

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Meeting of May 14, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:05 PM on Tuesday, May 14, 1991, in the Council Chamber at Beech Mountain. Other Council Members present were Kakii Handley, Alan Holcombe and Reub Mooradian. Councilman Charlie Burleson was not present. 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. Present in the audience were Ellen Anderson, Bill Sposato, Bob Cantrell and Jim Kalkwarf, Jamie Perrin and Bill Schrum of Garbage Disposal Service, Inc.

1. Approval of Minutes

Reub Mooradian moved that the minutes of the April 9, 1991 meeting be approved as submitted. Alan Holcombe seconded the motion and it passed unanimously.

2. Amendment to Chapter 3, Code of Ordinances, "Streets and Driveways"

Kakii Handley moved that Chapter 3 of the Code of Ordinances be amended to reverse the order of Sections 3-3 and 3-4 and renumber accordingly, so as it conform to the already-printed Police Department Citation Books. Reub Mooradian seconded the motion and it passed unanimously.

3. Offers to Purchase Lots from the Town

Alan Holcombe moved that the staff be authorized to accept final upset bids on C-414, LG-220, D-88, C-385 and C-309 and consummate the sales. Reub Mooradian seconded the motion and it passed unanimously.

4. Committee Reports

Mayor Miller reported that Region D is going through their budget process at this time. He also reported on the trip to Raleigh by Messrs Greene, Perry, Miller and Mooradian, and their talks with legislators regarding the State's withholding of local funds.

On the same subject, Al Greene distributed a resolution which has been proposed by the League of Municipalities, supporting the remedies necessary to reimburse local governments for the funds withheld, and to remove those funds from the annual (State) appropriations process. All members of Council present indicated they would sign the resolution.

Mr. Greene also mentioned that he had received notification that the Resort Towns Association would be holding their legislative luncheon on Tuesday, May 21, 1991 in Raleigh, if any Council Members wished to attend. Mrs. Handley and Mr. Miller stated they would like to go.

5. Unfinished Businessa. Consideration of Granting Franchise for Solid Waste Collection in the Town to Garbage Disposal Services, Inc.

Mayor Miller commended Mr. Greene for his work in negotiating a contract with G.D.S. Mr. Greene indicated that he felt the Town and G.D.S. were very close to total agreement on the contract provisions. He said that Mr. Paletta felt this would be, in effect, the granting of a franchise to G.D.S., and therefore the statutory requirements that the matter be approved in two successive meetings should be followed. Mr. Greene distributed a draft ordinance granting the franchise for consideration.

Reub Mooradian asked if the various problems regarding rates and fees had been resolved, and Mr. Greene stated that all rates and charges covered in the contract were ones with which he could agree and recommend to the Council without reservation. Kakii Handley asked if the commercial users had had any input or comments on the proposed rates, and Mr. Greene indicated he had not contacted them, but few commercial users would be impacted by the costs. He had spoken with Bill Sposato, Beech Mountain Club, and had not received an adverse reaction. He said he would be meeting with John Costin of BMRI, when he was released from the hospital, to go over the charges, but foresaw no problems there.

Reub Mooradian said that while he was personally in favor of the move to G.D.S. he felt perhaps such a decision should be made after a public hearing on the matter. After discussion, 6:00 PM Thursday, June 6, 1991, was set for the date and time for a public hearing on the subject, to be followed by a budget workshop. Mayor Miller asked that post cards be sent to residents prior to the meeting so that they will be adequately notified, since BeechVision is still not operational.

There were various questions asked of Mr. Perrin, who indicated their intention to provide next day pickup of any containers which may have inadvertently been missed, if not same day. Mr. Kalkwarf stated that there is a complaint form, copies of which will be provided to the Town on a weekly basis, indicating both the complaint and the resolution of the matter. Reub Mooradian said he hoped the G.D.S. representatives realized that the Town had had problems with its refuse collection service when it was first incorporated, and that prompted the trepidation they might recognize on the part of some Council Members.

Alan Holcombe moved that Council approve the Granting of a Franchise for solid waste collection to Garbage Disposal Services, Inc. Reub Mooradian seconded the motion and it passed unanimously. The Franchise will be considered a second time at the next monthly meeting, June 11, 1991.

b. Resolution of Consideration for Annexation

Mr. Greene went over the various requirements involved in the involuntary annexation process and indicated an area south of the Town limits which the staff would like to examine more closely for possible annexation. All areas under consideration could be served by a common lift station. He explained that the resolution of consideration was only the first step necessary in a long process and that annexation would not necessarily even occur. Reub Mooradian moved, since the Council had always had concerns about the approach to the Town, that the resolution of consideration be adopted. Alan Holcombe seconded the motion and it passed unanimously.

6. New Business

a. Offers to Donate Lots to the Town

Mr. Greene indicated that the Town had received offers to donate D-145, RVW-453 and C-91 to it. Alan Holcombe moved that the Council accept the offers. Kakii Handley seconded the motion and it passed three votes to one, with Mayor Miller dissenting.

b. Offer to Sell Three Lots to Town - Accardi

Al Greene referred to a letter from James Accardi offering three commercial sites across from the Town Hall to the Town, and indicated that while the offer may be a generous one, he did not feel that the Town was in the financial position to take advantage of the offer. After general discussion, it was the consensus of the Council that the offer could not be considered at this time.

c. Request for Corner Lot Exemption, TC-23 - Jackson

Mr. Greene stated that he had received a request from the owner of TC-23 that Council grant a corner lot exemption in the paving of North Pinnacle Ridge Road. Alan Holcombe said he did not think the Council should grant the exemption. Kakii Handley agreed, stating that the Council had set the precedent in the past (on Pine Ridge Road) of not exempting corner lots. Alan Holcombe moved that the request be rejected. Kakii Handley seconded the motion and it passed unanimously.

d. Police Department Standard Operating Procedures

Mr. Greene referred to copies of the proposed S.O.P. for the Police Department, and asked Council's approval, to include the authority for the Chief to amend the procedures from time to time without prior Council approval. Kakii Handley asked if the changes would always be subject to County and State laws and Town Ordinances, and Chief Hefner replied they would. Mr. Greene interjected that any approval should be subject to the

concurrence of the Town Attorney in the proposed wording. Alan Holcombe so moved. Reub Mooradian seconded the motion and it passed unanimously.

7. Financial Report/Budget Amendment

The Financial Report was distributed to Council for their information. Al Greene also indicated that the Finance Officer requested a budget amendment to transfer monies from contingency funds to Tax Administration Data Processing to cover extra expenses incurred due to Region D revising the tax programs. Mayor Miller asked how much had been spent to date for Region D data processing. The figure through the month of February is over \$12,500. Kakii Handley moved that the budget amendment be approved. Alan Holcombe seconded the motion and it passed unanimously.

Rick Miller noted that the Occupancy Tax receipts for the year exceeded the budgeted figure, and asked if the overage would be placed in an Advertising/Promotion fund balance for FY 91/92, and Mr. Greene replied that it would. On that same subject, Rick Miller indicated he had heard our occupancy tax receipts might be at risk, and Mr. Greene said a Senate Bill had been introduced providing local governments with a "menu" of new revenues, among which are a meal tax, occupancy tax, etc. Should Avery or Watauga Counties adopt an occupancy tax it would have priority over ours -- and proceeds would no doubt be distributed to towns within the counties on a per capita basis, eroding our revenue almost completely.

8. Town Engineer's Report

Ed Powell reported that the Town's request for a revolving loan from the Stae had been revised and resubmitted. He stated that Beech Mountain was high on the priority list but that funding would depend upon appropriations coming out of the legislature. Should we not receive the funding this year, we would remain at the head of the list for future funding.

Mr. Powell stated that his firm had completed the plans and specifications for the paving of North Pinnacle Ridge Road, and they are ready to be sent out to contractors. He requested permission to advertise for bids, setting a bid opening date of June 11 at 2:00 PM. Should sufficient bids be received, the bid could be awarded at the regular meeting of the Council that same night, with construction to commence just after the 4th of July. Should additional advertising be necessary, that would require only a seven day period, so the Town should be in position to commence the program in early July. Alan Holcombe moved that Council direct the advertisement, setting a bid opening time of 2:00 PM June 11, 1991. Reub Mooradian seconded the motion and it passed unanimously.

Kakii Handley asked about the installation of the water tank at Emerald Mountain, and was told the Town is still awaiting either a letter of credit or an escrow deposit insuring completion of the installation prior to expending the funds for the foundation work.

Mr. Paletta stated that he had an appointment with the developer's attorney the following Thursday, and was asked to write a memorandum to the Council outlining the subject of their discussion.

Alan Holcombe asked how many buildings at Emerald Mountain had water connections, and Mr. Perry indicated Dorothy's house, the barn, lot 7A and 13A. Some concern was expressed that other taps may have been made and Mr. Perry was asked to visit the development and make an inspection.

9

Public Works Director's Report

Mr. Perry indicated he had no formal report, but would be happy to answer questions. He did mention that the flowers for corner barrels would be delivered on Friday, May 17th, and that the Public Works employees would be adding dirt to the tubs in advance of that date.

Mr. Perry stated that he had called the State about the restriping of NC 184, and they said it would probably not be done until the end of June. They cited budgetary constraints. Reub Mooradian asked about the reflectors, and urged Mr. Perry to glue on those which he had as an aid to seeing in the dark and fog, and to investigate the cost of installation of recessed reflectors which would not be affected by the snow plows.

10.

Police Chief's Report

Chief Hefner noted that the procedures for dispatchers in emergencies would be attached to and a part of the Standard Operating Procedure, along with the Drug Policy, the Town's Personnel Ordinance, and copies of the Ordinances which the Department was responsible for enforcing. He said that the Department will get some reimbursement from Mayland Technical Institute for the investigation school conducted at the Town Hall.

Chief Hefner pointed out that the Monthly Report submitted to Council would change in both its format and the reporting of complaints and/or inquiries, in order to be more informative. He stated that the Department intends to continue its random foot patrol of houses, and that there is now a form for permanent residents to complete when they leave the Town on vacation and would like special checks of their dwellings.

11.

Town Attorney's Report

David Paletta indicated he had received requests, from time to time, from donors of lots to the Town that the Town provide a release of tax liability. He pointed out that the statutes do not allow such a release. He also needs, from time to time, to inform a property owner that the Town does not have any connection with the Club and cannot forgive or release past-due Club dues.

Town Manager's Report

Mr. Greene announced the date for "Town Hall Day" in Raleigh, indicating that the intent of the event was to give local leaders an opportunity to meet their legislators and voice their various concerns and opinions. Since many of the Council visited Raleigh two weeks past and some will do so again for the Resort Towns Luncheon, he did not feel that any Council Members would choose to go to Town Hall Day, which was confirmed.

Regarding the budget, he warned the Council that it will be fairly rough this year, with some guesswork involved. He said he hoped to avoid an interim budget. He has conducted his first round of cuts, and will continue this process. By law the budget must be delivered to Council by May 31st, and there is a budget workshop set for June 6.

With regard to the Capital Improvements Plan, Mr. Greene indicated that, although the plan has been substantially completed, it will be impacted by the budget decisions for this coming fiscal year and they, in turn, will await some decisions in Raleigh. For the moment, he feels it best to delay finalization of the plan until some of those uncertainties are resolved.

Mr. Greene referred to a memorandum which he had sent Council regarding the purchase of an additional back hoe, and said that although he still feels that the purchase would save the Town money, he and Mr. Perry did not feel that they could ask Council to authorize the expenditure without first seeing the proposed budget.

On the subject of 9-1-1, Mr. Greene said that the budget procedure would no doubt clear the air regarding the initiation of a subscriber fee vs. payment out of general tax revenues, and had therefore not proceeded with the completion of bid documents. He also indicated that he felt the Town might be well-advised to utilize the services of a consultant in those portions of the bid documents which were highly technical, which consultant would also be used in the evaluation and review process. He sought Council's approval to seek proposals from several consultants for presentation to Council in June.

Reub Mooradian asked if the cost of the consultant could be passed on to the consumers as part of provision of the 9-1-1 service, and Mr. Greene said it would be part of the subscriber fee, if they choose that method. Mr. Mooradian said he understood the importance of using a consultant for technical document preparation, having had experience with the initial request for bids on cable tv. Mr. Mooradian moved that Council instruct the Manager to solicit proposals from consultants for help in the preparation of bid proposals and evaluation of bids received. Alan Holcombe seconded the motion and it passed unanimously.

Mr. Greene indicated Mrs. Handley had asked if any assurance could be gotten from Skyline Telephone that they did not intend to expand the 387 exchange geographically in the future, and he stated they had assured him that the boundaries are set. Reub Mooradian said that it had been his observation, from attending the Watauga County Board of

Commissioners' meetings, that Watauga County is not very close to the adoption of a 9-1-1 system. In fact, it appears that the Town of Boone is going to get a larger area than their limits and the County is raising no objection.

Reub Mooradian asked if something could be done to beautify the recycling center, and Joe Perry indicated that there is money in the budget for that project and that Fred Pfohl is acting as landscape architect on it

ADJOURN

There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Kakii Handley seconded the motion and it passed unanimously. The meeting was adjourned at 8:15 PM.


Respectfully submitted,

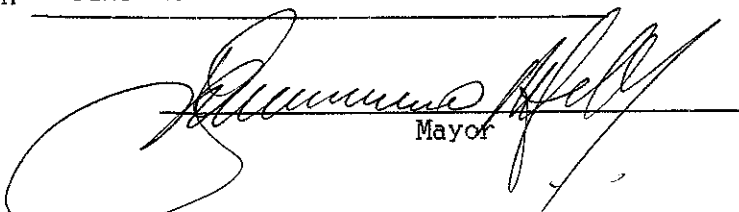

Barbara L. Mooradian
Town Clerk

BLM/hs

Approved by Town Council on June 11, 1991.

ATTEST:


Town Clerk


Mayor