

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting, March 12, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:05 PM on Tuesday, March 12, 1991 in the Council Chamber at Beech Mountain Town Hall. Other Council Members present were Kakii Handley, Charlie Burleson and Alan Holcombe. Councilman Mooradian was absent. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell and Public Works Director Joe Perry. Present in the audience were Ed Calvin, Jeff Hardwick, Tim and Jan Holland, Leslie and John Hoffman, Ellen Anderson, Bill Sposato, Ann Galindo, John McMillan of Carolina West Cellular Phone Service and Alice Pyatt and Mike Oliver of the Avery County Humane Society.

1. Consent Agenda:

Alan Holcombe moved that the Consent Agenda be approved. Kakii Handley seconded the motion and the following items were unanimously approved:

- a. Minutes of the Public Hearing and Regular Meeting of February 14, 1991.
- b. Resolution 91-03-02 Supporting Lees-McRae College.

2. Committee Reports:

Kakii Handley reported that the Watauga Parks and Recreation Committee was getting geared up for the summer games again, and working on the pool. She reported the director was still in Saudi Arabia, but it is hoped she will be returning soon.

3. Persons Wishing to Address the Council:

- a. John McMillan, Carolina West Cellular Phone Service

Mr. McMillan distributed a fact sheet regarding cellular systems in general, and those to operate in this area in particular. This material is attached for the record. He indicated that Carolina West Cellular should be in business in the Beech Mountain area by mid-summer. Kakii Handley asked if the cellular phone would be able to dial 9-1-1, and Mr. McMillan said he believed it would, but the information appearing on the screen would indicate the address of the base unit (the home) rather than wherever the unit was calling from.

b. Alice Pyatt and Mike Oliver, Avery County Humane Society.

Ms. Pyatt and Ms. Oliver indicated that the County Commissioners and the Humane Society have a basic disagreement regarding the Humane Society and its role. The Society feels that the county should have strong animal control, to include an animal control officer and facilities for impounding abandoned/unwanted animals, to include euthanasia if necessary, and allowing the Humane Society to run just a shelter, investigate animal cruelty, assist in educating the public about spaying and neutering, etc.

They indicated that the Society's budget is some \$60,000 annually, of which Avery County has supplied approximately one-third in years past. Last year that was cut to \$17,500, and further funding has been denied. The Society is still hoping to be budgeted monies to help defer their costs in the next budget year.

Mayor Miller asked what individual communities within the County can do other than give monetary assistance. They responded that requests to the County Commissioners for an animal control officer and attendant facilities might help.

4. Unfinished Business.

Al Greene described some Council Members' visit to Kingsport to see their 9-1-1 system, which is much more sophisticated than Beech Mountain would require, and asked the Council to decide (a) is an enhanced or basic 9-1-1 system something that it wants for Beech Mountain, (b) is Council ready to begin putting some specifications together prior to requesting bids, and (c) does Council wish to pay for the costs via a subscriber fee or through taxes.

Mayor Miller asked for a consensus of Council, and it was that it did feel an enhanced 9-1-1 system was needed in Beech Mountain. Alan Holcombe moved that the staff proceed to develop specifications for a Beech Mountain enhanced 9-1-1 system, utilizing the already-developed committee and any additional people who might be of assistance. Charlie Burleson seconded the motion. Kakii Handley suggested that the committee be augmented by a citizen who has nothing to do with police, fire, rescue, etc., and suggested Roger Bullock. John Hoffman indicated that Mr. Bullock is familiar with communications, so would be an excellent choice. The motion was voted upon and passed unanimously.

With regard to funding the system, Mr. Greene indicated the cost would amount to approximately 2.36c per \$100 in tax valuation for the first year and then 2.01c per \$100 in the next four years, if Council decided to pay for the system through taxes. Rick Miller pointed out that if Council decided to pay for the system through imposition of a subscriber fee, the Statute requires a four month period after adoption of such a fee before it could begin being charged.

Alan Holcombe spoke in favor of paying for the system through taxes, thus spreading the cost throughout the entire populace. Kakii Handley said she would prefer to see a subscriber fee. She said she had talked to a number of people who said they did not want taxes to go up, but would rather pay for the system through a subscriber fee.

Dr. Calvin said he wasn't sure why Beech Mountain needs a 9-1-1 system. John Hoffman said the large transient community often did not know where they were located when they had to call for assistance. Dr. Calvin said the rental agencies should put up signs in their units instructing visitors where they are located, and Alan Holcombe responded that this is done, but they disappear. Jeff Hardwick said he was very much in favor of a 9-1-1 system and would prefer a subscriber fee. Tim Holland and John Hoffman both said they also preferred a subscriber fee.

After further discussion, it was the consensus of the Council to go ahead with preparation of the specifications.

5. Police Chief

Rick Miller announced that a decision had been made from 79 applicants for the position of Chief of Police, and that he was happy to present the new Chief, Jay Hefner, to all. He indicated that Mr. Hefner would be sworn in at 10:30 AM in the Council Chamber on Thursday, March 14, 1991, and invited everyone to take part.

6. New Business

a. Consideration of Proposed Animal Abuse Ordinance

David Paletta indicated that the ordinance which he had prepared had been intended to be very broad, to provide maximum coverage and to provide many possibilities for the Town to consider. Al Greene's proposed ordinance incorporates those provisions to tailor it more to Beech Mountain, and Mr. Paletta indicated he was very comfortable with it.

Al Greene said he felt some of the suggested provisions were too broad and would cause problems with interpretation and enforcement. He indicated he had tried to avoid ambiguity. Mr. Paletta pointed out that this ordinance would differ from others in that it would call for a \$500.00 fine, as opposed to the normal \$100.00.

Charlie Burleson asked if it would be a good idea for Council to address the problems of dogs running loose in this ordinance, since some of the population had expressed their concerns. Alan Holcombe said he would prefer to address this more limited version, and look at loose animals later. Ellen Anderson said she had observed a dog who had been tied to a tree, and who had wound the rope around the tree so tightly

that he was unable to move about or get to his water. She asked if the proposed ordinance would cover situations of this type. She felt this was definitely a case of mistreatment, since the animal could not stand up and couldn't walk. Mr. Paletta said the ordinance would have to be enforced using good judgment, but that he would suggest the Town avoid becoming "big brother" and telling everyone how to live. After some further discussion, Alan Holcombe suggested that the Council set a date and time for a public hearing on the subject. It was decided to hold the hearing at 6:00 PM on Tuesday, April 9, 1991 before the regular meeting.

b. Road Improvement - North Pinnacle Ridge Road

Al Greene indicated that the Town had received petitions for the paving of North Pinnacle Ridge Road. He asked, if the Council wished to do the improvement, that they request Certification of the petitions by the Town Clerk. Alan Holcombe so moved. Kakii Handley seconded the motion and it passed unanimously.

Mr. Greene presented a Certification of Petitions which had been previously prepared, and asked Council to set a date for a public hearing on the subject. After some discussion, it was decided to hold the hearing immediately following the public hearing on the animal abuse ordinance at 6:15 PM on Tuesday, April 9, 1991. Ed Powell was asked about a time frame for doing the work, and he indicated that first the engineering work had to be done, then plans drawn, bids advertised and received, etc. He estimated they could not start until June at the earliest, most probably July.

Alan Holcombe moved that the Council pass the Preliminary Assessment Resolution on the paving project. Kakii Handley seconded the motion and it passed unanimously.

c. Personnel Ordinance

Council had previously been provided copies of the suggested Personnel Ordinance. Al Greene outlined the changes incorporated therein as compared to the old ordinance. Kakii Handley asked if there should not be some other individual, such as the Assistant Town Manager, to whom an employee could appeal if there were a difference of opinion or personality problem with the Town Manager. David Paletta said such an individual should absolutely not be anyone below the Town Manager. He said they could make it a policy that an employee could appeal to the Town Council, but since a Council has generally already been notified of personnel problems by the Manager, it would be difficult for the employee to get an impartial hearing from them.

Al Greene said he felt very strongly that the final word should be that of the Town Manager. He said a Council must trust

their Manager sufficiently to allow him or her to make personnel decisions. Joe Perry indicated he believed, also, that the Town Manager should have the final word. David Paletta pointed out that there are two checks on the Manager's handling of a personnel problem: The courts, of course, since in North Carolina a public employee cannot be fired without cause. The second check would be the Council itself -- since personnel matters are no different from any other aspect of the Town Manager's performance of duties. If he performs it badly, the Council has the option of reprimanding or even firing him.

After some further discussion, Alan Holcombe moved that Council adopt the new Personnel Ordinance as presented. Charlie Burleson seconded the motion and it passed unanimously.

d. Amendments to the Code of Ordinances.

(1) Enforcement of Ordinances. Alan Holcombe moved that the suggested amendment (attached) to Chapter 1 be adopted. Charlie Burleson seconded the motion and it passed unanimously.

(2) Streets and Driveways. David Paletta suggested the insertion of two phrases in the proposed amendment. Alan Holcombe moved that the amendment, as changed, to Chapter 3 be adopted (attached). Charlie Burleson seconded the motion and it passed unanimously.

(3) Nuisance Ordinance. Charlie Burleson moved that the suggested amendment (attached) to Chapter 9 be adopted. Alan Holcombe seconded the motion and it passed unanimously.

7. Town Engineer's Report

Ed Powell indicated he had no report.

8. Public Works Director's Report

Joe Perry stated he had no report.

9. Town Attorney's Report

David Paletta said he had no report.

10. Town Manager's Report.

Al Greene indicated he had received notice of the regional meetings of the League upcoming in April, and that he would see that all Council Members received copies.

He distributed a memorandum covering the Emergency Management planning for the Council to look over, and indicated an ad hoc committee consisting of the Police Chief, Fire Chief, Public Works Director and himself would have recommendations at a later date.

Mr. Greene announced that the League of Municipalities had notified all towns and cities that the State was going to withhold 6.2% of the revenues due the municipalities from franchise taxes, beer and wine sales, intangibles taxes and inventory reimbursement. This will cause a shortfall of \$8,000 in anticipated revenues. This revenue may be forthcoming in June, or it may not, and it may be cut out completely for next year. Charlie Burleson asked if the Town should write a letter to the Governor on the subject.

After general discussion, it was decided that Mr. Greene should draft a letter for the Mayor's signature opposing the withholding of the 6.2% and also opposing any reduction in revenue but supporting any reasonable plan that would allow revenue due any municipality to at least remain stable.

11. Tax Refund

Alan Holcombe moved that the tax refund requested by the Tax Administrator be approved. Charlie Burleson seconded the motion and it passed unanimously. Rick Miller asked Mr. Greene to tell Missy Norwood that she is doing a fine job. Mr. Greene replied that he would do so, and indicated that she had just sent out a large number of demand letters to delinquent taxpayers - the last step before they are turned over to the Town Attorney for foreclosure.

12. Financial Report

The Financial Report was distributed to the Council for their review.

13. Other Business

Mayor Miller referred to the monthly police report regarding the number of arrests which had been made.

There was discussion regarding the Avery Humane Society and it was the general consensus to support the Society and encourage everyone possible to make donations to their cause.

Mayor Miller thanked the Town Manager and Assistant Town Manager for the work they put into the screening process on the Chief of Police position.

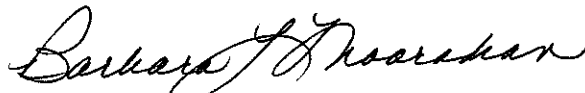
14. Executive Session

The Council went into Executive Session under the provisions of N.C.G.S. 143-318.11(a)(8) to receive an update on a personnel matter at 8:45 PM and came out of Executive 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,

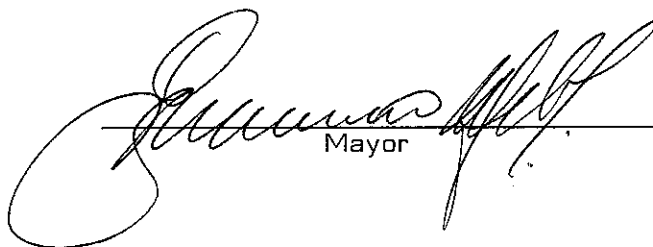


Barbara L. Mooradian
Town Clerk

BLM/hs

Approved by Beech Mountain Town Council April 9, 1991.

ATTEST:


Mayor
Town Clerk