

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 10, 1992

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:02 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, Ellen Anderson, Bill Sposato, Jim Rickert, Ed Calvin, Larry Lubin and Phil and Norma Buchanan.

Public Hearing - Proposed Changes to the Zoning Ordinance and Subdivision Regulations.

Pursuant to advertisement duly published in the Watauga Democrat edition of Monday, February 24, 1992, Mayor Miller called the Public Hearing to order at 6:03 PM. Al Greene explained the proposed changes (attached hereto) to those assembled, and the floor was opened for comment or questions from the public.

Ellen Anderson, Chairman of the Board of Adjustment, questioned the fact that recipients of a vested right would appear to have a building permit good for two years instead of the normal six months. Reub Mooradian pointed out that that was technically possible if the building permit were issued concurrently with the obtaining of a conditional use permit and requested vested right. Miss Anderson asked if it was going to be up to the Board of Adjustment to inform a prospective developer of the vested rights privilege and was told it was not. Any developer appearing before the Board would be required to clearly indicate on every map, plat, site plan or document presented to the Board that a vested right is being sought.

Norma Buchanan asked if allowing a building permit to remain open for longer than the stated six month period would constitute discrimination between the developer and a private individual wishing to construct a dwelling, and was assured that the building permit was extended automatically as long as construction is in progress.

There being no further comments or questions from the public, Reub Mooradian moved that the Public Hearing be closed. Tim Holland seconded the motion and it passed unanimously.

1. Consent Agenda.

Reub Mooradian moved approval of the Consent Agenda. Greg Brown seconded the motion, and the following item was approved unanimously:

Minutes of the Regular Meeting of February 11, 1992.

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2. Committee Reports.

- a. Avery County Commissioners. Greg Brown reported that the Commissioners have still not made progress toward a 9-1-1 system for the County, and they have been asked by Boyd McCloud to step up the process, if possible.
- b. Economic Development Commission. Greg Brown reported that he had attended the EDC meeting that same day, and felt a good deal of progress had been made. The basic attitude of the meeting was to represent all businesses on the mountain, generically, in the new brochure.

3. Unfinished Business.

- a. Street Event Ordinance. Al Greene referred to a proposed event ordinance which had been forwarded to Council, and which included some wording from the Boone ordinance. He pointed out that events which are sponsored by the Chamber of Commerce could be co-sponsored by the Town and thereby avoid the \$50.00 permit fee.

Rick Miller asked if the Chamber had succeeded in getting proper insurance, and Jim Rickard indicated he was working with Fortner, that the proposed policy was being reviewed by their legal counsel and would then be presented to the Board. Mr. Miller asked Council to consider a co-sponsoring policy with the Chamber, but felt the insurance should hold the Town harmless. David Paletta pointed out that if the Town co-sponsors an event at which someone is hurt, the Town would automatically be sued along with the Chamber. He did indicate, however, that unless the Town's negligent act caused the injury, the Town was not liable.

Ellen Anderson expressed concern about parking for the projected street dances to be held in the Town Hall parking lot, and Norma Buchanan indicated they would provide parking across the street. Rick Miller stated he had talked with Jim Accardi, who had okayed parking for those events in his parking lot, as well.

Kakii Handley recommended removing the \$50.00 fee, which would remove the necessity for the Town to act as co-sponsor for some events. Greg Brown suggested the time frame in Section 1-3 be changed from "no less than two or more than four" to "no less than four or more than six."

After further discussion, Tim Holland moved that the permit fee be removed, that Mr. Brown's suggestions (above) be incorporated, and that the ordinance be adopted with those changes. Kakii Handley seconded the motion. After some further discussion, the motion passed unanimously.

b. Ordinance Changes.

- (1) Zoning Ordinance. Reub Mooradian moved that the proposed amendments to the Zoning Ordinance be adopted as presented (attached). Tim Holland seconded the motion and it passed unanimously.
- (2) Subdivision Regulations. Reub Mooradian moved that the proposed amendments to the Subdivision Regulations be adopted as presented (attached). Tim Holland seconded the motion and it passed unanimously.

4. New Business.a. Consider Acceptance of Loan Offer and Authorization to Solicit Bids: Bear Branch Sewer Outfall Line.

Tim Holland moved that Council accept the State loan offer of \$225,000 at 3+% interest for twenty years. Reub Mooradian seconded the motion and it passed unanimously.

Reub Mooradian moved that Council authorize the Town Manager to solicit bids on the Bear Branch Sewer Outfall Line project. Tim Holland seconded the motion and it passed unanimously.

b. Consider and Set Price for Renumbering Plan.

Tim Holland moved that the Town Manager ascertain the actual cost of provision of copies of the renumbering plan to interested parties and charge them that amount. Greg Brown seconded the motion and it passed unanimously.

c. Board of Elections Agreement.

Tim Holland moved that the Town enter into a proposed agreement with the Board of Elections for holding elections in Beech Mountain. Greg Brown seconded the motion and it passed unanimously.

d. Plans and Specifications for Ultraviolet Unit Replacement.

Ed Powell reported that following the previous Council meeting plans to expand and upgrade the ultraviolet treatment unit had been started and would be complete before the next Council meeting. Mr. Powell asked for permission to go out for bids as soon as the plans are complete and the State permit has been received. When asked about the cost of the project, Mr. Powell said it would be between \$60,000 and \$65,000, and the Council would decide whether to use availability fee monies or general fund. Reub Mooradian moved

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Council allow the bid procedure following State approval. Kakii Handley seconded the motion and it passed unanimously.

e. Plans for Skiways Water Line Replacement.

Ed Powell showed Council the prepared plan for replacing an existing 2" water line in Skiway Road by a 6" line, and replacing the 2" lines in Skiway Lane and Kick Turn Lane with new 2" lines. He pointed out that both 2" lines would still allow adequate fire protection since all structures on the affected streets would be within 500 yards of a 6" fire hydrant. Greg Brown moved that Council approve the plans for replacement. Tim Holland seconded the motion and it passed unanimously.

f. Budget Transfer: Water Line Replacement Capital Project.

Tim Holland moved that Council approve a budget transfer in the amount of \$13,480 from Personnel, Contract Service and Contingency to Operating Supplies in the Water Line Replacement Capital Project. Reub Mooradian seconded the motion and it passed unanimously.

g. Consider Awarding Contract for Auditors for FY 91/92.

Tim Holland asked when was the last time the Town had requested bids from various auditors, and Mr. Greene said he did not know, but that Holder, Copeland and Associates' charges had not been raised. He said he considers auditors similar to Town Attorney or Town Engineer -- when one gets a good one, one sticks with it. Greg Brown said familiarity with the accounting procedures and history was very important in auditors. Reub Mooradian moved that Council approve the contract with Holder, Copeland and Associates for this fiscal year. Greg Brown seconded the motion and it passed unanimously.

h. Tax Matters.

(1) Reub Mooradian moved that Council approve the refund of \$28.46 to Richard Kruzick personal property tax incorrectly calculated. Greg Brown seconded the motion and it passed unanimously.

(2) Tim Holland moved that Council instruct the Tax Administrator to advertise delinquent accounts. Greg Brown seconded the motion and it passed unanimously.

5. Staff/Consultant Reports.

a. Town Engineer's Report.

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Ed Powell reported on the location for the proposed Bear Branch Sewer Outfall Line, and indicated that they would use the available funding to its greatest extent possible to extend the line as far as possible.

Mr. Powell reported that the contractor for Emerald Mountain had indicated he intended to begin installation of the water tank on Monday, weather permitting.

b. Public Works Director's Report.

Joe Perry reported that his department had been concentrating on the I & I project in the Westridge area, and had recently smoke tested five miles of sewer line, finding and repairing ten places where infiltration and inflow had been taking place. They will continue the project through the summer and fall.

Tim Holland asked if the dispatcher was made aware of where they would be smoke testing, and Mr. Perry said that had not been done but would be in the future. Reub Mooradian urged that the letters notifying residents of the smoke testing be distributed in every case, to avoid undue anxiety on the part of homeowners when smoke infiltrates their homes.

Rick Miller asked that the State be requested to stripe the Beech Mountain Parkway as soon as possible, preferably before the summer residents arrive, and that the golf cart crossings be painted before the golf course opens this spring. Reub Mooradian asked if the Fire Department could be notified before the striping is done, so that it could use the fire hose and wash off the debris dulling the reflectors in the Parkway.

c. Town Attorney's Report.

David Paletta reported that the closing on the adjacent property took place and the Town now owns the property. He commented that the "unknown taxpayers" could be foreclosed upon if that is the Town's desire.

d. Chief of Police's Report.

Chief Hefner indicated he had no formal report beyond that which had been submitted to Council. He reported that the deal for purchase of used radios from Brevard County, Florida, had fallen through. He pointed out that the apparent rise in larcenies in his report reflected 55 reports by the ski area of ski larcenies. These types of larcenies had apparently not been reported to the State in the past, but now are being so.

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Chief Hefner reported that the Boone Police Department had requested assistance on the date of the KKK march, since several groups have become interested in the event and may demonstrate. He stated that he had queried his officers who would be off duty on that date, and that it would be strictly a volunteer effort on their part and not affect his duty roster. Reub Mooradian asked about possible liability, and Chief Hefner said this was covered under the mutual aid statute.

Chief Hefner was asked about how the streetlight replacement program was coming along, and he indicated his orders were that the list of defective lights was to be sent to Mountain Electric on a monthly basis. Reub Mooradian suggested that a letter from the Mayor accompany the list each month as a possible means of getting a rapid response.

e. Town Manager's Report.

Al Greene referred to a paper which had been distributed to Council concerning possible cooperative advertising between private businesses and the Chamber, using occupancy tax monies. He indicated they would look into it and Mr. Paletta would be asked to research the possibility to insure that the charge of using public monies for private businesses could not be levied. He indicated the Planning Board had asked property owners of adjacent properties to visit the Board to discuss possible plans for their properties, most notably Bill Elder.

Mr. Greene reported that the new computer system is being installed and would be completely operational soon.

Mr. Greene reported that the 9-1-1 project is moving along, with the receipt of some 800 data forms and the delivery of two work stations for data entry. He stated that the Town had received one check from an out-of-town resident in support of the 9-1-1 project, and anticipated more.

Rick Miller indicated someone at the telephone company had requested a copy of the renumbering plan, and Mr. Greene said he would supply them with one free of charge.

Mr. Greene reported on the League of Municipalities local meetings, indicating there would be a luncheon meeting in Asheville on Tuesday, April 28th. Rick Miller, Kakii Handley and Greg Brown indicated they would attend, and Mr. Greene said he would check with Tim Holland just prior to the date to see if he could also attend. Mr. Mooradian indicated he would be out of Town at that time.

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Mr. Greene brought up the subject of expansion of the dispatch office by approximately 11 feet. He indicated he did not have a budget amendment for Council, but asked that Council consider the project and indicated he would contact them later in the month. Reub Mooradian indicated he was in complete agreement that the dispatch office was inadequate. Tim Holland said he agreed with Mr. Mooradian. Norma Buchanan asked if the rent for the Chamber would be reduced if their space was reduced, and was told it was doubtful since their rent was minimal at best.

Mr. Greene indicated the Town had gotten an offer to purchase lot LG-220 for \$1,200 from a Mr. Plott. He said a previous offer of \$1,000 had been submitted several months ago, but that the gentleman had not proceeded any further. He suggested that the prospective sale be advertised and that the other offeror be notified of the offer.

Mr. Greene stated that the Town had received an offer to donate lot PA-11 to the Town. The lot has only one year's taxes due the Town (\$74.82) and back due Club dues of approximately \$6,000. He requested authority to accept the donation provided the county taxes not exceed \$100.00. Reub Mooradian so moved and Tim Holland seconded the motion. The motion passed four to one, with Mayor Miller dissenting.

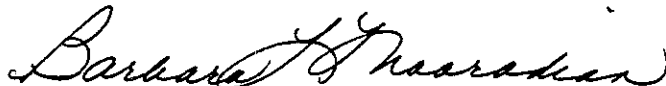
6. Executive Session

Tim Holland moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318.11(a) (5) and (8), to discuss pending litigation and a personnel matter. Reub Mooradian seconded the motion and it passed unanimously. The Council went into Executive Session at 8:03 PM. The Council came out of Executive Session at 8:37 PM.

ADJOURN

There being no further business to come before the Council, Reub Mooradian moved the meeting be adjourned. Tim Holland seconded the motion which passed unanimously. The meeting was adjourned at 8:38 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on APRIL 21, 1992.

ATTEST:

Barbara J. Prosser
Town Clerk

James M. [Signature]
Mayor