

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
January 12, 1999

CALL TO ORDER

Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:00 PM. Other Council Members present were Rick Owen, Jim Herbert, Reub Mooradian and Ed Waligroski. Also present were Town Manager Seth Lawless, Town Engineer Ed Powell, Public Works Director Joe Perry, Captain R. L. Dunn, and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

Public Hearing - Parks and Recreation Trust Fund Grant Request.

Pursuant to due advertisement having been given in the Watauga Democrat edition of January 5, 1999, Mayor Holland called a Public Hearing on the proposed request for a grant from the Parks and Recreation Trust Fund to order. He asked Mr. Lawless to present an overview of the subject. Mr. Lawless recounted the formation of the Long Range Planning Committee, the creation of and subsequent mailing of the citizen survey on desired recreation facilities in the next five to ten years, the tabulation of results by N.C. State University, the formation of subcommittees to research the construction of an indoor recreation facility, the feasibility study on a municipal golf course performed by the National Golf Foundation, and subsequent meetings of the Long Range Planning Committee to prioritize aspects of the desired recreational facilities. The result of this activity is the "Beech Mountain Park Master Plan 1999" which was approved by the Long Range Planning Committee and will be brought before the Council for approval this evening.

He indicated that individuals from the State would be assisting in the development of a comprehensive plan for creation of the recreational facilities at the Town's property around Buckeye Lake, and that there would no doubt be a need for additional meetings, revisions in the plan, and so forth. Roger Bullock asked if any tax increase was anticipated as a result of the Park Plan, and Mr. Lawless said the Plan calls for the dedication of fund balance to complete these facilities rather than new tax revenues. This would reduce the fund balance down from some 47% of budgeted revenues to 39% if approved by the Town Council.

Mr. Lawless explained the grant monies which are available from the Parks and Recreation Trust Fund, and indicated that the Council would decide this evening whether or not to proceed with a grant request. The cost of the first phase of the project would be \$165,814, which would be for two tennis courts composed of a synthetic all weather material and including vinyl-coated fencing. \$88,000 of these monies would be for site preparation, and \$37,500 each for the two courts. Of that, the application would be prepared for \$67,287 in cash. The Town would provide, additionally, \$31,240 in in-kind labor and equipment. The grant request is due by February 1st, and the Town is being assisted with the application by Region D.

Kakii Handley asked why the Town is not putting in a request for indoor facilities, and Mr. Lawless said the cost would be at least \$450,000 and the Long Range Planning Committee felt there needed to be further study on whether to construct a metal building, an air-supported structure or use standard construction methods. Mrs. Handley asked if the Town was considering putting in the tennis courts even if it does not receive a grant, and Mr. Lawless replied that was not part of the plan. Mrs. Handley asked why it was felt that additional tennis courts were needed despite having extra courts at Mariah and Grouse Ridge. Roger Bullock went over the composition of the Long Range Planning Committee and the reasons it approved the Park Plan. The Town owns some 20 acres in the Lake area, and in the opinion of the Committee, this is the appropriate place to construct recreation facilities, especially since it was conceived as a recreation area initially and so funded by the State. As the Club reaches its saturation point, the Town will begin to lose tourist trade (and additional tax revenues from new construction) in the spring, summer and fall. The tourist income is very important to the Town and businesses within the Town.

He also pointed out that the Town has spent some \$650,000 extending sewer and road paving toward that area of the Town, and this is an opportunity to capitalize on that expenditure. The Park Plan gives the Town an opportunity to open a large area for development.

Norm Smith asked if there were any statistics on use of the facilities which are now located at the Lake, i.e. the picnic pavilion, and Mayor Holland said he did not believe anyone kept such figures, but it is the feeling of the Committee that paving to the area is a key to additional use. Charlie Burlison said the area (children's playground) shows a lack of maintenance. Mayor Holland agreed, and noted that the Park Plan calls for annual budget figures for two additional employees to maintain the parks and trails in Town.

There being no further questions or comments on the subject the Public Hearing was closed at 6:25.

Invocation - Charles Burlison.

In Pastor Harrold's absence, Mr. Burlison opened the meeting in prayer.

Pledge of Allegiance.

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

1 *Adoption of Agenda.*

Mayor Holland indicated the need for a closed session at the end of the meeting. Hearing no additions or corrections, the agenda was adopted as presented.

2 *Approval of Minutes, December 8, 1998.*

Mayor Holland corrected the spelling of a name in the previous minutes. Hearing no further additions or corrections, the minutes were approved as amended.

3. *Committee Reports.*

Kakii Handley reported that the Watauga Parks and Recreation Committee did not receive the requested grant of \$250,00 from the Parks and Recreation Trust Fund.

4 *Old Business:*

a *Consider Amendments to Zoning Ordinance.* Mayor Holland indicated these amendments pertained to the zoning of the ski area, which subject had been discussed for months, and that there were some legal issues which needed clarification which would be addressed in the previously-called for closed session.

b *Consider Sign Inventory.* After a great deal of discussion about the proliferation of signs on Town roads, it was the consensus of the Council that all "hidden driveway" signs be removed, as it would seem that problems existing at driveways are more often caused by individuals driving too quickly, or even plantings maintained by the property owners which impede vision. As the Council had previously voted to replace all the metal signs with wooden signs, the oversized "dangerous curve" and other signs would eventually be replaced in the normal progression with

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smaller, more tasteful signs. Seth Lawless reported that the first 30 wooden stop signs had been received and are ready for placement. Mayor Holland thanked the Police Department for their work in conducting the sign inventory.

- d *Bill Sposato, Discussion of Golf Cart Rules.* Mr. Sposato explained that the Club wished to maintain harmony with the Town, but that there was a good deal of concern about the enforcement of the State law against non-licensed golf carts traveling on the roadways. He said the Club hoped the Town would continue to work with it to overturn any stones necessary to see what kind of legal means can be found to resolve the problem. Mayor Holland said the Council's position is that it is a State law, and while the Police have apparently been turning their heads about this use for some time, beginning with "driving across the street," to "driving just a ways down the road," to now some individuals driving over a mile and a half on the Town streets. It has just gotten out of hand.

Marvin Cohen said he drives 5/10 of a mile on Lakeledge Road to the 18th tee. He said he had been talking with a number of the 40-60 cart owners that are directly affected, and they are all concerned that if they cannot drive their carts they will be in competition to rent the Club's golf carts, which are not sufficient in number to accommodate all the golfers. He suggested perhaps cart owners could register the carts with the Town, indicating the exact route they would take and exactly who would be driving the carts. He threatened that if the Town does not solve the problem so that the golfers can drive their carts on the roads there will be a lot of animosity, and the Club will not wish to work with the Town in the future. He cited a letter the Club had received from the Town asking to use the Club's pool during the off-season as an example.

Mayor Holland replied that the Council had long been seeking a way to accommodate the golfers legally, but Mr. Cohen seemed to be asking it to come up with a solution to break the law. There was a good deal of discussion about liability and negligence, which David Paletta explained in legal terms. He did mention that even if the Town were not legally liable for injuries suffered as a result of not enforcing the law, the State might well retaliate with a reduction or discontinuation of Powell Bill monies.

Reub Mooradian said he did not care about negligence or liability, but rather that this is a public safety issue. The Town had notified cart owners in 1981 that it was against the law to drive their carts on the public streets unless they were properly equipped and licensed. This caused a small outcry at the time, but it was explained that nobody was trying to give golfers, as a group, a hard time, but that the Town was required to enforce the laws of the State. If somewhere along the line the law was ignored it was certainly not a deliberate act on the part of the Town Council. He felt if a legal way could be found to allow such traffic it would be fine, but until then the law had to be enforced. He suggested that the Club build a facility in which to store private carts.

Mr. Cohen suggested the Police issue warnings to those who drive their carts on the roads, but they not carry any penalty or reporting so as not to add points or require a fine. Mayor Holland said he felt such citations without teeth were pointless.

It was finally suggested that the Club's attorney attempt to come up with a legal means of driving golf carts on the road and report it to David Paletta. If, between the two, a solution appears, it will be acted upon. In the meantime, Mayor Holland asked Mr. Paletta to come up with a resolution which the Town can adopt encouraging the State Legislature to allow individual

communities their own discretion in such matters. Norm Smith suggested asking if there were not some sort of temporary resolution the State could put through to allow golf cart travel as they deliberate a more permanent law.

5. *New Business:*

- a. *Consider Budget Amendment - Public Safety Grant.* Reub Mooradian moved the budget amendment be approved as submitted. Rick Owen seconded the motion and it passed unanimously.
- b. *Consider Adoption of Park Master Plan.* Mayor Holland asked how the Plan would fit in with the Town's Five Year Plan, and Mr. Lawless said it would require some amendment. Reub Mooradian said he felt the Plan was asking for an awful lot to be achieved in 1999, but moved that Resolution 99-01-01 approving the Plan be adopted. Ed Waligroski seconded the motion and it passed unanimously.
- c. *Consider Resolution Approving PARTF Grant Application.* Rick Owen moved Council approve the request for a grant from the Parks and Recreation Trust Fund. Reub Mooradian seconded the motion and it passed unanimously.
- d. *Consider T.I.P. Priorities.* After some discussion it was the consensus of the Council to make the same joint request (with Banner Elk) regarding NC 184 as it had in 1996.
- e. *Consider Wastewater Violation for October 1998.* Mr. Lawless said the staff hoped this violation would be the last for a while, although it was anticipated and budgeted for. Reub Mooradian moved the fine for violation be paid. Rick Owen seconded the motion and it passed unanimously.
- f. *Consider Amendments to Interlocal Agreements.* Mr. Lawless outlined several small amendments to the document which governs policies of the Self Insured Risk Pool that the League of Municipalities offers. Reub Mooradian moved the Town approve the amendments. Rick Owen seconded the motion and it passed unanimously.
- g. *Report from Planning Board.* The Planning Board report had been part of the agenda packet and was accepted with the Council's thanks for all the diligent work done by the Board.
- h. *Authorize Mayor to Sign National Recreation Trails Grant Application.* Mr. Lawless indicated this would be an 80% grant requiring a 20% match by the Town. The request is intended to be for \$16,000 in a grant, with a match of \$4,000 by the Town, for extending walking trails. This figure may change when the representatives of the State have an opportunity to visit the area. Ed Waligroski moved the grant be sought. Rick Owen seconded the motion and it passed unanimously.
- i. *Authorize Mayor to Sign ESRI Local Government Start-up Grant Program.* Mr. Lawless said this particular grant of equipment (a G.I.S. System) did not require any expenditure on the part of the Town. If the application is viewed favorably the Town will simply receive the equipment as a gift. Reub Mooradian moved the Mayor be authorized to sign the application. Jim Herbert seconded the motion and it passed unanimously.

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- j **Consider Engineering Agreements for Pine Ridge Road Resurfacing, Waterline Replacement and Other Paving.** Ed Powell had prepared estimates on four projects at the request of the staff: Project 1 is the resurfacing of Pine Ridge Road to include the replacement of 1/2 mile of 2" water main with 6" mains at a total project cost of \$267,000. Project 2 would be the pavement of the remainder of Pinnacle Ridge Road and Grassy Gap Creek Road to the end of the Pine Ridge Road paving, at a project cost of \$662,000. Project 3 would be the completion of paving of Lake Road, Dogwood Lane, Lakeledge Road, Charter Hills Road and Clubhouse Road for a project cost of \$572,000. Kakii Handley asked if there would be an assessment charged to property owners who abut the roads to be newly paved, and Mr. Lawless indicated a 50% participation would be required.

Mayor Holland asked about being able to award a bid before the budget for 1999/2000 is adopted, and Mr. Lawless said the Council would have to come up with a Project Ordinance and commit monies out of reserves. Then the reserves would be replenished with an appropriation after the budget is done. Mayor Holland asked about the water lines in the "loop," and Mr. Powell said although they are 4" lines, it is not recommended to replace them since that is a "high pressure area." Reub Mooradian asked if the Town was going to have to recommend another bond issue, and Mr. Lawless replied that there is now another financing method, commonly referred to as 160A-20, which gives towns and cities the authority to enter into a long term installment loan for such projects. The Local Government Commission has said the town would be well within their recommendation for 160A-20, and interest rates are quite low. The Town would also be saving the cost of bonding attorneys and agents, as well as months and months of delay.

Reub Mooradian moved that Mr. Powell be authorized to do the engineering studies required for the resurfacing of Pine Ridge Road to include the replacement of 2" pipe with 8" pipe, and to advertise for bids to do the work. Ed Waligroski seconded the motion and it passed unanimously.

Reub Mooradian moved that Mr. Powell be authorized to do the engineering studies required for the paving of the remainder of Pinnacle Ridge Road and of Grassy Gap Creek Road and to advertise for bids to do the work. Ed Waligroski seconded the motion and it passed unanimously.

After discussion it was the consensus of the Council to consider Project 3 over the next month and bring the subject up again in the February meeting. Mr. Lawless said he would also have the project ordinances for Projects 1 and 2 ready at the next meeting, which would show where funding would come from for the projects.

Ed Powell said there were grant funds available for planning for water and sewer installations, and he would have a request to present to Council at the next meeting asking for funds to replace water and sewer lines, which would include mapping of the entire system.

6 **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Mr. Powell said work would continue on the tank painting when weather allows, as will work on the paving of Village Road.
- b. **Public Works Director's Report.** Mr. Perry had no report. Ed Waligroski said he had received some complaints about lack of chat on the roadways out the back gate, and Mr. Perry said those roads are on the same schedule as the road to the water plant. Short of buying another truck and

hiring another employee, the sanding could not be done any more often

- c **Town Attorney's Report.** Mr. Paletta had no report.
- d **Chief of Police's Report.** Captain Dunn had no report beyond the Chief's report included in the agenda packet.
- e **Town Manager's Report.** Mr. Lawless had no report.
- f **Finance Report, Tax Report and Building Inspection Report.** The reports were accepted without comments or questions.

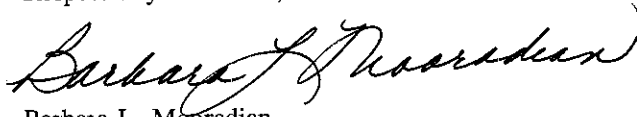
7. **Closed Session.**

Reub Mooradian 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, seek legal consultation and discuss the possible acquisition of property. Ed Waligroski seconded the motion and the Council went into closed session at 8:25 PM. The Council came out of closed session at 9:25 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:26 PM.

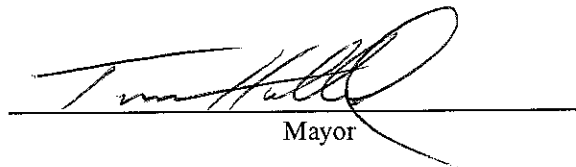
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on February 9, 1999.



Mayor

ATTEST:



Town Clerk