

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Budget Workshop, June 1, 1992

CALL TO ORDER

Mayor Miller called the Special Meeting to order at 6:10 PM on Monday, June 1, 1992. Other Council Members present were Tim Holland, Greg Brown, Kakii Handley and Reub Mooradian. Also present were Town Manager Al Greene, Public Works Director Joe Perry, Chief of Police Jay Hefner and Finance Officer Sally Rominger. Present in the audience was Charlie Burleson.

Presentation of FY 1992-93 Budget.

The Council went through the Budget Message, Summary Sheet and detailed budget. Much discussion took place over the need for revenue in the Water and Sewer Fund for projected future capital expenditures. Discussion centered on:

1. Whether or not an increase was necessary this year.
2. Whether the revenue would more appropriately come from taxes.
3. How much revenue, or how much of an increase would be appropriate.

The Town Manager was instructed to furnish the Town Council with information on how much revenue could be generated from various increments of increases in both water and sewer rates and tax rate increases.

Much discussion also took place concerning the recommended appropriation for visitors' chairs in both the utility billing and tax collection offices. The recommended amount was \$125.00 apiece for four chairs. It was the consensus of the Council to leave the recommended appropriation as is and to allow the staff to use their discretion in the purchase of the chairs with the knowledge that Council would be displeased with the purchase of expensive chairs.

At the conclusion of the budget review, the Council scheduled a second budget workshop for Thursday, June 11th at 8:00 AM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:45 PM.

Respectfully submitted,


Al Greene,
Town Manager

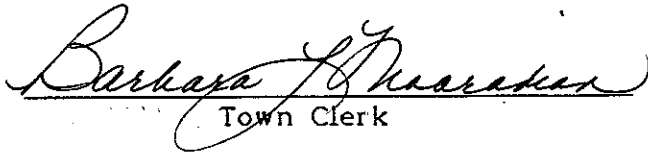
MINUTES

Budget Workshop, June 1, 1992

Minutes approved by Council on 10th day of June, 1992.

ATTEST:


Mayor


Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
June 10, 1992

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:05 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, Public Works Director Joe Perry, Chief of Police Jay Hefner and Code Enforcement Officer Don Fulkerson. Present in the audience were Ellen Anderson, Ed Calvin, Phil and Norma Buchanan, Pattie Pacifico, John Hoffman, Bill and Jan Elder, Ann Galindo, Smokey and Harriet Chamberlain, Mickie Huete, Jerrold and Carol Rung and other members of the public.

Mayor Miller asked if there were any additions or changes to the Agenda, and Al Greene asked that item 3b be deleted as Mr. Holland wished to be on the July agenda. Tim Holland asked if the subject could be moved to "Other Business" for discussion, and this was done.

1. Consent Agenda.

Tim Holland moved Council approve the Consent Agenda. Reub Mooradian seconded the motion and the following items were unanimously approved:

- a. Minutes of the regular meeting of May 12, 1992.
- b. Minutes of the budget workshop of June 1, 1992.
- c. Minutes of the special meeting of June 3, 1992.

2. Committee Reports.

- a. Watauga County Parks and Recreation. Kakii Handley reported that Parks and Recreation meeting had been postponed, so there was no report.
- b. Region D. Rick Miller had no report.
- c. Resort Towns Association. Tim Holland reported that he, Al Greene and Rick Miller had attended the Resort Towns luncheon in Raleigh the previous day. While in Raleigh they had secured a copy of Avery County's Room/Recreation Tax Bill, which had been introduced by Representative Buchanan but which, they were assured, would not be pursued during the short session.

3. Persons Wishing to Address the Council.

- a. Bill Elder. Mr. Elder told the Council that he was requesting a right-of-way across the Town's property adjacent to his (former Crews property) in order to construct a mini-storage facility. Rick

MINUTES

June 10, 1992

Miller asked if he had gone before the Board of Adjustment, and Mr. Elder indicated he had received a Conditional Use Permit from the Board. Mr. Miller asked David Paletta's opinion of whether or not a letter from Alan Holcombe objecting to use of the access road for public purposes had any bearing on the matter, and Mr. Paletta said it could be considered as part of the Council's deliberations, but the Council could do as it deemed appropriate.

Tim Holland asked if Mr. Elder had seen the suggestion of the staff and Mr. Elder indicated he had not. Mr. Greene explained that the staff had concerns about a permanent dead end commercial street, since the Town requires cul de sacs on all Town streets. The staff recommended that the property owner put in a cul de sac meeting Town standards and also requested rights-of-way to the south and east to the edge of the property be granted for use in the future if it became necessary to extend the road. Mr. Elder expressed concern about these items infringing upon High Country Cablevision's right to use of the property.

After a good deal of discussion, Reub Mooradian indicated he was inclined to grant the right-of-way if Mr. Elder would construct an appropriate cul de sac and grant the rights-of-way to the south and east, and so moved. Tim Holland seconded the motion. Al Greene pointed out that the suggested placement of the cul de sac drawn by the staff was only a guide, and Mr. Elder could place it where he felt it was best. David Paletta said he did not feel that the Council was in a position to grant the right-of-way at the meeting, since a survey needed to be done and an actual metes and bounds description of the right-of-way incorporated into the grant. Mr. Mooradian withdrew his motion. The consensus of the Council was that they would grant the right-of-way under the conditions originally suggested by the staff. Mr. Mooradian suggested that Mr. Elder and Mr. Greene work out the details for presentation to the Council.

4. Introduction of Police Captain. Chief Hefner introduced R.L. Dunn to the Council and audience. He indicated Captain Dunn has had 21 years of experience in law enforcement.
5. New Business.
 - a. Schedule Public Hearing on FY 92/93 Budget. The Council set 6:00 PM on Monday, June 22, 1992 as the date and time for a Public Hearing on the proposed FY 92/93 budget.
 - b. Consideration of Law Enforcement Grant Application. Chief Hefner explained the workings of the grant the Police Department would like to pursue. It would involve the expenditure by the Town of \$4,450, and the receipt of \$17,800 in equipment and services. The grant

would allow the acquisition of equipment either not budgeted or cut from his budget. After general discussion Reub Mooradian moved that the Town apply for the grant. Tim Holland seconded the motion and it passed unanimously.

- c. Discussion of Policy on Photocopies. Mr. Greene pointed out to Council that it had been the staff's understanding that minutes of Council meeting could be provided to interested citizens for \$10.00 per year, but that the making of copies of past meetings, or any other material, should be charged at the going rate of 25¢ per page. He mentioned that a recent request for four years of minutes had been provided at \$10.00 per year since the minutes on the matter had been unclear. Kakii Handley, to clarify the situation, moved that anyone who wishes to receive prospective minutes can do so for a fee of \$10.00 per year, but that old minutes be reproduced for whatever the normal charge per page (currently 25¢). Reub Mooradian seconded the motion and it passed unanimously.
- d. Consideration of AA-590 Foreclosure. Al Greene referred to a memorandum from the Tax Administrator asking that the foreclosure on AA-590 be completed. The Beech Mountain taxes owing are \$257.37 and the County taxes are 105.81. David Paletta said that he could include the sale with some others that he has pending so there would be no additional legal fee. The only additional cost would be approximately \$60 for advertising. Tim Holland moved the Town proceed with foreclosure. Kakii Handley seconded the motion and it passed unanimously.

6. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell was not present, so Joe Perry gave his report. The Town's portion of the Emerald Mountain water tank project is complete and the developer has been notified to proceed with their portion of the project.

On the Pond Creek Sewer Plant ultra-violet replacement, the Town has not yet received the construction permit from the State.

The Bear Branch outfall line will be started as soon as the contract documents have been signed. Reub Mooradian asked about a target date for the project, and Mr. Perry indicated it would be 180 days from the date of notification to proceed.

- b. Public Works Director's Report. Mr. Perry indicated that there has been a good deal of washing of roadways due to the recent heavy rains, but that they are trying to keep everything machined up behind the washes. Reub Mooradian asked when the cuts in the asphalt caused by new construction would be repaired, and Mr.

MINUTES

June 10, 1992

Perry said it depended upon the weather, but if possible the contractor intended to be up the middle of the following week.

Norma Buchanan asked if it was feasible to replace the culvert in the driveway at Four Seasons so that it would accommodate heavy rains without washing gravel across the road, and Joe Perry said the culvert which needs replacement is under the Parkway above the Four Seasons. The State has promised to replace it, but has been unable to do so due to the constant rain.

Ellen Anderson asked about the driveway on Hornbeam Road which has been washed out, and Mr. Perry said that was a joint project between the Town and the property owner, but the rains, again, have halted work.

Reub Mooradian asked about the striping on the Beech Mountain Parkway and was informed that weather had been the delaying factor. He also asked about the temporary measure taken by the State to halt the seeping of water at Kat's, and Mr. Perry indicated they were to return when the weather permits.

- c. Town Attorney's Report. David Paletta reported on his research into the Town's enforcement of the Declaration of Restrictions. He indicated that there are three types of possible problems. As an example, the restriction regarding the collection of dues would be clearly unenforceable by the Town. He doubted that the Town could enforce the restriction on For Sale signs, since the law prohibits the expenditure of public funds unless the objective falls under the "public purposes doctrine." He said he doubted that the enforcement of no For Sale signs could be defined as a public purpose, especially since it would seem to violate the first amendment to the Constitution. A private party can enforce such a restriction, but a governmental body is subject to constitutional restrictions.

As regards parking spaces, while the Town could certainly enforce such a restriction as long as it had "standing," i.e., property within the same sub-subdivision, there is a statute of limitations on enforcement of any legal right, which is ten years. Hence, any violation of the Declaration of Restrictions which took place over ten years ago would be past the statute of limitations. He saw this particular problem as being insurmountable.

The Council asked Mr. Paletta to call Vern Holland and explain the matter to him, since he had broached the subject originally.

- d. Chief of Police's Report. Chief Hefner amended his May monthly report to more accurately reflect the breaking and enterings of two, rather than the six reported, since four of those were reported but

not actual breakins. He referred to the press release which he had sent to Council on the 22 arrests recently made by the High South Interstate Drug Task Force, of which Beech Mountain is a part. Kakii Handley asked the nature of the items stolen in the NS-30 breakin and was told a color television, VCR, microwave, small tools, champagne, beer and wine. Norma Buchanan reported that it took place between 9:30 AM and 10:45 AM.

There was some concern on the part of the citizens when they found that there was only one patrol officer on duty during the day at this time, due to personnel shortages. Chief Hefner indicated he had one person scheduled to start school, and the new Captain brings the force back to eight.

Jerrold Rung complained that he had visited the Dispatch office in January to tell them that he was leaving the mountain for four to five months and wanted to be sure his house was checked. Whomever he spoke with indicated that "vacation checks were only for the permanent residents," and Mr. Rung felt strongly that the part-time residents were being treated as second class citizens. Chief Hefner explained that the vacation check was designed for the permanent residents, since the Police Department considers all of the second homes as unoccupied all the time, and does random checks on them. The permanent residents' homes, however, are not randomly checked because they are occupied. The vacation check was just to alert the Police to check a particular permanent resident's home just as they do the unoccupied homes.

Mr. Rung stated that under the previous Police Chief patrols had been up and down their road all the time, but he did not see any patrols any more. Al Greene asked if Mr. Rung had addressed his concerns to Chief Hefner, and Mr. Rung indicated he had not. Mr. Greene said he felt any individual should have an opportunity to address a complaint before it is brought before his employers.

John Hoffman came to the defense of the Department, indicating that as an EMT and Fireman he had a radio which had access to the Police channel, and is constantly aware of their responding to requests, etc. Harriet Chamberlain asked how often each house is checked, and Chief Hefner stated that the checks were done randomly, but that 1058 physical checks have been done in the first five months of this year. Kakii Handley pointed out that these checks are only on the second homes, since they do not do them for the permanent residents.

Reub Mooradian indicated he had been hearing for the past year that nobody drives the roads anymore, and he could attest to the fact that he passes patrol vehicles all the time in all sections of the

MINUTES

June 10, 1992

Town. He pointed out that just because one does not see the patrol car drive by does not mean that it has not done so. It merely means one did not see it do so. Ellen Anderson stated that previously she could set her watch by the time the patrol car drove by her house, a pattern which is obviously not desirable. John Hoffman pointed out that in Deerfield Beach he had asked for a walk around check of his home, as he was going to be away for several months, and was told by their police department to get a private guard.

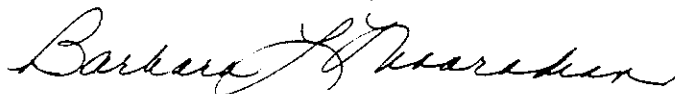
Smokey Chamberlain asked how many breakins have been solved since Chief Hefner has been with the Town and the Chief answered their rate of clearance had been 40.5%, made nine arrests and recovered \$6,500 in stolen items. Mr. Chamberlain asked how many of the breakins from February had been solved and was told none. Mrs. Chamberlain stated they were not asking for special treatment, but wanted to be treated the same. Rick Miller said he believed they were being treated the same.

7. Other Business. Tim Holland asked that David Paletta do some research into some sort of animal control ordinance. Mr. Paletta said it might be more productive to have the Town staff find out what other programs comparable towns have in place. Greg Brown indicated he had had a serious problem with both his dog and himself being attacked by a dog, and he did not feel people should have to walk around with a club to protect themselves against dogs. David Paletta said he and Al Greene would work together and have something to propose for the July meeting.
8. 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) and (8) to discuss a personnel matter and pending litigation. Tim Holland seconded the motion and it passed unanimously. The Council went into Executive Session at 8:05 PM. The Council came out of Executive Session at 9:15 PM.

ADJOURN

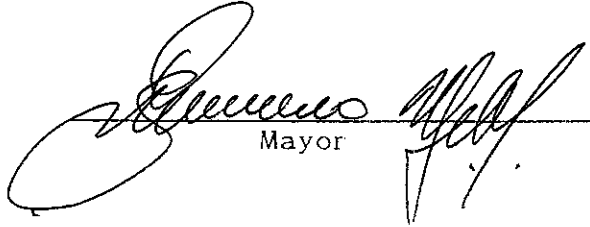
There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Kakii Handley seconded the motion and it passed unanimously. The meeting was adjourned at 9:16 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

Minutes approved by the Town Council on July 14, 1992.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Budget Workshop, June 11, 1992

CALL TO ORDER

Mayor Miller called the Special Meeting of the Town Council for further consideration of the 1992-93 budget to order at 8:10 AM in the Council Chamber. Other Council Members present were Tim Holland, Kakii Handley and Tim Holland. Councilman Brown was absent. Also present were Town Manager Al Greene, Finance Officer Sally Rominger and EDC Chairman Calder Smoot.

The meeting began by a detailed discussion of the proposed EDC/Advertising budget. Chairman Smoot furnished additional materials and explained the line items. Questions were raised over the overall increase above the current year funding level. All Council Members expressed their confidence with the EDC Board, but it was the consensus that the increase was relatively high.

The staff was asked to change the FY labels on the occupancy tax receipt summary by one year.

Councilman Mooradian suggested that total funding for the EDC budget should be in the neighborhood of \$79,000, which is comparable to average annual receipts. There was a consensus in agreement.

Next the Council discussed in detail revenue increase projections and the need for additional revenue in the water and sewer fund. Al Greene explained that we have increased the ad valorem tax line item above the original figure by \$16,730 and this was due to receiving firm tax value figures from Watauga County. Council instructed that this money be put into the water and sewer fund as opposed to resurfacing reserve.

Town Council was unable to reach a decision as to whether or not a revenue increase was needed. There was agreement that if an increase came about it would be more appropriate to be in the form of a tax increase as opposed to a water and sewer rate increase. Town Manager Greene was instructed to contact the 5th Council Member, relay this information to him and ascertain his position on a possible revenue increase for the coming year.

ADJOURN

There being no further business to come before the Council the meeting was adjourned at 9:45 AM.

Respectfully submitted,




Al Greene
Town Manager

MINUTES

Budget Workshop, June 11, 1992

Minutes approved by Council on JULY 14, _____, 1992.



Mayor

ATTEST:



Town Clerk

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, June 22, 1992

CALL TO ORDER

Mayor Miller called the Special Meeting of the Town Council to order at 6:05 PM in the Council Chamber. Other Council Members present were Tim Holland, Greg Brown, Kakii Handley and Reub Mooradian. Also present was Town Manager Al Greene. Present in the audience was Ed Lotz.

1. Public Hearing on Proposed FY 92-93 Budget.

Mayor Miller called for any questions or comments from the audience. Ed Lotz noted that the Public Safety line item had jumped from some \$439,000 spent in 91-92 to \$498,000 for 92-93, and asked the reason for the increase.

Al Greene agreed that Public Safety had increased considerably for several reasons. First, health insurance costs are going up 25%, and since Public Safety is labor intensive with 14 positions, this has a significant impact upon it. Second, another vehicle is budgeted. Third, some \$13,350 is included in the figure which is anticipated to be received from the State in the form of a grant. Should the grant not be made, then a budget amendment removing \$13,350 in expenditure would have to be made. Additionally, laws now require that the Town provide Hepatitis B immunizations to all law enforcement officers. There are also cost of living increases and a 1.5% merit increase figured into the salaries line item, as well as additional merit increases for two individuals who were recently promoted but who received no pay increase: David Davis to 9-1-1 supervisor and Kevin Frye to Sergeant.

Dr. Lotz asked if there would be any increase in the number of employees and Mr. Greene answered there would not. Mr. Greene did point out, however, that certain needs of the Department had been somewhat ignored in previous years. Training, for example, was limited to annual firing range testing, so consisted of ammunition.

Dr. Lotz asked why the proposed cost of living increase was at 5%, since the national cost of living increase had been 3.65%. Mayor Miller indicated that in prior years increases had not been given, or they had been very minor. Reub Mooradian agreed that the current increase was designed to make up for "shorting" the staff in the past. Dr. Lotz pointed out that he had no objection to the 5% raise, but had just been curious about the reasoning behind that figure.

There being no further comments or questions from the audience, Reub Mooradian moved that the Public Hearing be closed. Tim Holland seconded the motion and the motion passed unanimously. The Public Hearing was closed at 6:20 PM.

MINUTES

June 22, 1992

2. Consideration of Proposed Budget Ordinance.

Kakii Handley moved that the Budget Ordinance for FY 1992-93 be adopted as submitted. Reub Mooradian seconded the motion and it passed unanimously.

3. Consideration of Financial Plans.

a. Bear Branch Outfall Capital Project. Reub Mooradian moved that Council approve the Financial Plan in the amount of \$300,000. Tim Holland seconded the motion and it passed unanimously.

b. Ultra-Violet Capital Project. Reub Mooradian moved that Council approve the Financial Plan in the amount of \$58,000. Greg Brown seconded the motion and it passed unanimously.

4. Consideration of Resolutions Establishing Capital Reserves.

a. Inflow and Infiltration Reserve. Reub Mooradian moved Council adopt Resolution 92-06-01 establishing an Inflow and Infiltration Reserve in the amount of \$32,486.61. Greg Brown seconded the motion and it passed unanimously.

b. Establishing Street Resurfacing Reserve. Tim Holland moved Council adopt Resolution 92-06-02 establishing a Street Resurfacing Reserve in the amount of \$100,683.59. Kakii Handley seconded the motion and it passed unanimously.

c. Establishing Water-Line Replacement Reserve. Tim Holland moved Council adopt Resolution 92-06-03 establishing a Water-Line Replacement Reserve in the amount of \$4,142.96. Greg Brown seconded the motion. Ed Lotz asked what guidelines were being used to establish when water lines needed replacement, since he had found that both Boone and the State used 40 years as a guide. Al Greene pointed out that most of the lines being referred to were the 2" lines within the Town, which were being replaced with 6" lines, generally. Tim Holland stated that some of the 2" lines recently removed from the Skiways area were so clogged that one could barely get a finger in. The vote was taken and the motion passed unanimously.

5. Consideration of Five Year Plan Expenditures.

Kakii Handley moved that the Five Year Plan be adopted as presented. Tim Holland seconded the motion and it passed unanimously.

Al Greene said he wished to commend the staff for all their work on the budget, especially Finance Officer Sally Rominger, who had done the bulk of the work.

June 22, 1992


Rick Miller said, on behalf of the Council as a whole, that they also appreciate the staff's hard work and appreciate the Five Year Plan as well. He said the Plan would be a great help to the current Council and those to come.

Ed Lotz said he wished to commend Robert Heaton, whom he had met and found to be very knowledgeable and helpful.

ADJOURN

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

Respectfully submitted,

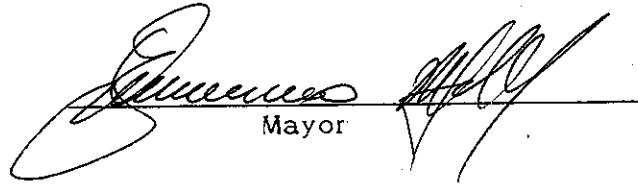
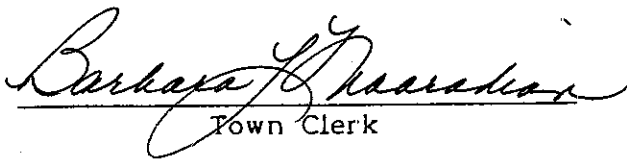


Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on July 14, 1992.

ATTEST:


Mayor
Town Clerk

