

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
February 11, 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 Tim Holland, 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 Ed Waligroski, Paul Browning, Harriet Chamberlain, Ellen Anderson, Bill Sposato, Ed Lotz, Fred Pfohl, Clyde Barbare, Bill Ashmore, John and Leslie Hoffman, Dave and Sherry Garris, Jay and Sheila Tischenkel and Phil and Norma Buchanan.

1. Consent Agenda

Kakii Handley moved that the Consent Agenda be approved. Tim Holland seconded the motion and the following items were unanimously approved:

- a. Minutes of the Council Meeting of January 14, 1992.
- b. Resolution on Bridge Reinspection

2. Committee Reports

- a. Reub Mooradian reported that the Watauga County Commissioners were presently concerned about the landfill situation. They are in a position where they are going to have to spend approximately \$500,000 per acre for the 20 acre landfill area that they have which is currently not being used. This is mandated by the federal government and EPA regulations. Mr. Mooradian reported that he felt certain that this would be reflected in increased tipping fees for the Town in the next fiscal year.

3. Unfinished Business

a. Approve Purchase of Ricks Property

It was pointed out that the Town Council had, over the past several months, considered purchasing the property owned by Norman Ricks located adjacent to the Town Hall. Al Greene recommended that the Town Council authorize the Town Attorney to close on the matter as soon as the legal work and survey have been completed. The price agreed upon is \$40,000. David Paletta indicated that the title opinion has been done and the survey ordered. He further stated that it would take approximately two weeks before everything would be in order for closing, and that he has set February 28 as a tentative closing date. Greg Brown asked if the taxes had been paid on the property and was told that would be taken care of at closing. Tim Holland moved that the Council approve the purchase. Reub Mooradian seconded the motion and it passed unanimously.

MINUTES

February 11, 1992

Fred Pfohl commended the action as being very positive on the part of the Council, and remarked that he had wanted the Town to own that property for a long time.

b. Confirmation of E 9-1-1 Service Policy

Al Greene asked for clarification of the policy toward residences outside the Town limits with regard to the E 9-1-1 data. He pointed out that a significant amount of employee time is required to insert data into the computer system and keep up with any changes, and the Town was not able to collect the subscription fee outside its limits. After a good deal of discussion, Reub Mooradian moved that if any subscriber outside the Town limits declines to contribute the subscriber fee, currently \$20.40 annually, the only data which will be entered for their phone number will be the location of the telephone, the owner's name and address. Tim Holland seconded the motion and it passed unanimously.

c. Appointment of Replacement for Ed Samuel on Planning Board

Reub Mooradian moved that Ted Crager be appointed to fill out the unexpired term of Ed Samuel on the Planning Board (until December 1992). Tim Holland nominated Bill (Waldo) Watson. The vote was taken and Mr. Watson was unanimously elected (Mrs. Handley's abstention being recorded as an affirmative vote under the provisions of Robert's Rules of Order).

4. New Business

a. Discussion of Chestnut Reforestation Proposal

Ed Lotz outlined his proposal that the Town purchase ten Chestnut trees and plant them in an appropriate spot. If, after one year has passed, at least 75% of the trees are still living, he would urge monies be placed in every year's budget for purchase of Chestnuts. He pointed out that at one time, Chestnuts had been abundant in the area, but most had been killed by blight. The trees which have now been developed and would be purchased are blight resistant. Kakii Handley suggested that the trees be planted away from the portion of Beech Mountain Parkway which is maintained by the State, so as to avoid their damage by salt. Tim Holland moved that the Council approve the expenditure of approximately \$55 for the purchase of ten Chestnut trees for the first aspect of the program. Reub Mooradian seconded the motion and it passed unanimously. Mr. Mooradian commended Dr. Lotz for his usual fine approach toward the betterment of the community. Kakii Handley suggested that

February 11, 1992

individual property owners might wish to take part in the program by purchasing some trees on their own.

b. Amendment to Personnel Ordinance

Al Greene pointed out that the Personnel Ordinance allows merit pay increases, but does not make provisions for the employees who are already at the highest salary step of their assigned grade. He suggested that Section 8a be changed to add the wording: "Those employees who are at the highest salary step of their assigned grade may be granted merit bonuses in lieu of the merit pay increase described in this section." Reub Mooradian moved the Council approve the amendment as presented. Kakii Handley seconded the motion and it passed unanimously.

c. Consideration of Budget Amendments

(1) I & I Capital Project Budget

Mr. Greene indicated that the Public Works Department was currently engaging in a massive effort in the Bear Branch area to discover the causes of inflow and infiltration and repair them. He requested approval of the transfer of \$10,390 from personnel to supplies, materials and engineering. Reub Mooradian moved Council approve the Budget Amendment. Tim Holland seconded the motion and it passed unanimously.

(2) E 9-1-1 Capital Budget

Al Greene pointed out that the Council had originally budgeted \$5,000 for the enlargement of the Police Dispatch office. The supplier of the computer system has discovered, however, that the equipment can be accommodated in several locations in the Town Hall, and the enlargement will not be necessary. Mr. Greene indicated that the job of entering initial data into the computer will be a massive one, and asked that Council approve the transfer of \$1,200 from Office Renovation to Salaries and Benefits in order to hire a temporary worker to handle the data entries. Tim Holland moved approval of the Budget Amendment. Reub Mooradian seconded the motion. John Hoffman suggested that the dispatch office was not large enough for the work handled there, and suggested that the enlargement be left in the budget, but Mr. Greene stated that monies which had been budgeted for E 9-1-1 could not be used for the purpose since it was not necessitated by procurement of E 9-1-1. Rick Miller stated he felt certain that the enlargement of the Dispatch office would be in an

MINUTES

February 11, 1992

upcoming budget. The question was called and the motion was unanimously passed.

(3) Purchase of Ricks Parcel

Reub Mooradian moved that \$40,350 be approved for acquisition the Ricks property (previously approved at item 3a above) to handle the purchase and the survey. Tim Holland seconded the motion and it passed unanimously.

d. Consideration of Hazardous Spills Resolution

Al Greene explained that Watauga County had adopted a Hazardous Materials Emergency Ordinance which set forth fees to be charged responsible parties for the removal, abatement or remedy of hazardous materials emergencies, and that they had requested the Town authorize their Ordinance to be enforced within the corporate limits of the Town. Tim Holland moved Council approve the resolution. Greg Brown seconded the motion and it passed unanimously.

e. Consider Amendment to Water and Sewer Use Ordinance

Al Greene explained that the current Ordinance does not make any provision for restoration of easements disturbed during the installation of water and sewer lines. The staff suggests and the Planning Board recommends the addition of the following wording to Section 1-9 of the Water and Sewer Use Ordinance: "All land disturbed by this installation of water and/or sewer lines shall be backfilled, seeded and mulched within thirty (30) days after line construction has been completed." Reub Mooradian moved Council approve the amendment, and Tim Holland seconded the motion. Greg Brown suggested additional wording to cover the wintertime when seeding would be pointless. The following wording was agreed upon: "...within thirty (30) days after line construction has been completed or within a schedule established by the Code Enforcement Officer." Messrs. Mooradian and Holland amended their motion to so read, and the motion passed unanimously.

f. Set Date for Public Hearing on Zoning Ordinance and Subdivision Regulation Amendments

Council set 6:00 PM, Tuesday, March 10, 1992, as the date and time for a Public Hearing on proposed changes to the Zoning Ordinance and Subdivision Regulation.

5. Staff/Consultant Reports

a. Town Engineer's Report

Ed Powell reported that the State Revolving Loan project appeared before the Local Government Commission for their approval last week and it went through with no difficulty. It is scheduled before the Environmental Management Commission on Thursday, at which time they are expected to approve it. After that takes place the Town should have official word within two weeks.

Mr. Powell stated that the administrative error which had caused a temporary moratorium on sewer connections to the Grassy Gap sewage treatment plant had been corrected by the State, and we will receive official notification shortly.

Mr. Powell also reported that the ultraviolet disinfectant unit at the Pond Creek sewage treatment plant has been giving lots of problems of late. It is repairable, but repairs would be very expensive, and would not bring the unit into accordance with current standards. As the treatment plant is scheduled for expansion within the next three years, Mr. Powell suggests that when the disinfectant unit is replaced, if that is Council's decision, it be with a unit which will be sufficient to handle the enlarged plant, or 800,000 gallons per day. The estimated cost of engineering and construction is \$60,000. He said he felt the situation was serious enough to be hazarding imposition of a moratorium on hookups to that plant should it continue to fail. There was some discussion of whether the new unit should be paid for out of Availability Fees or not, and the time period for installation. Reub Mooradian moved that the Town Engineer be directed to go forward with the engineering process for the 800,000 gallon disinfectant unit so that figures might be available at the next Council meeting. Tim Holland seconded the motion and it passed unanimously.

b. Public Works Director's Report

Joe Perry indicated he had no report, and there were no questions for Mr. Perry.

c. Town Attorney's Report

David Paletta had no formal report but asked for a short Executive Session at the end of the meeting.

MINUTES

February 11, 1992

d. Chief of Police's Report

Chief Hefner had nothing to add to his printed report. Reub Mooradian asked if there were any leads on the recent breakins and Chief Hefner said there were and they were being chased down. He noted that the same type of breakings and enterings have recently taken place at Sugar Mountain and Seven Devils, using the same MO.

e. Town Manager's Report

Al Greene reported that the recycling grant application had been forwarded to Raleigh. The total budgeted was just over \$22,000, and the Town has asked for a \$15,000 grant. If the grant is awarded, then the Council will have to decide if it wishes to spend the additional \$6,000 to \$7,000 to allow the recycling of plastics. The grant can be refused, if need be.

Mr. Greene stated that the Economic Development Commission is now meeting at 10:00 AM the second Tuesday of each month, and wondered if the Council wished to appoint a Council Member to attend the meetings as liaison. Both Greg Brown and Kakii Handley said they would be interested in doing so. Mayor Miller appointed Mr. Brown, and Mr. Greene said we could provide all Council Members with agendas for their meetings so that others could attend if they wished.

Mr. Greene touched upon the Pinnacle Inn tax situation, stating that the bills had been delayed beyond the time limit for payment without interest, and that had caused a good deal of consternation among Pinnacle Inn owners. He also stated that he had contacted Bill Campbell from the Institute of Government seeking a means whereby the Council could grant relief from the interest to those owners, but Mr. Campbell had advised the Council had no legal means of granting such relief and would, in fact, be held civilly liable if they were to do so. He went on to explain that State law provides that no tax bill has to be sent by any municipality to any taxpayer. Mr. Clyde Barbare, an owner at the Pinnacle Inn, objected strenuously at being charged interest when he had not received a tax bill. He pointed out that he had received a letter in December of 1990 advising what his estimated 1989 and 1990 taxes would be if the valuations remained the same, and he had paid that amount. He did not receive such a letter in December of 1991 and felt that he should have. Mr. Greene apologized for that fact and again explained that the failure of the computer programmers to correct our program to enable us to prepare the tax bills. He said, in hindsight, it was a bad error, but that they had thought the tax bills would be created any day. Mr. Barbare went on to say that he thought the Pinnacle Inn owners were being discriminated against and urged return of the interest

charged. David Paletta reiterated that the Council does not have the authority to return the interest. Mr. Bill Ashmore, also an owner at the Pinnacle Inn, lamented that he could not itemize his taxes on last year's tax return because of the lateness of notification. Mr. Greene pointed out that following the revaluation by the State, Mrs. Norwood-Forbes had the correct figures and that a number of Pinnacle Inn owners had called for the information and paid their taxes prior to the date at which interest was imposed. Mr. Barbare continued to complain, and Mayor Miller said he agreed with him wholeheartedly, but that the Council was powerless to change the law.

f. Financial Report

The quarterly financial report was distributed to the Council for their information.

6. Other Business

- a. Tim Holland announced that our former Town Manager, George McMahon, had suffered a bad heart attack and was currently hospitalized. Fred Pfohl volunteered that he had the address if anyone wished to send him best wishes.
- b. John Hoffman brought up a problem which he believes is occurring in the West Bowl, that of denuding the area of plants and dirt. It was thought perhaps the Code Enforcement Officer should visit the site to see if it was something which should be reported. David Paletta said there was no need for the Town to look at it. If more than one acre is involved (there is) the State agency which handles erosion control should be notified.
- c. Harriett Chamberlain reported that her house had been broken into, and that she wanted to tell Chief Hefner how very much they have enjoyed working with Kevin Frye. She went on to say that she did not believe that the Police are patrolling as much as they used to. She also complained about the practice of putting rocks on the tops of garbage cans, stating that it was a dead giveaway that nobody was using the home. Mr. Greene stated that G.D.S. had been advised to stop doing that, but that he doubted they had gone back around to every can and removed the ones previously placed. He would see to it, however, it has been done.

Mrs. Chamberlain suggested the reinstatement of a network of volunteers who would take responsibility for each calling a certain number of residents to advise them of such things as planned power outages, and even the fact that a number of breakins had occurred and to urge people to be vigilant in their neighborhoods. Mrs.

MINUTES

February 11, 1992

Chamberlain further urged the Council to contact Mountain Electric and/or TVA to protest against their planning power outages when the temperature is severely cold. Mr. Greene indicated the Town could ask them not to do so, but could not compel them not to.

Mayor Miller pointed out, also, that BeechVision should be checked occasionally, as any notifications such as the power outage would be indicated there.

Paul Browning asked if the Police Chief had any recommendations about how to protect homes against breakings and enterings and Chief Hefner replied dead bolts should be installed, timers should be installed on some inside lights to give the home a lived-in appearance, radio or television should be left on, garage doors should not be left open, and "Charlie bars" or a stout stick installed in sliding glass doors to prevent entry. Greg Brown suggested that a motion sensor be installed on outside lights, so when a vehicle drives into the driveway the lights automatically go on.

The subject of patrolling was again brought up, and Tim Holland stated that he appreciated the manner in which the Police were now patrolling, in that they varied the times of day at which they passed residences. He stated that for a number of years in the past one could set their watch by the passing of a patrol car, and Ellen Anderson agreed and also stated that she sees officers patrolling quite often.

Fred Pfohl stated that he was tired of hearing complaints about the Police Department and comparisons to the "old days." He suggested a committee be established who will sit down and talk with the Police Department and then go out and tell everybody what the Police Department is doing and how the citizens can help. He stated that lots of positive things have happened and he wished to turn everyone's perception around so people would stop coming to Council meetings and complaining. Mrs. Chamberlain reiterated that the Police she has dealt with have been wonderful, and said she couldn't say enough nice things about Kevin Frye. She also mentioned that she had met Chris Benfield, who is very nice, too.

Norma Buchanan stated she felt Town Council meetings were public forums at which people should address the Council about problems since they are the elected officials. She said she felt the citizens have a duty to do so, and that it should not be considered badgering. Al Greene said he agreed with Mrs. Buchanan, but that it is not the positive comments that are objectionable but the false, negative comments. Rick Miller raised, as an example, the comments he had heard about the Town doing some sort of coverup on the recent breakins. He denied any possibility of a coverup, stated that

February 11, 1992

Mr. Greene has an open door policy and any questions should be addressed to Mr. Greene, who will not lie to anybody.

Paul Browning said he felt the problems stem from a lack of good communications. Mayor Miller pointed out that a good deal of information was imparted in the MountainEars every quarter, but that the Town did not have the wherewithal to publish anything more often. He also urged the citizens to check on BeechVision. Mrs. Chamberlain suggested a community bulletin board, perhaps outside, which citizens could check for information. Kakii Handley pointed out that the minutes of all Council Meetings can be received by any individual for a fee of \$10 a year, and it was suggested that this be published in the next MountainEar.

7. Executive Session

Kakii Handley moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318.11(a)(5) to consult with the Town Attorney. Tim Holland seconded the motion and it passed unanimously. The Council went into Executive Session at 8:45 PM. The Council came out of Executive Session at 9:05 PM.

ADJOURN

There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Tim Holland seconded the motion, which passed unanimously. The meeting was adjourned at 9:06 PM.

Respectfully submitted,

Barbara L. Mooradian

Barbara L. Mooradian
Town Clerk

BLM/hs

Approved by Town Council on MARCH 10, 1992.

Sumner Miller
Mayor

ATTEST:

Barbara L. Mooradian
Town Clerk

