

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Meeting of April 9, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:05 PM on Tuesday, April 9, 1991, in the Council Chamber at Beech Mountain. Other Council Members present were Alan Holcombe and Reub Mooradian. Council Members not present were Kakii Handley and Charlie Burleson. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Joe Perry and Chief of Police Jay Hefner. A number of members of the public were present in the audience.

Mayor Miller asked if there were any changes to the agenda requested, and Al Greene asked that consideration of a Resolution supporting a Local Tourism and Recreation Demonstration Project be added under "Other Business."

1. Public Hearing - Animal Protection Ordinance

A Public Hearing on a proposed animal protection ordinance was held at 6:06 PM pursuant to notice published in the Watauga Democrat edition of March 22, 1991. Al Greene indicated that he had received a compromise proposal for wording in the proposed Ordinance from Wilson King. Rick Miller proposed that the first three items on the compromise proposal be worded so as to indicate the prohibitions applied to "owners" of the animals in question. David Paletta supplied wording which specified which provisions applied to owners and which to "any person." John Hoffman, A-65, indicated he approved of the wording change. There being no further comment from the public, the Hearing was closed at 6:10 PM.

2. Public Hearing - Proposed Improvement to North Pinnacle Ridge Road

A Public Hearing regarding a preliminary assessment resolution pertaining to the proposed street improvement project on North Pinnacle Ridge Road was held at 6:15 PM pursuant to notice published in the Watauga Democrat edition of March 22, 1991. Jim Jackson, TC-23, stated he was against the project, and indicated he owned a lot with a lot of front footage, and did not feel that the project would enhance the value of his property to the extent of the cost to him.

Ann Galindo, CB-5, said she believed that due to the heavy traffic on the road in question and the fact that it does have some of the finest homes in the Town located along it, it should be paved. She said she felt the paving would increase the value of the properties benefitting therefrom.

Rick Miller indicated the project, if undertaken, would be the last paving project. Any further paving would require another bond issue. The Town will, of course, continue to resurface the paved roads within the Town as needed. There being no further comments from the public, the hearing was closed at 6:18 PM.

3. Approval of Minutes, March 12, 1991

Reub Mooradian moved the minutes of the regular meeting of March 12, 1991 be approved as submitted. Alan Holcombe seconded the motion and it passed unanimously.

4. Administration of Oath of Office, Chief of Police

Mayor Miller administered the oath of office to Chief of Police Jay Hefner.

5. Committee Reports

Mayor Miller reported that the Governor and Senators and Representatives from our area had been written of the Town's concern over the State's delaying the distribution of local funds, and had received responses from several of them, agreeing with the severity of the measure.

Mr. Miller reported that aerial photographs of several area towns had been taken by Region D, which wished to sell 18 x 25 copies for \$40.00 each. Mr. Mooradian asked if these were photos of the entire Town and was told they consisted of only a portion. Mr. Mooradian asked if consideration of this purchase could be delayed, and without objection the subject was tabled.

Mr. Mooradian asked Mr. Greene to explain to the public what funds the Mayor had referred to. Mr. Greene explained that these funds consisted of franchise taxes, beer and wine taxes, intangibles tax and inventory tax reimbursements, which have flowed through the State to counties and municipalities for the past 30-40 years. The State, in an effort to balance its budget, placed these funds into its budget, and has notified recipients that a percentage of the funds would be delayed in distribution, and could possibly be denied altogether. As the funds are local in nature, and have been considered in the Town's budget as revenues, it will make a shortfall in the Town's budget.

6. Unfinished Business

a. Consider Passage of Animal Protection Ordinance

Al Greene stated that he wished to re-emphasize that enforcement of any animal protection ordinance would be a subjective matter with a lot of judgment being required of our police officers. He said he felt there would almost certainly be differences of opinion as regards cruelty. Mr. Mooradian asked Chief Hefner if he felt the police would have any major problem enforcing the proposed ordinance. Chief Hefner said there would be no problem in enforcement, but that he foresaw making a lot of people mad, since everyone has a different opinion about what constitutes mistreatment.

Mr. Mooradian, acknowledging the possible problems with enforcement, moved that the Ordinance be adopted with the changes discussed during the public hearing. Alan Holcombe seconded the motion. Mr. Holcombe asked if there were any existing State or County ordinances which would overlap the proposed Ordinance. David Paletta indicated he was not that familiar with county ordinances, but would find out. Mr. Holcombe indicated that, while he was not personally against the Ordinance, he wanted to be certain that we were not assuming an enforcement procedure which should rightfully be that of another entity and for which all the Town citizens are paying taxes.

John Hoffman stated his opinion that there are areas which overlap in possibly all the Town's Ordinances, but that a time element in cases of abuse might necessitate taking immediate action vs. awaiting arrival of a county Animal Control Officer. Mr. Mooradian said he envisioned the Beech Mountain Police Department's role as being citing individuals violating the Ordinance, but certainly not taking custody of any animals. That would still be left up to the Animal Control Officer.

Mr. Holcombe asked Mr. Paletta what action the Council could take if, after adopting the Ordinance, it found that county or state ordinances covered its provisions, and Mr. Paletta stated the Council could either amend or repeal the Ordinance. Mr. Miller asked if Mr. Paletta could check with the counties, and Mr. Paletta indicated he would bring the results of his research to the next Council meeting.

The vote on the motion was taken and it passed unanimously. The Ordinance, as passed, is attached hereto and made a part hereof as if fully set forth herein.

b. Consider Resolution Directing Paving of North Pinnacle Ridge Road.

Mr. Greene indicated that, as of the end of June, it was anticipated that \$160,000 would remain in the street paving account, and the North Pinnacle Ridge Road project was estimated to cost \$188,000. His recommendation was to adopt the Resolution, proceed with engineering plans and specifications and when bids are awarded, amend the capital project ordinance as necessary, with monies from fund balance. As assessments are received, fund balance would be reimbursed the total amount used to augment the \$160,000.

Reub Mooradian moved that the Council adopt a Resolution Directing the Improvement of North Pinnacle Ridge Road. Alan Holcombe seconded the motion. Mr. Holcombe then asked Ed Powell if the Town was in any sort of a time bind regarding commencement of the project, and Mr. Powell indicated that if accepted at the moment, bids would possibly be awarded at the

Council's June meeting, after which construction could start just after July 4th and possibly be completed at the end of September. A later start might cause the contractor to encounter unacceptable weather.

Mr. Holcombe asked Mr. Greene if he foresaw any tax implications for the upcoming fiscal year if the \$28,000 or so was taken out of fund balance, and Mr. Greene replied that he did not. The vote was taken and the motion passed unanimously. Resolution 91-04-01 is attached hereto and made a part hereof as if fully set forth herein

c. Privatization of Sanitation Operations.

Mr. Greene outlined the history of the Town's negotiations with Garbage Disposal Service, Inc., represented in the audience by Jamie Perrin. He indicated that the Town had received a proposal, which included one weekly pickup for every residential and commercial customer at no cost to the customer. Additional pickups would be arranged between the customer and G.D.S. and would be charged to the customer. He indicated there were several questions which still remained unanswered, but that he felt certain a recommendation could be ready for Council within two weeks.

Mr. Mooradian voiced his concern about the high cost of additional commercial pickups called for in the proposal. Mr. Greene agreed that they seemed high, but asked that it be borne in mind that the figures quoted were monthly figures assuming extra pickups were required each week during the month. To get the individual pickup charge, those figures should be cut into fourths.

Mr. Perrin indicated their company had pinpointed some of the customers who would be affected during the busy months, and that they intended to do everything possible to educate them in how to reduce their solid waste flow. He also indicated that if additional pickups were constantly required at any particular location, the company would give the consumer additional containers sufficient to handle the refuse until the normal pickup time.

Mr. Greene asked Council to consider that of all the commercial establishments in Town, only one has made any effort to utilize the Town's baler to reduce cardboard refuse. Mr. Perry stated that as far as the recycling of bottles and cans was concerned, this appeared to be a mostly residential activity -- restaurants have not been noted utilizing the bins.

Tim Holland asked about the cost of using G.D.S. vs Town vehicles and employees, and Mr. Greene said a five year projection indicated a savings of approximately \$125,000 -- or an average saving of \$25,000 per year. Mr. Holland expressed

his concern that, aside from the considerable savings, the Town might suffer as it had in the past when using a private collection company. Those problems had been the reason for the Town getting into the collection business in the first place.

Mr. Greene said he felt confident, after talking with both the contractor and Towns which have utilized their services, that the needs of the citizens would be fully covered. He pointed out that the contractor's men have been accompanying our personnel on their trash runs, and are aware that our citizens expect a bit more service than perhaps other communities enjoy.

Ann Galindo asked if G.D.S. would be doing anything in the recycling vein, and Mr. Greene said that the initial agreement would be that the Town would maintain its Recycling Center. Ellen Anderson asked if further notice would be going out regarding the Recycling Center, and Mr. Miller indicated another article will be published in the MountainEar.

After some discussion regarding the hiring of Town Sanitation personnel by G.D.S., Council tentatively approved 6:00 PM, April 23, for a special meeting to consider and possibly adopt a proposal by G.D.S.

7. New Business

a. Consider Revision to Appendix to Personnel Ordinance

Mr. Greene pointed out that the final proposal was not yet complete, but that he wanted Council to have the opportunity to familiarize itself with the changes. He outlined the basic changes which were being suggested and indicated he would have the final proposal ready prior to the first budget workshop.

b. Consider Offers to Donate Lots to Town

Al Greene outlined outstanding taxes owing on three lots which have been offered as gifts to the Town: RVW-338 - \$69.29 Town and \$40.05 County; CR-333 - \$59.39 Town and \$32.74 County; and AA-365 - \$103.23 County and \$16.44 Town. Alan Holcombe moved the Town accept the donations. Reub Mooradian seconded the motion. The motion passed, two votes to one, with Mayor Miller dissenting.

c. Resolution in Support of State Water Conservation Plan

Ed Powell explained that, through discussions with the State agency which handles the revolving loan program, it had been indicated that Beech Mountain's request might be favorably considered, and that several actions would help support the request. One was the passage of a resolution supporting the State Water Conservation Plan. Others involved the establishment of a Capital Reserve Fund for the project.

documentation of a program to cure infiltration and inflow, adoption of and enforcement of the State Plumbing Code, the existence of proper easements, and so forth.

Mr. Powell also indicated he had been urged to request the entire amount needed for the initial phase of the project, or \$225,000, instead of the \$150,000 originally requested. Reub Mooradian moved that the Town increase its request to \$225,000. Alan Holcombe seconded the motion and it passed unanimously.

Mr. Mooradian moved that Council adopt a resolution Establishing a Water and Sewer Improvement Capital Reserve Fund. Alan Holcombe seconded the motion and it passed unanimously (Resolution 91-04-02 attached hereto and made a part hereof as if fully set forth herein).

Alan Holcombe moved that the Council adopt a resolution Promoting Water Conservation Practices. Reub Mooradian seconded the motion and it passed unanimously. (Resolution 91-04-03 attached hereto and made a part hereof as if fully set forth herein).

8. Staff Reports.

a. Town Engineer's Report.

Ed Powell indicated their firm would make the necessary amendments to the loan request and forward it to the Town for signature. He also stated they would move as quickly as possible to complete the plans for paving North Pinnacle Ridge Road so as to have a bid opening June 11th prior to the Council's regular meeting, if possible.

b. Public Works Director's Report

Joe Perry had no formal report. Reub Mooradian asked about the reflectors which had been destroyed by the plows, and was told that Council would have to appropriate funds for recessed reflectors during its budget deliberations. He stated there were enough of the paste-on variety to glue down and be used for the summer season. Ellen Anderson if the State would be repainting the center and edgelines, and Rick Miller indicated the State had been requested to do so.

Al Greene pointed out to Council that for sixteen months in a row no water meter readings have been estimated. He also praised the Public Works Department for the good appearance of their building.

Reub Mooradian asked if the "SLOW" markings, which had been removed from Lakledge Road and left rolled up beside the road, had been taken away, and Mr. Perry said he would assure that

they had. He was asked about replacing the warning, and indicated that it would be painted on the roadway this time.

c. Chief of Police's Report.

Chief Hefner referred Council to his memorandum outlining the training which has been set up for his officers. He also indicated that he intended to change the daily tour of duty to a 12 hour shift for all officers, which would result in less overtime and have two patrol officers and one supervisor on each shift. When asked about a possible loss of efficiency due to the long hours, he reported that while it would take a bit of adjustment, all officers he had worked with in the past worked 12 hour shifts, and wouldn't want anything else. The new schedule results in four days on and four days off for every officer.

Chief Hefner also announced the employment of a new dispatcher, Jerry Turbyfill, who would start April 10th. Mr. Turbyfill has recently spent a year in a dispatch room, so is very qualified. He is also a Certified DCI terminal operator, which will be helpful in the future.

d. Town Attorney's Report.

Mr. Paletta indicated he had no report.

e. Town Manager's Report.

Mr. Greene apologized for not having yet started the 9-1-1 specifications, and indicated he was waiting on some material. He also indicated he had found another vendor, Specialized Data Systems who are very experienced, have a very excellent reputation, and have stated they believe they can provide a 9-1-1 service less expensively than anticipated.

Mr. Greene referred Council to Melissa Norwood's memorandum regarding the Pinnacle Inn, indicating it may not be until FY 91-92 that the Town receives tax monies for five months of 1989, and all of 1990, from the Pinnacle Inn owners, since they have not yet been billed. The Council may, therefore, be asked for a fund balance transfer to help balance this year's budget, but it would result in a windfall during the next fiscal year, so would eventually be a "wash."

He went on to report that the State had started on its budget process, and there were reports from Raleigh that the State might confiscate all local taxes from counties and municipalities. If that were the case, it would mean a reduction in revenue for the Town of \$130,000. He said he did not feel it would be this severe, but it was going to be very difficult to put a budget together for the coming fiscal year.

He stated that the staff was working on a five-year capital improvement plan, which he hopes to have on the May agenda. This plan would provide information on capital costs over the coming five years.

Mr. Greene said that Beech Vision is still not working. The disk drive has been sent back to the manufacturer and may have to be replaced. Reports are that the atmosphere in the Public Works Building has been the problem. The staff has received a quote for installing a modem in the Town Hall so that Beech Vision can be operated from it, and avoid some of the dust and grime associated with the Public Works Building and garage.

Mr. Greene said the agenda for the meeting of April 23rd may also contain a request for a capital outlay to purchase a backhoe.

9. Financial Report/Budget Amendments/Transfer

- a. Reub Mooradian moved Council approve a budget amendment to decrease revenues expected to the general fund in the amount of \$69,230, and the sanitation fund in the amount of \$9,750, and decrease respective expenditures accordingly. Alan Holcombe seconded the motion and it passed unanimously.
- b. Alan Holcombe moved Council approve a budget amendment in the amount of \$12,300 to cover the purchase of lots at foreclosure. Reub Mooradian seconded the motion and it passed unanimously.
- c. Reub Mooradian moved Council approve a budget amendment to transfer \$21,500 to the water and sewer capital reserve fund. Alan Holcombe seconded the motion and it passed unanimously.
- d. Reub Mooradian moved Council approve the transfer of \$750 from the Administration Contingency Fund to Contract Service to cover the costs of installation of the necessary equipment at the Town Hall to operate Beech Vision. Alan Holcombe seconded the motion and it passed unanimously.

10. Other Business - Local Tourism and Recreation Demonstration Project

Al Greene explained that information had been received about a proposed project in the area whereby various experts would provide technical expertise in defining goals and objectives, with regard to tourism, and implementation of same. He recommended that Council approve a resolution supporting such a project.

Alan Holcombe moved Council adopt a Resolution of Support for the Local Tourism and Recreation Demonstration Project. Reub Mooradian seconded the motion and it passed unanimously.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:40 PM.

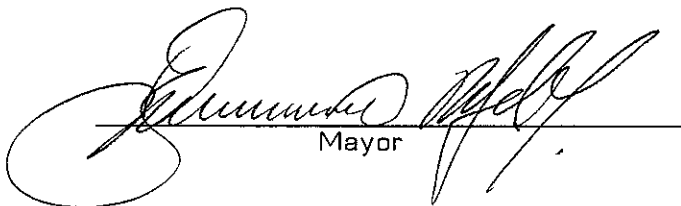
Respectfully submitted,




Barbara L. Mooradian
Town Clerk

BLM/hs

Approved by Council May 14, 1991.


Mayor

ATTEST:


Town Clerk