

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
October 13, 1992

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:03 PM. Other Council Members present were Greg Brown, Kakii Handley and Reub Mooradian. 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 a number of interested parties.

One item was added to the agenda under "Persons Wishing to Address the Council:" Mr. Le O'Neal.

1. Consent Agenda.

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

- a. Minutes of the Regular Meeting of September 8, 1992.
- b. Minutes of the Special Meeting of September 28, 1992.
- c. Resolution Releasing \$56.26 to Region D Council of Governments.

2. Committee Reports.

- a. Region D. Rick Miller reported that although Region D had had no meeting the prior month, their annual banquet at Hound Ears had been a nice affair.

3. Persons Wishing to Address the Council.

- a. Mr. Luke Copeland, Holder, Copeland and Associates. Mr. Copeland thanked the Council for allowing his firm to do the Town's annual audit. He said they were again very satisfied with the books and records of the Town. He commended the Town for investing its cash wisely, and commented that the tax collection rate of 97.15% was excellent. While the collection rate was somewhat less than the prior year's, he felt this was due to the Pinnacle Inn bills being sent out almost half a year after the due date. (It was explained, for the benefit of the audience, that the Pinnacle Inn owners had disputed their valuations and that State law prohibits the bills from being sent out until the matter can be adjudicated, which caused the delay.)

Mr. Holder commended the staff for keeping expenditures below revenues, and stated they were able to give a clean and unqualified opinion again this year. He noted the increase in undesignated fund balance from last year, but cautioned this fund balance should be

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guarded to provide for unexpected major repairs and to guard against the uncertainty in State revenues. Kakii Handley asked about the uncapped accumulation of sick leave, and wondered if someone could take annual leave when they are sick and guard their sick leave. Al Greene said that as long as sick leave was available a sick person would have to take it, but after it had been exhausted, he was sure the Town would work with the employee and allow them to start taking annual leave in the case of a long-term illness.

Kakii Handley moved to accept the audit report. Reub Mooradian seconded the motion and it passed unanimously.

- b. Calder Smoot, EDC. Mr. Smoot gave a short EDC report, indicating that the Council had approved a \$79,000 budget for expenditure of occupancy taxes, of which \$48,800 is budgeted for advertising. He stated that the Committee was now meeting on a regular basis, working closely with the Chamber of Commerce, and invited anyone who is interested to attend their meetings on the last Wednesday of each month at 9:00 AM.

Mr. Smoot then turned to the Tour du Pont Bicycle Race. He described the race as the largest of its kind in the United States, and second in the world only to the Tour de France. The cyclists start in Delaware, the home of the du Pont Corporation, and cycle anywhere from 108 to 135 miles each day. The Town of Beech Mountain has been approached to sponsor a finish on one of the legs of the race. An informal committee of citizens has been dealing with the promoter, Medalist Sports, Inc., and lining up support for the event. The promoter visited the Town and feels that it would be an excellent finish area. Sponsorship would involve providing food and lodging for the tour participants, their crews and other individuals who are part of the event. It also requires traffic control and would require a short closure of the Beech Mountain Parkway for the finish. The informal committee, as well as the members of the EDC, feel that this would be an excellent showcase for our community. Letters of commitment are being received for both food and lodging, as well as sponsorships to help defray the costs involved. It is the intention of the citizens' committee to procure as much money as possible in the form of sponsorships, but it may be that they would have to come back to the Council to ask for some funds from the EDC advertising budget.

Rick Miller asked a number of questions about some of the provisions of Appendix B to the proposed contract and Fred Pfohl indicated that the promoter was aware of a number of items which the Town cannot provide. Mr. Pfohl said that cooperation had been received from individuals and institutions throughout the region

from Linville, Grandfather Mountain, Banner Elk, and so forth. David Paletta was asked if he had any concerns about the Town entering into a contract to provide a finish venue, and he replied that he felt the possible injury aspect would be covered by the insurance policy we already have. His main concern was a cost factor, committing the Town to pay expenses which could be much larger than anticipated.

Reub Mooradian said he thought it was a great idea, but had some concerns about some of the things that the Town would be expected to do, such as closing off the Parkway for many hours. He did not believe this was advisable, and wondered if it was even legal, since it is a State highway. Fred Pfohl indicated that the promoter is very experienced, and that they handle things of this nature through the Highway Patrol and the various counties and municipalities throughout the state through which the race goes. The amount and type of publicity the Town would receive was pointed out.

After a good deal of further discussion, it was the consensus of the Council that sponsoring a finish venue for the Tour du Pont was an excellent idea for the Town. Since the promoter plans a national press conference on the event October 21st, time was of the essence in working out contractual details. Al Greene was to talk with Medalist Sports, Inc. The citizens' committee was asked to outline those portions of the proposed contract which the Town could not agree to, and suggest alternatives. Mr. Greene and Mr. Paletta are to come up with an amended contract as soon as possible, and it was suggested that the meeting not be adjourned at its end, but recessed, so that it could be called back to order quickly to make a decision on the final proposal.

- c. Le O'Neal. Mr. O'Neal spoke of a problem he had been having with dogs loitering around his property, preventing him from walking his own dogs for fear of aggressive confrontation. He spoke movingly of having to have one of his show dogs destroyed due to its developing dog aggressive behavior following getting in a dog fight. He told of calling the Watauga County animal control office on Saturday and getting a taped message that they were closed for the weekend. He pointed out he is a dog lover, but that he is also a believer in owner responsibility. He said he feels that it is rapidly getting to the point where animals on the mountain are keeping the people from enjoyment of their property and surroundings, and sought a solution that would be reasonable.

Rick Miller asked if Mr. O'Neal had called the Police Department and, if so, had they responded. Mr. O'Neal said the Police did come, but since they are not animal control officers and do not have a containment area, there was little they could do. Chief Hefner stated

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that a report of the incidents had been filed and that the owner of one of the dogs in question had been visited and advised that he needed to keep his animal under control or that the County animal control people would be summoned. The other owner was advised that his dog was improperly not registered with the Town, and that a penalty could be assessed if he did not comply with the Animal Control Ordinance.

Reub Mooradian asked if there was any possibility that the Watauga County Sheriff's Office had an emergency number for the animal control people during off-duty hours, and Chief Hefner was asked to check on this. He also asked if there was a possibility of having some of our Police Officers cross-trained as animal control officers to pick up a dog in a case like that described and hold it in a pen until the County animal control people can arrive. Chief Hefner said he would check on costs of pen(s), equipment, training, etc., and report later. He said he had no objection to the notion, but would have to check into costs. Mr. Mooradian pointed out that the individuals cross-trained would have to volunteer for the training. Al Greene asked that Council allow the staff to study the idea.

John Hoffman said he felt that the Town was doing the best job it could do, and that the business of kenneling animals, feeding them, and so forth is very expensive. He said there were very few strays on the mountain -- most of the dogs roaming around belong to someone who can be fined if they are irresponsible owners. Greg Brown asked if it was too late for Mr. O'Neal to file a complaint about the Saturday incident, but Mr. O'Neal said he would prefer to simply have the owners warned (which has been done) and see what could be done toward getting the Town's own animal control people in place.

4. Old Business.

- a. Consider Agreement with John Hoffman on Fire Hydrant Testing. Mr. Greene stated that the staff recommended approval of an agreement with John Hoffman which would call for him to inspect and maintain all fire hydrants on the mountain for \$2,000. Greg Brown moved Council approve the agreement. Reub Mooradian seconded the motion. Kakii Handley asked what color the hydrants would be painted, and Joe Perry said that they would be green and yellow. Mrs. Handley asked if Mr. Perry was going to reinstall the blue reflectors at hydrant locations on the paved roads, and Mr. Miller suggested the painting of an "H" on the roads instead of the reflectors, which get scraped off by the plows. Le O'Neal said that 3M makes a highly reflective tape which could be put on the tops of hydrants on the gravel roads to make them more visible. The question was called and the motion passed unanimously.

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- b. Award Vehicle Bids. Greg Brown moved that the Town accept the high bids on three surplus vehicles:

1986 Ford pickup truck	\$1,350	Dean's Auto Sales
1987 Bronco	\$2,800	Dean's Auto Sales
1990 Bronco	\$5,800	Kenny Lunsford

Reub Mooradian seconded the motion and it passed unanimously. Greg Brown then moved that the Council adopt a budget amendment which would cover the purchase of a used pickup truck for the Building Inspections Department up to \$10,000. Kakii Handley seconded the motion and it passed unanimously. Al Greene requested clarification that the Council was authorizing the staff to proceed with the bid and purchase process required by the Statutes and was assured that the Council's intent was to give the staff permission to proceed with the purchase without further action by Council.

- c. Continued Discussion of Transmission Line. Al Greene reported that he had been in contact with Booth and Associates, an electrical engineering firm in Raleigh, about advising the Town with regard to the proposed electrical transmission line. He said Mr. Booth had indicated his willingness to visit the mountain for the purpose of attending a public hearing at which he could answer questions and concerns of the public as a disinterested party. Mr. Greene anticipated the expense to the Town would be approximately \$1,500. Kakii Handley suggested that perhaps those citizens with concerns could put them in writing and Mr. Booth could answer them in writing, thus saving travel costs. Reub Mooradian said he felt this would prevent follow-up questions and preferred the public hearing approach. David Paletta suggested that perhaps a good "Plan B," after the written approach, would be a telephone conference between Mr. Booth and concerned citizens. Then, if neither the written approach or conference approach satisfied concerns, the public hearing could still be held. Al Greene was asked to question Booth about the cost of providing written answers, and if it was something they would be willing to do.

5. New Business.

- a. Consider Delay of Future Ordinance Effective Dates. At the request of Norma Buchanan and Tim Holland, Council was asked to give consideration of allowing a grace period after the adoption or amendment of ordinances which would have an effect on upcoming real estate closings. After discussion the Council agreed that they did not want to have a blanket policy of a specific amount of delay, but that the staff and Council would both make it a policy to look

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at each amendment or adoption of an ordinance to determine an effective date which would not cause undue problems.

- b. Consider Resolution on Loss Control Policy. Mr. Greene referred to a Safety and Loss Control Policy, required by the government and prepared by the League of Municipalities, which had been provided to Council at an earlier date. He said the staff recommended adoption of the policy with one change: The policy requires bi-annual self inspections while State law requires them quarterly, so that aspect of the Policy should be changed. Reub Mooradian moved that the Council adopt the Resolution establishing the suggested Loss Control Program, providing the self inspections clause be changed to quarterly. Kakii Handley seconded the motion and it passed unanimously.
- c. Consideration of Radio Communications System Bids. Mr. Greene commented that the Town had only received two bids on Police radio equipment, and that the low bidder had neglected to enclose a bid bond. It was his suggestion that the Council reject both bids, authorize the staff to re-bid the equipment, and approve the exclusion of a requirement for a performance bond. He stated that contract would be drawn in such a manner as to hold out payment of 50% of the bid amount until the equipment was installed and working to the satisfaction of the Town. Reub Mooradian so moved. Greg Brown seconded the motion and it passed unanimously.
- d. Consider Tax Refund. Al Greene explained that a property owner, Bob Grubb, owned a number of parcels of property and had appealed the valuation on all of them. He was billed based on the existing values at the time, but anticipating his appeal would be successful he paid portions of most of the taxes. Now the appeal has been adjudicated, and some of his overpayments need to be refunded and other outstanding amounts need to be released from the scroll. Greg Brown moved that the releases and refunds required be approved. Kakii Handley seconded the motion and it passed unanimously.

6. Staff/Consultant Reports.

- a. Town Engineer's Report. Mr. Powell reported that the Bear Branch sewer outfall line project was proceeding, albeit slowly.

The ultraviolet disinfection unit is anticipated to be delivered any day, and after delivery the contractor feels installation can be done in one to two weeks.

The Emerald Mountain water tank is in place but has not been painted or backfilled. The developer has gotten pricing on the

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replacement of the pump station, and work should be completed within the time frame agreed to.

- b. Public Works Director's Report. Joe Perry reported the installation of six new fire hydrants; one on Raven Road, one on the Parkway, one on Wintergreen Way, two on Buckeye Creek Road, and one on Hilltop Road. Mr. Perry noted that the State had completed its repainting of the centerline and sideline stripes on the paved Town streets.

Mr. Perry reported that a blower had gone out at the Grassy Cap sewage treatment plant, but had been replaced without recourse to a budget amendment request. Mr. Greene stated that Council could be asked to approve a budget amendment in the future should other unforeseen problems occur.

Reub Mooradian suggested that Mr. Perry contact the DOT to see if they had a recommendation as to a type of cleaner to use to get the paint off the reflectors.

- c. Town Attorney's Report. Mr. Paletta reported that the owner of TC-8 had offered to donate the lot to the Town in lieu of foreclosure. Reub Mooradian moved that the Town accept the donation. Kakii Handley seconded the motion and it passed three to one, with Mayor Miller dissenting.

Mr. Paletta reported that he had proceeded to move against the company which had not made occupancy tax payments, as instructed.

- d. Chief of Police's Report. Chief Hefner reported that some buried barrels had been discovered at PA-205 which had been used as a synthetic cocaine lab in 1980. The EPA had investigated and found the barrels not to be contaminated. No expense was incurred either by the current owner or the Town. A written report is being issued for the record.

Mountain Electric visited Beech Mountain and fixed all the street lights which needed repair.

- e. Town Manager's Report. Al Greene reported that the extension granted by the Council on the Emerald Mountain water tank project had been taken care of to include extension of the letter of credit.

Mr. Greene stated that the letter of credit approved by Council for acceptance by the Planning Board on Emerald Mountain blocks had not been received, as the developer had not yet requested approval.

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Mr. Greene reported on the success of Employee Appreciation Day, and thanked the Council on behalf of the employees for allowing them the outing. Rick Miller said he believed the event should be an annual one, and so moved. Kakii Handley seconded the motion and it passed unanimously.

Mr. Greene said that Vern Holland had volunteered to provide the employees with a smoked turkey and ham for a Thanksgiving lunch. Bill Sposato has donated use of their Recreation Activity Room for the luncheon and it is planned for 12:00 Noon on Friday, November 20. Mr. Greene pointed out that this was a simple luncheon, not an afternoon-long affair. He wanted the Council to be aware of Mr. Holland's generosity.

- f. Financial Report. The financial report was distributed without comment.

7. Executive Session.

Reub Mooradian moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318.11(a)(4) to discuss pending litigation with the Town Attorney. Kakii Handley seconded the motion and it passed unanimously. The Council went into Executive Session at 8:20 PM. The Council came out of Executive Session at 9:30 PM.

RECESS

There being no further business to come before the Council, Greg Brown moved that the meeting be recessed until 6:00 PM October 19, 1992, so as to be able to consider the Tour duPont agreement. Reub Mooradian seconded the motion and it passed unanimously. The meeting was recessed at 9:31 PM.

RECALL TO ORDER

The meeting was recalled to order by Mayor Miller at 6:00 PM October 19, 1992. Other Council Members present were Tim Holland, Kakii Handley and Greg Brown.

1. Tour duPont.

Al Greene updated the Council on progress being made on a possible contract between Medalist Sports, Inc., and the Town for the Tour duPont Bicycle Race. He stated that commitments for food, lodging and other needs were still coming in, and that David Paletta is working on wording of the contract. Mr. Greene recommended the Council adopt a Resolution espousing the Town's intent to sponsor the Tour duPont and directing the staff to prepare a written agreement to be entered into between the Town and Medalist Sports, Inc. Tim Holland so moved. Kakii Handley seconded the motion and it passed unanimously.

2. Other Business.

Kakii Handley moved that the Council appoint the following individuals to a Local Organizing Committee for the Tour duPont:

Chairman	Fred Pfohl
Vice Chairman	Sheila Fletcher
Treasurer	Tim Holland
	Rick Owen
	Bill McClung
	Calder Smoot
	Joe Archer
	Ron Nichols

Tim Holland seconded the motion and it passed unanimously.

3. Update on Water Situation.

Joe Perry briefed the Council on a water pump failure on Ash Lane.

ADJOURN

There being no further business to come before the Council, Tim Holland moved that the meeting be adjourned. Kakii Handley seconded the motion and it passed unanimously. The meeting was adjourned at 6:30 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

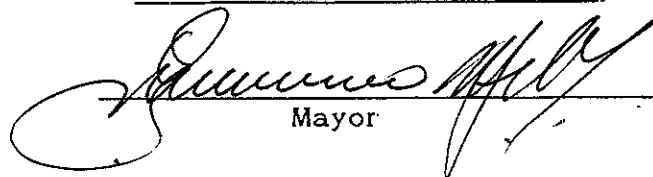
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Minutes approved by Town Council on November 10, 1992.

ATTEST:



Town Clerk



Mayor

