

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting, January 8, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:03 PM on Tuesday, January 8, 1991. Other Council Members present were Vice Mayor Kakii Handley, Charlie Burleson, Alan Holcombe and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell and Public Works Director Joe Perry. A large number of individuals were present in the audience.

Before beginning the agenda, Mayor Miller announced that the Town had received resignations from Hobert Watson, Johnny Watson and Jerry Watson. He also stated that Chief Watson was in stable condition at Watauga County Hospital in the Coronary Care Unit. He further stated that Sergeant Cecil Gilliam would hold the position of Acting Chief of Police until a new Chief is hired, advertisements for which have already been published.

The following additions were made to the Agenda:

Consideration of changing date for February meeting was placed as item #3.

A brief discussion of the 911 system was placed under "Other Business."

1. Consent Agenda

David Paletta suggested that Item b, "Amendment to Soil Erosion and Sedimentation Ordinance" be removed from the Consent Agenda as he had some suggestions on the subject.

Reub Mooradian moved that the Consent Agenda as amended be approved. Alan Holcombe seconded the motion and the following item was unanimously approved:

a. Minutes of the Regular Meeting of December 11, 1990.

2. Committee Reports

There were no committee reports.

3. Date for February Regular Town Council Meeting

Kakii Handley indicated she would be out of town on February 12, the normal date for the Council meeting in February, and asked that it be rescheduled. After general discussion 6:00 PM on Thursday, February 14, 1991, was set as the date and time for the February Town Council meeting.

4 Old Business

- a. Public Hearing on Cable TV Ordinance After general discussion, Reub Mooradian moved that the Public Hearing on the revised Cable TV Ordinance be held at 6:00 PM on Thursday, February 14, 1991, as the first item of business for the Town Council meeting. Kakii Handley seconded the motion and it passed four votes to one, with Mr. Burleson dissenting.
- b. Amendment to Zoning Ordinance - Fuel Storage Receptacles. Kakii Handley moved that a Public Hearing be held at 6:00 PM on Tuesday, January 29, 1991, on proposed changes to the Zoning Ordinance as concerns fuel storage receptacles. Alan Holcombe seconded the motion and it passed unanimously.
- c. Consideration of Scrap Tire Fee. Al Greene informed Council that Watauga County had set a policy of accepting no more than two tires free of charge, and charging \$10.00 per ton for more than two tires, with a minimum charge of \$5.00. He noted that he felt the administrative burden of collecting a fee would not be cost effective for the Town, and recommended an amendment of the Waste Management Ordinance (attached). Reub Mooradian moved that Council approve the amendment as presented. Alan Holcombe seconded the motion and it passed unanimously.
- d. Amendments to Soil Erosion and Sedimentation Ordinance. David Paletta suggested that the phrase "no more than" preceding \$500.00 be deleted from Section 20, a, 1; and/or that the Civil Penalty charged be \$100.00 per day, if the State would approve such a change. After discussion, Alan Holcombe moved that the Council adopt the amendments to the Soil Erosion and Sedimentation Ordinance presented (attached), with the change to \$100.00 if the State would allow. Charlie Burleson seconded the motion and it passed unanimously.

5. New Business

- a. Consideration of Upset Bid, A-40. Al Greene reported that the bid of \$1,450.00 previously received from Mr. Roger Abney for lot A-40 had been upset by a bid in the amount of \$1,600.00 by Mr. John Earnhardt. He stated that the upset bid had, itself, been advertised and no further upset bids received within the statutory period. Reub Mooradian moved that the Town accept the offer of \$1,600.00 from John Earnhardt for lot A-40. Charlie Burleson seconded the motion and it passed unanimously.
- b. Discussion of Sign Ordinance. Al Greene referred to a letter received by Mayor Miller from a citizen complaining about the proliferation of signs at the 76 Station, and asking that the Sign Ordinance be amended to tighten up restrictions so as to protect the beauty of the Town. After general discussion it

was decided to refer the letter to the Planning Board and ask that they review the Ordinance. David Paletta suggested that they review the Boone ordinance regarding multiple business signs, as the wording is more restrictive and in line with the Council's apparent desires.

- c. Tax Releases. Al Greene asked the Council to ignore tax release #15, as the Tax Administrator had indicated the release was no longer necessary. Alan Holcombe moved that the remaining releases be approved. Kakii Handley seconded the motion and it passed unanimously.
- d. Amendment to Zoning Ordinance Concerning Rules of Conduct for Board of Adjustment Members Town Council set 6:00 PM Tuesday, January 29, 1991, as the date and time for a Public Hearing on the changes to the Zoning Ordinance proposed by the Planning Board.

6. Town Engineer's Report

Ed Powell reported that the State Division of Environmental Management had officially denied the Town's request for a revolving loan to assist in completion of the Bear Branch Outfall Line. The application has advanced in priority and will be held over until the next loan cycle in March/April.

7. Public Works Director's Report

Joe Perry had no formal report. Charlie Burleson asked Mr. Perry when he intended repainting road signs, and Mr. Perry stated it would be spring, unless the weather continues to be mild. Rick Miller asked about the "slow" road signs at the recreation area, noting that they had come up. Mr. Perry indicated they intended to paint the signs next time instead of using the stick-on variety. Reub Mooradian, on behalf of the Fire Department, thanked Mr. Perry for his program of testing and oiling fire hydrants, making the firefighters' job much easier.

8. Town Attorney's Report

Mr. Paletta reported on several aspects of the proposed Cable TV Ordinance revision. First, on the provision allowing the Town to revoke a franchise, Mr. Barrett had indicated the process was a lengthy and awkward procedure, but that his attitude was it was better to have the provision in the ordinance than not.

With regard to the Council's consenting to the assignment or transfer of ownership, Mr. Barrett had indicated it is very difficult to refuse such transfers, and the procedure was most often used when a large company was being taken over by a smaller one, which might not be able to provide all the services of the larger company. Again, Mr. Barrett felt it was better to have the provision in the ordinance than not.

Mr. Paletta pointed out that it would be difficult, in fact, to refuse to renew a franchise. There is a strong presumption in favor of the company providing the service if they desire to renew the franchise. Mr. Barrett has been asked to forward a list of grounds which may be used in such cases.

Mr. Paletta felt the main question for the Town Council would be whether they wished to have a special provision for small cable companies. If so, there are certain provisions of the overall ordinance which should not apply to the small company.

Kakii Handley asked about the requirement to extend service to households if there exists a certain density of homes, and asked what recourse the Town would have if the cable company refused to extend the service. Mr. Paletta indicated the Town could bring suit for enforcement or, if the program was in the construction phase, the Town could revoke the franchise for failure to construct in accordance with the franchise -- it would be a material breach of contract.

Roger Bullock asked why the electric company was "required" to extend service to homes, while the cable company could refuse or place an inordinate financial burden on the subscriber. Mr. Paletta pointed out that there were two different sets of regulations, and those which regulate the power companies are much more in favor of the consumer. He pointed out that there is movement underfoot to amend the Act in favor of the consumer, and Mr. Bullock indicated he would be happy to help such a movement in any way possible.

Rick Miller pointed out that the cable company had sent out a questionnaire with the current bills, and urged everyone who has cable to fill it out. Reub Mooradian asked if cable users would please request another NBC channel, one from North Carolina.

Mr. Paletta asked if all the Council members had received a copy of the Title Opinion on the Crews property, and if they had any questions. Reub Mooradian asked about the possible right-of-way problem, and Mr. Paletta suggested that, since he could not prove it does not exist, the Town might want to erect a fence which would act as notice that the Town considers the property its alone, requiring any party with an interest in it to prove such an interest.

Charlie Burleson moved that Council instruct the Town Manager and Town Attorney to proceed with the closing on the purchase per terms of the contract. Alan Holcombe seconded the motion and it passed unanimously.

9. Town Manager's Report

Al Greene indicated he only had one matter to bring up, which was a letter from Ms. Betty Wentz complimenting the Police Department for their help during a recent visit. While she only mentioned Dee Lowe by name, he said he hoped the officers involved would know who they were and appreciate the complimentary words.

10 Financial Report; Budget Amendments

The Financial Report was distributed for the Council's information.

Kakii Handley moved that a transfer of \$490.00 be made from Building Maintenance to the Town Hall Capital Project to cover added cost of stone work in the lobby. Charlie Burleson seconded the motion and it passed unanimously.

Reub Mooradian moved that Council approve a transfer from the Public Safety Department to the Appropriated Fund Balance in the amount of \$27,240 to cover accrued vacation, sick leave and holidays for departing police officers. Alan Holcombe seconded the motion and it passed unanimously.

11. Other Business - 911 System

Al Greene reminded Council that the Public Hearing for the 911 System had been set for 6:00 PM on Tuesday, January 29, 1991.

Alan Holcombe asked if there were other companies which provided 911 software/hardware and Mr. Greene indicated he would try to locate some who supply service to other communities/counties in the area. Kakii Handley asked if Mr. Greene had been able to contact John Sanders, as he has been very involved in getting a 911 System in place in Kingsport and would, no doubt, be helpful to the Town. Mr. Greene replied that he had not yet been able to contact Mr. Sanders, but that he would do so prior to the Public Hearing.

Reub Mooradian asked if Mr. Greene would set up a demonstration of the cellular phone service which has been announced as coming to the area, some time in the spring.

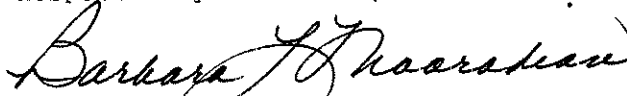
Riley Hatch submitted a petition signed by members of the Police Department and citizens urging the Town Council not accept the resignation of Hobert Watson.

Reub Mooradian moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318 11(a)(1) possible acquisition of property; (4) and (5) to consider and receive attorney guidance regarding disposition of a claim against Wallace on behalf of the Town; and (8) to discuss a personnel matter. Alan Holcombe seconded the motion and the Council went into Executive Session at 7:10 PM. The Council came out of Executive Session at 9:50 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:51 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BEECH MOUNTAIN TOWN COUNCIL

MINUTES

Public Hearing

January 29, 1991

The Public Hearing on proposed changes to the Zoning Ordinance and a proposed 9-1-1 system for Beech Mountain was called to order by Mayor Miller at 6:00 PM on Tuesday, January 29, 1991 in the Council Chamber at Town Hall. Other Council Members present were Kakii Handley, Charlie Burleson, Alan Holcombe and Reub Mooradian. Also present were Town Manager Al Greene and Public Works Director Joe Perry. Present in the audience were Mr. and Mrs. Krecicki, Mr. and Mrs. Sanders, Ellen Anderson, John Hoffman, Mr. and Mrs. Crager, Mrs. Vetro and Tom Wilson of InterAct.

1. Proposed Changes to the Zoning Ordinance.

Mayor Miller called for public comment on the proposed changes to Section 602.02, 602.03, 602.06 and 602.07 of the Zoning Ordinance. Ellen Anderson, Chairman of the Board of Adjustment, stated that the Board had requested the changes, and therefore was in complete agreement with them with the exception of the addition of the feminine pronoun throughout. She felt strongly that this was not necessary and simply added words to the Ordinance.

Mayor Miller called for comments on the proposed change to Section 604.03 of the Zoning Ordinance and received none.

Mayor Miller called for public comments on the proposed change to Section 1112. Ellen Anderson said she felt strongly that storage receptacles should be required to be screened from view by both a wooden fence and evergreen plantings, whether they be laurel, rhododendron, fir trees, etc.

John Hoffman, a member of the Planning Board, explained that it had been their thought that in some places it would be virtually impossible to make plantings due to rock, so had therefore given the two options. Rick Miller pointed out that the Code Enforcement Officer could use his good judgment in each case to decide whether to allow an above-ground installation and what type of screening was both appropriate and practicable.

Kakii Handley said she felt Miss Anderson's idea was a very good one and that it should be spelled out in the Ordinance. She pointed out that the more detailed the Ordinance is, the easier the Code Enforcement Officer's job will be, and urged further study of this proposed change.

Reub Mooradian said he agreed with what everyone had said so far, and also felt the last paragraph needed to be tightened up. He likened the problem to that which the Town had faced with the garbage receptacles until the exact requirements were spelled out in the Solid Waste Management Ordinance.

Charlie Burleson concurred, and urged Council spend more time to come up with some specific wording prior to adoption of the proposed change. He also stated that he did not feel the present wording of the Ordinance was

being properly enforced and cited a storage tank on St. Andrews Road at either GL-40 or GL-41 which appeared to be right next to the road in plain view. Al Greene said he would check on that matter and take appropriate action.

Mr. Greene also asked that when matters of this type come up in the future he be notified so that the problem can be addressed immediately.

Reub Mooradian suggested that when the Ordinance amendment is finally decided upon, a courtesy copy of that portion be sent to all suppliers of LP gas in the area so that they would know the Town's requirements for their tanks.

Ellen Anderson repeated her request that both means of screening be required, so that in areas where planting is not possible, that would be an exception rather than the norm. She also pointed out that the mere planting does not always satisfy the spirit of the Ordinance unless property owners are required to replace dead or dying screening plants.

2 Proposed 9-1-1 System for the Town.

Mayor Miller went over, in general, the type of 9-1-1 system the Council was considering, indicating the cost to the subscriber is estimated to be \$1.75 to \$1.80 per month for the first five years, after which a nominal maintenance fee of something in the neighborhood of 40c to 45c per month would be charged. He pointed out that the system would only be as good as the information which the Town receives from its subscribers, so urged all citizens to fill out their data requests when received.

Mrs. Vetro said she felt the system was absolutely necessary. She told of a recent incident in which her mother had fallen, and all of the five people in the home were so panicked that nobody could think of what number to call. Since 9-1-1 is used fairly generally throughout the country, she felt it would be more readily remembered.

John Sanders asked that the system be described. Tom Wilson stated that it would be a computer system based at the Town Hall, and would consist of information accumulated from subscribers. When a call comes in on the 9-1-1 line, the monitor will automatically display the location from which the call is being made, directions to the home, medical information supplied by the subscriber, location of hazardous materials such as LP gas tanks, etc. The system offers up to four screens for information on each dwelling/subscriber.

Mr. Sanders asked how many trunk lines would be installed, and Mr. Wilson replied that the telephone company recommended four, but he felt two would be adequate. Mr. Sanders asked how the system would handle overload calls, and Mr. Wilson said it would take as many calls as there are trunk lines, after which either a busy signal would sound or further callers would be put on hold. Mr. Sanders asked if the program could accommodate

a G.I.S. system, and was told it would. Mr. Sanders asked how the information on directions to a home would be given, and was told that it would be entered on each home's data page, then would be printed in hard copy at the fire station and could be read over the radio to police officers or ambulance personnel. Mr. Sanders asked about the capacity of the InterAct system, and was told it would handle 10,000 subscribers.

Mr. Sanders asked about redundancy features, and was told there was a tape backup so that information can be loaded back in if lost. There is also a 24-hour tape backup, stored elsewhere, of calls. Mr. Sanders asked how many systems had been looked at, and Mr. Miller indicated the Council had only looked at InterAct as yet. Mr. Sanders suggested others be investigated and Al Greene indicated the Town had contacted several but that Mr. Wilson was the only one to follow through with a demonstration.

Mr. Sanders suggested the Town join the North Carolina Chapter of the National Emergency Number System, which could provide assistance and information, as well as visit other areas and look at the systems they have. He extended an invitation for any or all of the Council to visit and inspect the 9-1-1 system used in Kingsport, TN. Al Greene indicated the Town had done a certain amount of leg work and would continue to do so. He pointed out that the legal reason for having the Public Hearing was to let the public know about the proposed subscriber fee.

Mr. Sanders asked upon what the estimated subscriber fees had been based, and Mr. Greene indicated it was based on what the InterAct system would cost. Mr. Sanders asked if any transfer of data from the dispatchers to the emergency response people was contemplated, and Mr. Greene said the Town was thinking about a printer to be installed at the fire station onto which the dispatcher would forward the hard copy. Mr. Sanders indicated his system used pagers which printed up to eight lines, which are carried by the emergency response individuals and do not depend upon telephone lines. He reiterated that the Town should look at several programs, since the technology has grown so much in the last few years.

Reub Mooradian said he thought everybody should understand that the Council is not sunk in cement on any one system, and will continue to look at other ones. The Council knows there are many other vendors and will look at them, and also intends to accept the invitation to visit Kingsport to look at theirs.

Mr. Sanders again recommended joining the NC chapter of NENA as a source of much valuable information. He also stated that if the Town was going to operate a 9-1-1 system and accept emergency calls, callers will want to know something to do for the stricken party while waiting for help, and if the dispatchers are not trained as first responders the Town could face litigation.

Kakii Handley pointed out that the public input which was sought by the Council that evening was whether or not they want a 9-1-1 system at all. Ellen Anderson asked if a system other than InterAct would make a significant difference in cost, and Mayor Miller indicated it was the intention of the Council to keep within the \$160,000 range.

Mr. Wilson pointed out that the \$160,000 figure was not the price of the InterAct program, but rather included interest, fees charged by Skyline Telephone, etc., over a five-year period. Miss Anderson asked if the townspeople could count on a cost to the consumer of less than \$2.00 per month and Mr. Miller agreed.

Mr. Miller took the opportunity to inform the public that there are some households which have the 387 prefix but are not located within the corporate limits of the Town. They will, therefore, have the benefits of the 9-1-1 system but the Town cannot legally charge them a subscriber fee. They will, of course, be asked to voluntarily pay for the service -- but there are only a handful of such households at most.

Mr. Sanders asked how a possible integration of the Town's 9-1-1 system and either or both county's systems would be handled should they install a 9-1-1 system also, and Rick Miller said the Town did not necessarily want to be integrated, since this would entail their receiving the emergency call and then having to turn around and call Beech Mountain. Mr. Sanders stated that that could be averted by having a selective routing switch at the phone company -- then any calls from the 387 exchange would automatically ring at our dispatcher's phone.

Tom Wilson pointed out that the key issue in that matter would be that both counties would have to have the enhanced system.

Charlie Burleson said he feared that the Town of Beech Mountain could install its 9-1-1 system, establish a subscriber fee, and then at some later date either or both counties could also establish a subscriber fee which Beech Mountain residents would have to pay as well. Mr. Greene stated that the Town Attorney had advised that it is his opinion that this could not be done because they will not be providing the service.

Mr. Burleson stated that both counties provide a Sheriff's Department which, although they do not respond to emergency calls on Beech Mountain, are used by the Beech Mountain Police Department, most recently in the case of the autumn break-ins. He reiterated that he is "all for" a 9-1-1 system for the Town but wanted the public to know they faced the possibility of paying two subscriber fees. Mr. Sanders indicated that this was exactly the type of question that NENA could answer, and Al Greene said he had already called them and they are sending the information.

Mr. Crager asked that the difference between basic 9-1-1 and enhanced be explained, and was told that the basic just provides a phone number where an individual can call for assistance. If the individual becomes unable to speak, or hangs up, there is no indication of where the individual called from or even what telephone number one might try calling back. The enhanced system automatically displays the phone number, the address, the location, and any other information which has been programmed into it.

Charlie Burleson said that he was disappointed in the small number of people who attended the Hearing. He urged the public to address the Council, in meetings or privately, about what kind of system they wanted.

and how much they were willing to pay for it. He asked all citizens to "watch the Town Council to see that the Town Council abides by what has been presented tonight. See that the Council does not charge you more later. See that we get the system you want."

ADJOURN

There being no further public comment on the matter, the Hearing was adjourned at 7:00 PM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barbara L. Mooradian".

Barbara L. Mooradian
Town Clerk

BLM/hs