Rick Owen. All Agreed.

Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on September 18, 2001.

  
Mayor

ATTEST:

  
Town Clerk



MINUTES  
BID OPENING – VISITORS CENTER  
August 7, 2001

Joe Pavelchak closed the bid receipts at 10:05 A.M.

**1. Bid Opening –**

- a. Appalachian Building Services submitted a base bid for \$174,900. Their bid did not include the parking area.
- b. Pendley, Inc. submitted a base bid of \$129,739. The parking area was \$35,087 and the alternate bid for the parking area was \$26,236.

Respectfully submitted,

Reba Greene  
Town Clerk