

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Meeting of July 9, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:10 PM on Tuesday, July 9, 1991, in the Council Chamber at Beech Mountain. Other Council Members present were Kakii Handley, Charlie Burleson, Alan Holcombe and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Public Works Director Joe Perry, Chief of Police Jay Hefner and Buddy Hale of Davis-Martin-Powell. Present in the audience were Bill Sposato, Frank Godsey and Tom Alderson.

Al Greene asked that the subject of vehicle parking be added under "Other Business," and Kakii Handley distributed copies of a letter from Dagmar Sherrard, which she asked be discussed under "Other Business." There was no opposition to these changes. Mayor Miller asked if there were any people in the audience who wished to speak to Council, and Frank Godsey indicated he did. Without objection, Mayor Miller placed Mr. Godsey just prior to Committee Reports.

1. Approval of Consent Agenda.

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

- a. Minutes of the Regular Meeting of June 11, 1991.
- b. Offers to Purchase lots C-524 and C-138 from the Town.

2. Frank Godsey

Mr. Godsey asked if there was any way a municipality could, under State law, regulate the size and appearance of homes within its limits. He was also concerned that the law now made it possible for someone to put a trailer on his lot. He expressed his, and other citizens', concerns about the proliferation of "shoebox" houses, and stated the Town should have some degree of control over what contractors can erect.

David Paletta stated that the legal precedent is that architectural review committees are enforceable with private developers. However, a different set of rules applies to Towns. While he indicated he had not particularly researched the question, he would be happy to do so.

Al Greene stated he was not aware of any mechanism the Town can use other than architectural review and conditional use permits. Reub Mooradian noted that a number of years ago the Town Council had been concerned about the same problem and their attorney at the time had advised that the Town could not use solely aesthetic considerations as criteria for denying a building permit.

Mr. Paletta pointed out that Towns can do nothing to change the building code -- any type of architectural review by the Town would be, in effect, a change in the building code. Alan Holcombe asked that Mr. Paletta and Mr. Greene look into the matter. If there is nothing the Town can do, perhaps the successor to Carolina Caribbean Corporation, (insofar as the Declaration of Restrictions is concerned) would be the entity to establish an architectural review committee, since most all properties within the Town are subject to a Declaration of Restrictions.

Mr. Godsey said perhaps something would have to be introduced in the legislature to allow restrictive zoning of some sort by the Town, and if it required funds, he would be happy to help. Rick Miller asked that Mr. Paletta look into the matter.

3. Committee Reports.

There were no reports.

4. Unfinished Business

a. Consideration of Agreement Concerning Water Tank Construction (Emerald Mountain).

David Paletta went over the provisions of the proposed agreement in detail. There was a good deal of discussion about those sections which required the Town to backfill the tank and move and test the telemetry system. When it appeared to be the consensus of the Council that the developer be required to complete item 5 and that the developer be required to install a level controller indicator/transmitter in an approved weatherproof site adjacent to the new reservoir, as opposed to moving the existing telemetry system as called for in item 6. Charlie Burleson moved that the agreement incorporating the changes expire after thirty days. Alan Holcombe seconded the motion and it passed unanimously.

b. Consideration of Bids for Tank Foundation Work.

Joe Perry announced that only two bids had been received, so they were not opened and the project needs to be readvertised. Mr. Perry said he would do so.

c. Consideration of Garbage Vehicle Bids.

Al Greene stated that two bids had been received from G.D.S., for both the large and small trucks. The bid on the large vehicle was \$13,000 and the small was \$6,000. They had been advertised for upset bids, one of which had been received on the small truck of \$6,688. He asked for authority to award the bid on the large truck once the statutory period for receipt of upset bids has elapsed without further bidding. He further asked that he be given authority to award the bid on the small

truck to the highest bidder, again after following the statutory advertising process. Reub Mooradian so moved. Alan Holcombe seconded the motion and it passed unanimously.

5. New Business

a. Resolution and Agreement Concerning DCI Terminal

Al Greene pointed out that the budget contained an appropriation for a DCI Terminal, but that the State required the execution of an agreement between the Town and State, which agreement should be authorized by resolution. Alan Holcombe moved adoption of the Resolution allowing the Town to enter into an agreement with the State for a DCI Terminal. Reub Mooradian seconded the motion and it passed unanimously.

b. Consideration of 9-1-1 Consultant Proposals

Al Greene reported on the proposals received from The Lambert Group and Holton Company, commenting that a third firm, Hambrick Associates, did not submit a proposal. He recommended acquisition of The Lambert Group. Mayor Miller asked what the maximum expenditure could be and Mr. Greene said \$3,700, but that he felt this would be held down due to the homework the Town has already done. Reub Mooradian moved that the Town employ The Lambert Group as a consultant. Alan Holcombe seconded the motion and it passed unanimously. Mr. Greene said he would ask The Lambert Group for a proposed contract which we could submit to Mr. Paletta for approval.

c. Resolution in Opposition of H.B. 146

Mr. Greene produced a Resolution which had been suggested by Region D, in opposition to the House Finance Committee's Endorsement of a Modified H.B. 146. Alan Holcombe moved adoption by the Council. Kakii Handley seconded the motion and it passed unanimously.

d. Police Vehicle Bids

Chief Hefner indicated that he had sent out 53 requests for bids to various dealerships in the area and had only received three: Toyota of Boone for \$18,799; Bush Parsons Chrysler for \$17,776 (two door); and Matthews Ford for \$19,997. He did not consider any of them acceptable. Reub Mooradian moved that Chief Hefner be authorized to continue the search for a new vehicle following the Statutory requirements and staying within the budgeted figure. Alan Holcombe seconded the motion and it passed unanimously.

e. Backhoe/Loader Bids

Joe Perry stated that four bids had been received on a backhoe/loader: Neil Supply - \$33,028.00; Arden Equipment - \$33,113.00; Carolina Tractor - \$43,297.00 and Coble Crane and

Equipment - \$33,300.00. He indicated that the representative from Arden Equipment had urged the Council to purchase the equipment from a North Carolina company as opposed to one in Tennessee. Reub Mooradian moved that the Town Manager find out if Tennessee taxes are refunded to the Town and if so, then purchase from the lowest bidder (Neil Supply). If not, then the contract should be awarded to Arden Equipment as being the next lowest bidder. Alan Holcombe seconded the motion and it passed unanimously.

f. Revisions to Solid Waste Management Ordinance and Nuisance Ordinance.

Al Greene pointed out that the intent of the suggested amendments was to clear up an apparent conflict in wording. After some discussion, Alan Holcombe moved that Section 9-6, "Burning or Burying Solid Wastes," be deleted from Chapter 9 of the Code of Ordinances. He further moved that Subsection (a) of Section 9-12, "Neat and Orderly Construction Site," be retained but that Subsections (b) and (c) be amended as suggested. Kakii Handley seconded the motion and it passed, four votes to one, with Mr. Burleson dissenting. (Both amendments are attached hereto and made a part hereof.)

Mr. Holcombe then moved that Article VI and Article VII of Chapter 29 of the Code of Ordinances be amended as suggested. Kakii Handley seconded the motion and it passed, four votes to one, with Mr. Burleson dissenting. (Both amendments are attached hereto and made a part hereof.)

g. Discussion of Sign Ordinance.

After general discussion, it was agreed to refer the suggested revisions of the Sign Ordinance to the Planning Board. After that body has reviewed the revisions and presented them to the Town Council, the Council will set a date for a public hearing on both the Sign Ordinance and the suggested changes to the Zoning Ordinance.

6. Consultant/Staff Reports.

a. Town Engineer's Report.

Buddy Hale, representing Davis-Martin-Powell, indicated that only two bids had been received on the Emerald Mountain Water Tank Project, so the project would be rebid with bids to be opened Friday, July 19, 1991 at 2:00 PM. He further stated that he had brought signed contracts on the road paving project from Brown Brothers, and that a preconstruction meeting would be held the same Friday, July 19, 1991, in the morning.

b. Public Works Director's Report.

Mr. Perry reported that he had received several complaints about the condition of the recycling center, and wished to

apologize and assure the Council that it would be cleared up. Mr. Greene pointed out that there had been very heavy traffic at the center, and Rick Miller suggested changing the newspaper dumpster to a regular trash receptacle and getting another receptacle for newspapers.

With regard to reflectors on the Parkway, a purchase order has been issued and the contractor has promised installation within two weeks. The "SLOW" sign at Lake Road will also be painted at that time.

The State has recommended a classification of WS II for Pond Creek and Buckeye Creek Watersheds. The Council had previously requested WS I, but the Town does not qualify for that classification. Mr. Perry and Mr. Greene will have a resolution to present to the Council agreeing with the State recommendation and requesting a WS II classification.

c. Chief of Police's Report

Chief Hefner reported that the new uniforms have been received and put into operation. Alan Holcombe asked if the Department was still keeping keys to residents' homes, and was told that it was. Alan Holcombe moved that the Police Department notify all property owners that it would no longer keep and disburse keys for privately owned property. Reub Mooradian seconded the motion and it passed unanimously. Chief Hefner and Mr. Greene are to work out the best means of returning the keys to the owners with David Paletta.

A question was asked about the individuals who have burglar alarms which malfunction from time to time, causing not only the Police Department to respond but creating a nuisance to the neighbors. Rick Miller asked that a recommendation on possible fines for false alarms be prepared for the next Council Meeting.

d. Town Attorney's Report

Mr. Paletta recommended that Don Fulkerson come up with a definition of a clean and neat construction site and incorporate that into the packet he gives out to contractors when they come in for building permits, then explain that "this is what I expect and if you don't comply, you will be fined." Alan Holcombe asked if something regarding recycling could be incorporated, and Joe Perry supported the idea, saying the Town would be glad to get the cardboard boxes from appliances, etc.

e. Town Manager's Report

Al Greene reported that GDS had not been able to begin the commercial contract due to their equipment. They have ordered a winch to allow them to handle our rear loading dumpsters. There have been numerous complaints from residents, which are

to be expected with new crews, and are expected to be straightened out. He asked that all complaints be referred to the Town Hall

Mr. Greene reported that E-9-1-1 is geared up and ready to go with Council's approval of the consultant. After a brief meeting with Town employees, a meeting will be scheduled with the Ad Hoc E-9-1-1 committee. Some Council Members expressed an interest in attending the meeting, and Mr. Greene said he would let them all know of the date and time by memo.

7. Financial Report.

The monthly financial report was distributed for Council's information.

8. a. Parking Concerns

Mayor Miller asked for Council recommendations regarding the number of contractors parking within the travelled portion of the road. Construction on Grassy Gap Loop, at a curve, had prompted a number of complaints. There was general discussion about the difficulties of policing contractors without being equally stern with resident violators. Kakii Handley pointed out that the contractor situation seemed worse since it happens day after day for some weeks or months, whereas an isolated party happens at a particular location once or twice a year. Alan Holcombe suggested that Chief Hefner visit the construction sites and explain that there is a real problem which needs their cooperation if the laws are not to become more stringent. David Paletta suggested that since there already are ordinance provision about parking in the road, anyone who does so should be ticketed.

b. Roadside Appearance Concerns.

After general discussion regarding the roadsides, it was suggested that Joe Perry hire an additional temporary workman to be used solely for mowing/weedeating except in times of rain, when he would be used for making signs. Joe Perry asked permission to retain the old pickup truck until the end of summer, to be used to transport the workmen and their equipment. Charlie Burleson moved that Council authorize the hiring of one temporary workman until September 30, and that the old truck be retained until that time. Reub Mooradian seconded the motion and it passed unanimously. Al Greene said he would prepare a budget amendment for that extra worker for the next meeting.

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 10:00 PM.

Respectfully submitted,

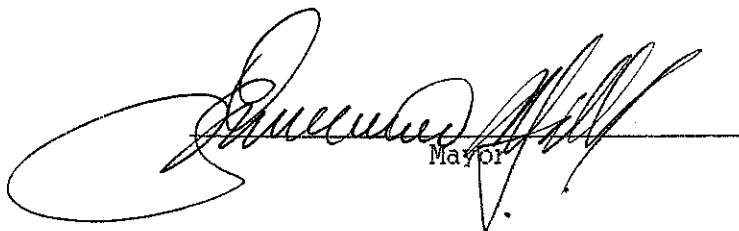


Barbara L. Mooradian
Town Clerk

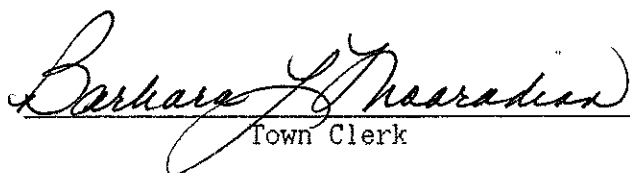
BLM/hs

Attachments

Minutes approved by Town Council on AUGUST 13, 1991.


Mayor

ATTEST:


Town Clerk