

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
September 10, 1991

CALL TO ORDER

Mayor Miller called the Regular Meeting of the Beech Mountain Town Council to order at 6:00 PM on Tuesday, September 10, 1991, in the Council Chamber at Beech Mountain. Other Council Members present were 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, Town Engineer Ed Powell and Code Enforcement Officer Don Fulkerson. Present in the audience were Greg Brown, Tom Alderson, Bob Cantrell, Smokey and Harriet Chamberlain, Jo and Bill Wishner, Roger and Ramona Bullock, Tim Padgett, Bill Sposato, Ellen Anderson, Leslie Hoffman, Alex Hufty, Gene Brewer and Gerry Richardson.

1. Public Hearing, Sign and Zoning Ordinances

Pursuant to an advertisement in the Watauga Democrat of August 28, 1991, a Public Hearing on proposed changes to the Sign and Zoning Ordinances was opened. Don Fulkerson explained the reasons for the proposed changes to the Zoning Ordinance concerning parking in commercial zones. Ellen Anderson asked if Section 1102 could be changed to require striping of parking areas paved parking lots, and the installation of railroad ties or other markers in gravelled lots. Joe Perry pointed out the difficulty of snow removal where railroad ties have been installed. Roger Bullock (a member of the Planning Board) said he recalled that it was the intent of the Board that the parking spaces be demarcated where there is pavement.

Mr. Fulkerson then explained the reasons for the suggested changes to the Sign Ordinance. There was a good deal of discussion regarding more precise wording for Section 8-6 (A) 4, to make it clear that the combined signage on each face of a building occupied by more than one business cannot exceed 10% of the area with a maximum size of 40 square feet.

There being no further questions or comments from the assembled public, the Public Hearing was closed at 6:25 PM.

2. Changes to the Agenda

Mayor Miller asked if anyone had any changes they would like to make in the proposed Agenda, and Al Greene asked that Roger Bullock be added; that Jim Lindquist be added; and that item 5f be moved up so that Mr. Fulkerson could be excused. Mayor Miller placed Roger Bullock as the first item under New Business, Mr. Lindquist second and item 5f third.

3. 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 Meeting of August 13, 1991.
- b. Resolution proclaiming September 17 as Citizenship Day and the week of September 17-23 Constitution Week. (attached)
- c. Resolution authorizing the filing of an application for a State loan (attached)

4. Committee Reports

Mayor Miller reported on the recently-held Region D annual banquet

5. Unfinished Business

a. Bill Elder Easement Request

Al Greene noted that Bill Elder had written a letter to Council requesting access across Town property to some property he owns, and asked that the letter be entered in the Minutes (attached). He also suggested Council may wish to defer consideration of the request until after the planned Executive Session, since some matters to be discussed may have a bearing on it. (Note: Following the Executive Session the matter was deferred until the next meeting when all members of the Council would be present.)

b. Emerald Mountain Tank Agreement

David Paletta stated that no agreement had yet been signed. Tim Padgett indicated that the required bond was in the process of being prepared, that it was delayed because over a period of time the bids for the work had changed.

c. Emerald Mountain Tank Project Bids

Ed Powell disclosed that the size of the tank pad had been found to be larger than that for which the contract had been let. Although he had checked with the fabricator of the tank and been told the tank would be 27.6' in diameter, the actual drawings indicated a diameter of 35'. The fabricator had agreed that he had been in error in quoting 27.6'. R & G Construction had quoted a price of \$5,025 for the change in size, but Mr. Powell felt that was much too high and intended to negotiate with them. He stated there were two options for

the Council: either allow him to negotiate the change order with R & G or readvertise quickly. Al Greene asked what Mr. Powell would consider a reasonable cost for the increased size and he indicated half of the quote. When asked what delay the change would cause, Mr. Powell asked Ms. Hufty what time frame had she been given on the tank and she replied 60 days from the time that the site is prepared. She stated it was her intent to put in the booster station now and the tank next spring, since it is so late in the year.

Reub Mooradian moved that the Council direct the Town Engineer to negotiate the change order with the contractor, after which the Council would have a special meeting, if necessary, to decide the matter. Alan Holcombe seconded the motion and it passed unanimously. Ed Powell said he did not feel this matter should affect the agreement between the Town and the developer, but Al Greene pointed out that he did not feel the Town should execute the agreement until the contract with R & G was worked out.

d. Sign Ordinance Amendments

Alan Holcombe moved that Section 8-6 (A) 3 be approved as submitted and that subsection 4 be changed to (1) delete the words "for that business" and (2) add the wording "provided the combined size of the signs for each business shall not exceed the maximum size allowed under Section 8-6 (A) 2 above." Reub Mooradian seconded the motion and it passed unanimously.

Alan Holcombe moved that Section 8-10 (H) be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.

Alan Holcombe moved that Section 8-6 (A) 5 be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.

NOTE: All proposed changes are attached hereto and made a part hereof.

e. Zoning Ordinance Amendments

Rick Miller moved that Section 1102 be approved, with the addition of the following: "All paved parking lots must have their parking spaces lined." Reub Mooradian seconded the motion and it passed unanimously.

Reub Mooradian moved that Section 1102.01 be approved as submitted. Rick Miller seconded the motion and it passed unanimously.

Reub Mooradian moved that Section 1102.04 be approved as submitted. Alan Holcombe seconded the motion and it passed unanimously.

Reub Mooradian moved that Section 1205 be approved as submitted. Alan Holcombe seconded the motion and it passed unanimously.

NOTE: All proposed changes are attached hereto and made a part hereof.

6. New Business.

a. Sunrise, Sunset Program - Roger Bullock.

Mr. Bullock made a presentation on the TVA proposed Sunrise, Sunset Program, wherein the Town would identify various sites on the mountain from which photographers could take exceptional photographs. He stated that TVA would pay for the art work, the photography and advertising necessary to prepare and disseminate a map showing the sites. He asked the Council's thoughts on the matter, pointing out that it would, in some instances, require the trimming or actual cutting of trees to make the view more panoramic; the creation of some lay-bys and installation of wooden signs

Al Greene noted that the program was in a very preliminary stage, and costs for grading, signs, tree work and so forth were not yet known. After some discussion, it was the consensus of the Council that it was an excellent idea and that full cooperation should continue to be extended. Rick Miller did ask that Council be advised before any Town funds were expended

b. Jim Lindquist - Complaint About Police Department.

Mr. Lindquist stated that his establishment and patrons had experienced a good deal of trouble with the Police, both parking at Johnny's and T-Bones and following patrons as they leave the bar. He felt this was hurting his business, as he had been told that some people from Banner Elk were afraid to come up the mountain for fear they would have trouble with the Police. He said he was all for getting drunks off the road, but felt the close following was intimidation.

Chief Hefner reported on the various calls the Department has had at Rascal's. He stated he did not feel the Department was hurting Mr. Lindquist's business, and that they followed the same procedures around other businesses which were open late at night and served liquor. He indicated there had been more bar checks at Kats than Rascal's.

Alan Holcombe said that while the Council wished to preserve good public relations, the laws do have to be enforced. He said he would like the matter looked into to be sure there was no harrassment involved. He also stated that he had been on the mountain 21 years, and had been followed by Mac, by Hobert and by others. Chief Hefner stated that it was impossible to build a drunk driving case by sitting in the office and waiting for offenders to turn themselves in...they must be followed.

Al Greene requested anyone with a problem with the Police Department go to Chief Hefner and, if not satisfied, come to him (Greene).

Reub Mooradian said he felt one of the biggest problems was that there were property owners unhappy because Hobert Watson left. This has been translated into accusations and false rumors which fester and grow. He stated he hears all sorts of rumors which he knows to be false.

Jo Wishner asked if the Police were going to start staking out cocktail parties next. She said she and her daughter had been followed and it had scared her. Alan Holcombe asked about the incident and was told the Police vehicle turned up North Pinnacle Ridge Road as she turned down Pinnacle Ridge Road, and he suggested that perhaps the Police were simply going to Mariah and happened to be behind her.

Leslie Hoffman stated she did not find being in front of a Police vehicle offensive, but rather feels safer that way. She said in the wee hours of the morning there are probably lots of drunks on the road, or people looking for some place to break into. She questioned anyone's being concerned if they were not doing anything wrong.

Al Greene said he did not feel the residents had given Chief Hefner a chance since he arrived. He pointed out that the various false rumors have undermined the Chief, and stated that if given a chance, they would find they have one of the best Police Departments in the mountains.

Roger Bullock said he had been called by someone with a litany of rumors of what was going on in the Police Department, so he asked Chief Hefner for the facts. He found it quite relevant that in six months only eight tickets had been written -- and two or three were felonies. He recommended the answers be found in the facts and not in the emotions.

c. Set Date for Public Hearing on Changes to Zoning Ordinance and Subdivision Regulations proposed by Planning Board

Don Fulkerson went over the various changes to the two Ordinances proposed by the Planning Board (attached) and briefly described the reasons behind each. The Council set 6:00 PM on Wednesday, October 9, 1991 as the time and date for a Public Hearing on the changes.

d. Consider Purchase of Radio Equipment

Al Greene noted that Chief Hefner had located some extremely affordable used radio equipment which, if purchased, would equip every officer with a walkie-talkie, would have scanner capability and save the Town a good deal of money. Chief Hefner answered a number of questions about the equipment and the need for its purchase. Reub Mooradian indicated the Fire Department also intended to purchase a number of them. Chief Hefner was asked what would happen to the radio equipment with which the Department is currently equipped, and he indicated the Public Works Department had a need for them. Reub Mooradian moved that Council give the Police Department permission to acquire the equipment. Alan Holcombe seconded the motion and it passed unanimously.

e. Discussion of E-9-1-1 Bid Documents

Al Greene referred to the E-9-1-1 Bid Documents which had been distributed to Council earlier and asked if there were any comments or questions. There were none. He stated that the subscriber fee could go into effect as early as October, but that he would just as soon wait until bids are received so that the amount of the fee could be set based upon actual costs. Reub Mooradian moved that the Town request bids on the project. Alan Holcombe seconded the motion and it passed unanimously.

Mr. Greene was asked if he had a realistic estimate on the length of time before Council could award bids, and he stated he hoped to have a recommendation for award in November. He said he wanted to hold a pre-bid conference with vendors and asked if any of the Council wished to be present. Mayor Miller indicated he did, so Mr. Greene said all Council would be notified when the conference is scheduled.

f. Discussion of Chamber of Commerce Contract

Al Greene referred to the proposed Contract between the Town and the Chamber of Commerce relative to its use of Occupancy Tax Funds and asked if there were any questions or comments.

There was some discussion about what portion of the Chamber office might have to be taken to enlarge the Dispatch Office, but that would not really be known until the bids are awarded. Mr. Greene said the consultant had estimated that only the closet portion of the office would be taken, and that the Chamber staff was aware of that and said it would present no problem. Mr. Greene was asked about the figure indicated as going to the Chamber for administrative costs and replied that this was the figure agreed to in the current fiscal year's budget, and that even though it was a single line item, the Finance Officer gets a detailed breakdown of all costs each month. Reub Mooradian moved that the Town sign the contract. Alan Holcombe seconded the motion and it passed unanimously.

g. Proposed Donation of Lots D-57, D-58 and RVW-295 to the Town.

David Paletta indicated that the proposed donation of RVW-295 was the result of foreclosure proceedings initiated by his office, and D-57 and D-58 were a simple gift request. Reub Mooradian moved that the Council accept all three gifts, and Alan Holcombe seconded the motion. The motion passed two votes to one, with Mayor Miller dissenting.

h. Consider Declaring Canon Copier Surplus.

Al Greene indicated that, while he had authority to sell items worth less than \$500.00, the old copier just might possibly bring more than that, so they wished to have Council declare the item surplus. The declaration will be published, and offer will be accepted prior to ten days from the date of publication, in accordance with G.S. 160A-267. Alan Holcombe moved that the Council declare the copier surplus. Reub Mooradian seconded the motion and it passed unanimously.

i. Discussion of Utilities Extension Request.

Al Greene distributed copies of a letter from Bob Cantrell, of Works of Wood, in which he requested extension of the sewer line to his business. He did not request extension of water lines. Mr. Greene stated that Mrs. Handley had expressed her opposition to serving utilities outside the Town Limits, although the Water and Sewer Use Ordinance does allow such service. The only way to bill Mr. Cantrell for his sewer use, if he did not have Town water as well, would be for him to install a meter on his well and allow the Town to read it to calculate sewer use. Al Greene said there were several options open to the Town: require water be extended as well as sewer, allow the small individual sewer pump, require a large force main to handle future development, etc. Reub Mooradian asked that the matter be tabled until the next meeting so that all members of the Council would be present for the decision.

j. Revision of Job Descriptions.

Al Greene indicated that the State of North Carolina has mandated all Policemen complete Basic Law Enforcement Training before going out on the streets. He wished Council to approve the addition of this requirement under the "Minimum Education and Experience" portion of the job descriptions for all Police Officers (excluding Dispatchers). Reub Mooradian moved that the requirement be added to the job description for Patrol Officer, Police Sergeant, Police Captain and Chief of Police. Alan Holcombe seconded the motion and it passed unanimously.

7. Executive Session.

David Paletta indicated he had a pressing engagement, so Reub Mooradian moved that Council go into Executive Session under the provisions of G.S. 143-318.11 (a) (1) to discuss possible acquisition of real estate while the Attorney could be present. Alan Holcombe seconded the motion and it passed unanimously. The Council went into Executive Session at 9:10 PM. The Council came out of Executive Session at 9:25 PM and resumed its regular meeting.

8. Consultant/Staff Reports.

a. Town Engineer's Report.

Ed Powell reported that he intended to meet with John Costin either that same evening or the next day to try and negotiate the change order on the water tank site contract, and that he would report on the proceedings to Al Greene.

Mr. Powell and the staff were asked to provide Council with copies of any approved plans which had been submitted by the developer's engineer as well as any permits granted for any special meeting which might be called on the matter.

Mr. Powell further reported that the structures for the road construction have been completed (manholes raised, culverts installed, etc.) and that the project should be out of the way within the next three to four weeks.

b. Public Works Director's Report.

Joe Perry reported that the individual who is supposed to install the reflectors in the Parkway has indicated he will be up to do the job within the next three weeks. He added that this had been the response for the past several months. The same individual will be painting the golf cart crossing zones and the "SLOW" signs on Lakeledge Road. Reub Mooradian noted that Public Works has installed some additional fire hydrants.



c. Police Chief's Report.

Chief Hefner indicated he had no formal report. Alan Holcombe stated that he realized the Chief had been through a bad time that evening, and that he felt he spoke for the rest of the Council and most of the people of the community when he stated Chief Hefner is doing a good job. He encouraged citizens to go to sources of information when they hear rumors and find out the facts. Reub Mooradian agreed heartily.

Rick Miller stated he hoped nobody in the audience had the mistaken idea that the Council was going to tell the Police Chief to stop doing his job, because it does not intend to do so.

d. Town Attorney's Report.

There was no Attorney's report.

e. Town Manager's Report.

Mr. Greene indicated the updated Census Report showed Beech Mountain with a population of 240.

He indicated he had received a letter from Jule Dionne regarding the Beech Mountain Resort's request, and that he had a meeting scheduled for Friday with the Town's auditors, after which he would consult with State offices and have some information for the Council shortly.

Mr. Greene reported on his fruitful and amicable meeting with Dagmar Sherrard.

8. Financial Report.

Copies of the financial report were distributed for the Council's information. Reub Mooradian moved the Council approve a Budget Amendment to allow purchase of the used radios by the Police Department. Alan Holcombe seconded the motion and it passed unanimously.

9. Tax Releases and Refunds.

Reub Mooradian moved the Council approve various tax releases and refunds requested by the Tax Administrator (attached). Alan Holcombe seconded the motion and it passed unanimously.

10. Other Business.

Reub Mooradian presented a request from Randy Rieger, LL-2, for the installation of two street lights, and Mr. Greene said he and the Police Chief would visit the proposed sites and make a recommendation.

Reub Mooradian indicated he had had a number of requests from homeowners who have alarm systems that the Police Department be allowed to keep their keys. After some thought, he felt this was a valid request as long as it was made abundantly clear to the owners that the keys would not be given out to family members, repairmen, prospective real estate agents/purchasers, etc. He also felt an agreement to hold the Town harmless, as well as the Fire Department, in the event that either a Police Officer or Fireman had to enter the dwelling to look for evidence of breakin or fire should be prepared with cooperation of the Town Attorney and signed by any such homeowners. Rick Miller said he agreed, but that he wished the two absent members of the Council be polled, and if there is anyone who disagrees, the matter should be held off until all five are present.

Chief Hefner indicated he had had the same request from Ray Hansen and promised to bring it before the Council, but felt Mr. Mooradian had adequately covered the matter.

# ADJOURN

There being no further business to come before the Council, Reub Mooradian moved the meeting be adjourned. Alan Holcombe seconded the motion and the meeting was adjourned at 10:15 PM.

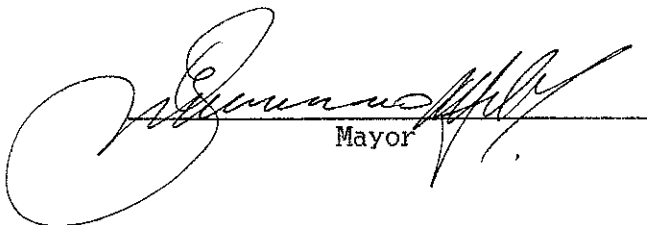
Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

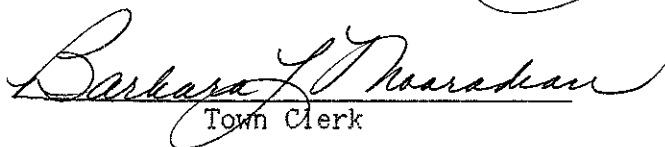
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Minutes approved by Town Council on October 9, 1991.



Mayor

ATTEST:



Town Clerk