

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
Meeting of August 13, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:05 PM on Tuesday, August 13, 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, Clark Lea, Tim Holland, Harriet Chamberlain, Smokey Chamberlain, Gary Miller, Greg Brown, Tim Padgett and Tom Alderson.

Al Greene asked that item 1.c. be removed from the Consent Agenda since there were additional lots to consider and that item 4.e. be amended to add a third street. Without objection, the requests were honored. Charlie Burleson asked that item 4.f. be moved to the Consent Agenda, but Mrs. Handley objected, since she wished to discuss the matter.

1. Consent Agenda.

Reub Mooradian moved approval of the Consent Agenda. Kakii Handley seconded the motion and the following items were unanimously approved:

- a. Minutes of Special Meeting of June 25, 1991.
- b. Minutes of Regular Meeting of July 9, 1991.

2. Committee Reports.

There were no reports.

3. Unfinished Business

a. Discussion of Sherrard Letter

Kakii Handley read excerpts from a recent letter from Dagmar Sherrard consisting generally of complaints about garbage collection. Joe Perry stated that he had spoken with Mrs. Sherrard on a number of occasions, mostly regarding dumpsters, and had tried to explain that they picked up dumpsters once per week, and that if someone puts trash in the dumpster the same afternoon as a morning pickup, it was just going to remain until the following week. They have, also, had the trashmen return for extra pickups.

Mrs. Sherrard mentioned in her letter written July 27th that the dumpsters at Snowtree Villas, Snowplow and Powder Ridge had not been emptied for several weeks. Al Greene said Mrs. Sherrard had called him, either late June or early July, and he

rode out to the areas complained about and the trash had been picked up. Joe Perry explained that GDS did not start picking up dumpsters until July 15th.

Kakii Handley asked if Mr. Greene had called Mrs. Sherrard back after making the inspection, and he said he had not. Mrs. Handley felt that perhaps Mrs. Sherrard did not then know that anything had been done, or attempted. Mrs. Handley indicated that Mrs. Sherrard wanted to know which roadsides got trimmed when, and Mr. Perry replied that it took most of the summer to make one round of all 68 miles of road, but that some roads received repeated trims since they take heavier traffic.

Mrs. Handley also indicated she had some questions regarding the bins or receptacles in which garbage cans are to be placed, most specifically why the example in the Solid Waste Disposal Ordinance is not being used/enforced. She mentioned two on her street which she believed to be constructed after passage of the Ordinance.

b. Public Hearing on Zoning and Sign Ordinance Amendments.

Mr. Greene indicated there were several proposed changes produced by the Planning Board to both the Sign and the Zoning Ordinance. Council set 6:00 PM on Tuesday, September 10, 1991 as the date and time for a Public Hearing on the proposed amendments.

c. League of Municipalities Convention.

Al Greene asked which of the Council Members (or prospective Council Members) intended to attend the League Convention in Charlotte on November 10, 11 and 12. Mayor Miller, and candidates Tim Holland and Greg Brown indicated their intent to go.

d. Watershed Reclassification.

(1) Request for WS III Trout and C Trout Classification.  
Joe Perry explained that when the State had classified Pond Creek WS III they had inadvertently left off the trout designation and he would like to have that added. Charlie Burleson moved that the Council approve the Resolution on WS III Trout and C Trout Classifications and Kakii Handley seconded the motion. After a good deal of discussion during which the Council was assured Mr. Perry knew of no work or change required of the Town to abide by the classification, the motion passed unanimously.

(2) Request for WS II Classification for Buckeye and Pond Creeks Mr. Perry indicated that the State had suggested a classification of WS-II for Buckeye and Pond

Creeks, and the proposed resolution supported this classification. There was a good deal of discussion about the ramifications of the State's Watershed Protection Plan, and it was generally agreed that the State would no doubt require passage of their model ordinance by local governments, so this resolution would have little effect. While there was some talk about delaying the resolution until further study could be undertaken, it was pointed out that the Public Hearings on the matter were taking place on August 20th in Hickory and 21st in Asheville. Mayor Miller urged anyone interested to attend the Hearings. Reub Mooradian moved Council adopt the Resolution on WS-II Classification. Alan Holcombe seconded the motion and it passed unanimously.

e. Continued Discussion of Emerald Mountain Water Tank and Consideration of Water Tank Site Preparation Bids

Tim Padgett, the developer's attorney, attempted to get Council to agree to a compromise to their decision of the last meeting, to wit: Developer will erect and paint the tank, backfill, disinfect and test the tank, and relocate existing telemetry system to the new tank. After some discussion, Council's consensus was that their previous offer, i.e., that the developer purchase and install a new telemetry system, would stand. Alan Holcombe moved that the deadline for accepting or rejecting the Town's proposal be extended 48 hours. Reub Mooradian seconded the motion and it passed unanimously.

The subject of whether or not to award a contract for the installation of the water tank was discussed. The first request for bids had only produced two bids, so the project was readvertised. The two bids remained the only ones received: Brown Brothers Construction for \$75,000 and R & G Construction for \$58,750. The original budgeted figure had been \$40,000. Al Greene recommended taking \$19,380 from Water and Sewer Fund Balance if the Council wished to award the contract to the lowest bidder. Reub Mooradian moved that the contract be awarded to R & G Construction for \$58,750 with a budget amendment to be prepared taking \$19,380 from Water and Sewer Fund Balance subject to the condition that within 48 hours the Town receives a properly executed contract together with a performance bond from the developer of Emerald Mountain. Charlie Burleson seconded the motion and it passed unanimously.

4. New Business

a. Report on Occupancy Tax Administration

Al Greene reported that the Economic Development Commission had held a meeting recently to which all business owners on the mountain were invited. A history of the Occupancy Tax and its

administration was given by Calder Smoot, after which various complaints and questions were addressed. There was a good deal of discussion about the propriety of the Chamber of Commerce handling public funds, even under the oversight of the Economic Development Commission. It was generally agreed that the EDC budget should break down Administration a bit more than they have done, and that the EDC should meet quarterly. Kakii Handley moved that the Town Manager work towards a contract with the Chamber of Commerce covering services they perform for the EDC using Occupancy Tax monies. Alan Holcombe seconded the motion and it passed four votes to one, with Mr. Burleson dissenting.

b. Consideration of Policy on Use of Arbitration

David Paletta indicated that most construction contracts it is common to insert an arbitration clause, and he would prefer to have any disagreements settled in district court, where he is more comfortable. He was asked what sorts of matters he was referring to, and answered that it would usually be failure to perform, or kicking a contractor off a job, etc. After some discussion, Alan Holcombe moved that the Council adopt Mr. Paletta's recommendation and delete arbitration clauses from its contracts in the future. Kakii Handley seconded the motion and it passed four votes to one, with Mr. Mooradian dissenting.

c. Presentation of Proposed Alarm System Ordinance

Mr. Greene distributed a proposed ordinance to set rules for the installation of alarm systems, establish a permitting procedure and include fines for false alarms. There was general discussion regarding the number of false alarms which occur, and Chief Hefner reported that 92 alarms have been answered since May 1st, and all 92 were false alarms. Mr. Greene pointed out that some alarms are extremely loud and sometimes take two to three hours for them to reset. Charlie Burleson said he felt the imposition of a fine would be a good incentive for the owners of dwellings which contain the faulty alarms to get them fixed. Reub Mooradian moved that Chapter 34, an Ordinance to Regulate the Installation and Operation of Burglary, Robbery and Fire Alarm Systems, be adopted. Alan Holcombe seconded the motion and it passed unanimously.

d. Request for Funds, Avery County Humane Society

Mr. Greene pointed out that he had received a request for funds from the Avery Humane Society. Reub Mooradian moved the Town contribute \$150 to the Avery Humane Society. Charlie Burleson seconded the motion. After further discussion, the motion passed three votes to two.

e. Amendment to Chapter 2, Motor Vehicles and Traffic

Al Greene recommended that crossings be painted on the roadways at the three places where golf carts cross Town streets:

Briarcliff Road, Grassy Gap Loop and Old Field Road, in addition to the already-existing warning signs. Reub Mooradian moved that Chapter 2, Motor Vehicles and Traffic, of the Code of Ordinances be so amended. Alan Holcombe seconded the motion and it passed unanimously.

Rick Miller asked Chief Hefner if anything had been done to help the Club members with carts get them licensed, and Chief Hefner replied that he had offered to contact the DMV inspector and ask that he come to the mountain and inspect carts at the pro shop if there was enough interest. Charlie Burleson asked Bill Sposato if he was aware of this, and Mr. Sposato replied he was.

f. Consideration of Town Bird and Town Wildflower Proclamations.

Charlie Burleson indicated he had received the suggestions from some citizens and agreed to propose the proclamations. Kakii Handley said she would prefer another bird, the Carolina Wren, to the Ruby Throated Hummingbird. There were some other suggestions from Council and the audience, and it was suggested that a form be printed in an upcoming MountainEar which property owners could fill out and return with their water and sewer payments if they wished to vote.

5. Staff/Consultant Reports.

a. Town Engineer's Report.

Buddy Hale reported that the preparation for the Emerald Mountain watertank should take approximately two months to complete, and should be able to be started within three weeks of giving the contractor the order to proceed.

He further reported that Brown Brothers has mobilized its construction crews and commenced work toward the paving of North Pinnacle Ridge Road. Rain has, of course, delayed the work.

b. Public Works Director's Report.

Mr. Perry reported that the contractor who was to have installed the reflectors had not shown up. The DOT has been contacted several times about the need for centerline and edgeline striping on NC-184 without success. Reub Mooradian suggested a letter from the Mayor emphasizing how dangerous the road is with no striping, especially in view of the foggy weather we have been having.

c. Chief of Police's Report.

Chief Hefner had no formal report. Alan Holcombe asked about the reponse to giving back keys, and Chief Hefner said he had

had some feedback and most of the keys have been picked up. Charlie Burleson said he hoped this policy of not giving out keys extended to all Town employees so as to avoid the perception of some owners being exempt from the policy.

d. Town Attorney's Report.

Mr. Paletta had no report.

e. Town Manager's Report.

Mr. Greene reported that the 9-1-1 Committee had gone through a set of bid documents, and that he expected a good preliminary final draft to be ready in a week or so. He asked if the Council wished to go over the bid documents before they were sent out for bids and Mrs. Handley and Mr. Mooradian said they wished to do so. Mr. Greene said he hoped to have them ready for Council two weeks before the September meeting.

Mr. Greene asked the Council's pleasure on the seven offers to purchase the Town has received on lots it owns. Alan Holcombe moved that the Council accept the following offers on lots: A-73: \$1,780; NV-10: \$2,150. He further moved that Council approve the sale of the following lots to whomever will have submitted the highest upset bid after the statutory advertising period has elapsed, or the current bids if no upset bids are received: NS-12: \$5,000; C-246: \$1,000; D-169: \$1,500; CR-48: \$2,500 and CR-343: \$1,700. Reub Mooradian seconded the motion and it passed unanimously.

Rick Miller asked Council to approve the repainting of the hallways in the Town Hall, as well as the men's room at the south end. Al Greene stated that \$3,000 was in the budget for maintenance of the building, and suggested the work be kept in house. Charlie Burleson asked about the rock work in the lobby and hallway, and Mr. Perry stated the contractor had said he would be back in two weeks two months ago, and he has not seen him since.

Mr. Greene asked Council to accept settlement report prepared by the Tax Administrator for the FY just ended, showing a 97.57% collection rate. Alan Holcombe so moved. Kakii Handley seconded the motion and it passed unanimously. Reub Mooradian moved that the Tax Administrator be charged with collection of the FY91-92 taxes. Alan Holcombe seconded the motion and it passed unanimously. Reub Mooradian moved that the Council approve the suggested Tax Release of \$1,677.92 to Cliff Elder, as only 6.09 of his 51.377 acre tract was within the Town limits but he had been billed for all the acreage. Alan Holcombe seconded the motion and it passed unanimously.

6. Financial Report/Budget Amendment.

Copies of the Financial Report were distributed for Council's information. Al Greene requested Council approve a Budget Amendment

(attached) increasing revenues to the General Fund by \$6,610 for reimbursement for property tax exclusion and increasing expenditures \$3,600 to Admin for 9-1-1 system consultant and \$3,010 to Road Maintenance Department. Alan Holcombe so moved, Kakii Handley seconded the motion and it passed unanimously.

Reub Mooradian moved Council adopt an Ordinance establishing a Capital Project Fund for 9-1-1, placing \$3,600 in the Fund for consulting services. Alan Holcombe seconded the motion and it passed unanimously.

7 Executive Session

Reub Mooradian moved that the Council go into Executive Session pursuant to the provisions of N.C.G.S. 143-318.11 (a) (1) and (8) to consider the possible acquisition of property and discuss a personnel matter. Kakii Handley seconded the motion and it passed unanimously. The Council went into Executive Session at 9:15 PM. The Council came out of Executive session at 9:55 PM.

8. Other Business

Charlie Burleson asked Joe Perry about the fence at the sewer plant and was told it would be fixed very soon.

Alan Holcombe suggested signs be placed around the Town sand pile saying keep out, and Mr. Perry indicated he would do so.

ADJOURN

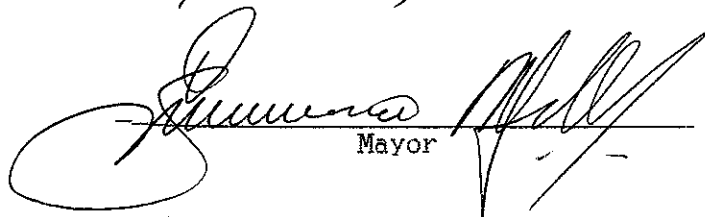
There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Alan Holcombe seconded the motion and it passed unanimously. The meeting was adjourned at 9:58 PM.

Respectfully submitted,



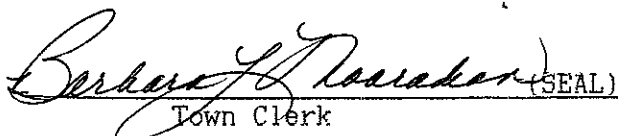
Barbara L. Mooradian,  
Town Clerk

Minutes approved by Town Council on September 10, 1991.



Mayor

ATTEST:



Town Clerk