

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
July 14, 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, Tax Administrator Missy Norwood-Forbes and Chief of Police Jay Hefner. There was a large audience of citizens.

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 June 10, 1992.
- b. Minutes of the budget workshop of June 11, 1992.
- c. Minutes of the public hearing of June 22, 1992.

2. Committee Reports.

There were no committee reports.

3. Persons Wishing to Address the Council.

- a. Vern Holland. Mr. Holland submitted a petition to the Council requesting it to do something about loose and uncontrolled animals on Beech Mountain. He indicated there had been a number of complaints over the years, mostly of the nuisance variety rather than actually dangerous animals. He pointed out that the Council had adopted an ordinance to protect animals, and he felt it was time to enact one to protect humans as well. He emphasized that he was not suggesting a "leash law" but rather something which would make the owners of the animals responsible for their actions, and impose penalties upon the owners if their animals behave irresponsibly or dangerously.

Kelley Mims, C-25, supported the idea of the ordinance. He told of more than one occasion when his wife had been frightened, and even knocked to the ground by dogs when taking a walk.

Ed Barnes, B-42, indicated he had to erect gates on each end of his deck because roaming dogs used it as a short cut early in the mornings, rousing his family from their sleep.

Leslie Hoffman, A-65, spoke in favor of an ordinance, pointing out that she walks her four dogs at least twice a day, and always

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encounters other dogs which sometimes exhibit aggressive behavior toward her dogs and, in one instance, actually bit her.

Ellen Anderson, B-99, stated she also walks a lot and is often harassed by roaming dogs, once almost losing her shoe to one.

Mayor Miller indicated the Council had asked the Town Attorney to draft a proposed ordinance. David Paletta went over the various provisions of the proposed ordinance. There was a good deal of discussion of whether or not to have Town tags or a simple registration. There was also discussion of whether or not to extend the provisions of the ordinance to include cats.

Mr. Paletta indicated he would have language drafted for the next Council meeting which would incorporate the consensus of the Council's desires as reflected in the discussion. He also stated he would try to have a draft available so that interested members of the public could go over it well prior to the next meeting.

4. New Business.

- a. Hearing on Levy of Civil Penalty. Al Greene indicated that Mrs. Norwood-Forbes had discovered a rental agency operating in Beech Mountain which had not been filing the semi-annual reports required by the Occupancy Tax Bill. Tim Holland asked if the agency had filed the reports in the past, and Mrs. Norwood-Forbes indicated they had not as a new business, but that the manager had previously worked for another agency and had filed the forms for that agency, so was aware of the requirement.

David Paletta indicated the Council could adopt a policy on violations in general which would result in a penalty, or levy a penalty for the specific violation under discussion.

Reub Mooradian moved that Council adopt a policy to institute a \$100.00 per day penalty for non-compliance with Section 2 of the Beech Mountain Room Occupancy and Tourist Development Tax. Tim Holland seconded the motion and it passed unanimously.

- b. Public Hearing on Location of Proposed Electric Transmission Line. Council discussed setting up a date and time for a public hearing on the proposed power line site, and it was suggested that it be after the next Planning Board meeting. Council directed the Planning Board to prepare a recommendation on the location. Council set 6:00 PM Monday, August 10, 1992 as the date and time for a public hearing on the proposed transmission line site.

c. I. E. Hale Requests.

(1) Street Renaming. Mr. Greene indicated Mr. Hale had objected to the renaming of the street in front of his property as "Buckskin Lane," and requested it be returned to Indian Trail. Tim Holland had suggested that portion of the road where it splits from Indian Trail could be renamed South Indian Trail. Mr. Gentry, owner of IT-1 on that same road, asked if the naming of the road would indicate it is now a Town street and was told it did not. Tim Holland moved Buckskin Lane be renamed South Indian Trail. Greg Brown seconded the motion and it passed unanimously. Thus IT-1 will be renumbered 103 South Indian Trail and IT-2 will be renumbered 101 South Indian Trail.

(2) Dumpster Removal. Mr. Greene explained that Mr. Hale had also requested the removal of the dumpster from the Indian Trail subdivision, but that dumpster is the property of the Indian Trail homeowners, so the Town has no authority to remove it. He stated that if written approval from all of the owners in the subdivision was presented, then the Town would be happy to work with them toward removal of the dumpster.

d. Fire Department Agreement. Mr. Greene pointed out that the Agreement to guarantee loan repayment for the Fire Department had been found to need revision, and this had been done by the Town Attorney. Reub Mooradian moved Council approve the new agreement with the Fire Department. Tim Holland seconded the motion and it passed unanimously.

e. Resolution Declaring Computer Equipment Surplus Property. Tim Holland moved that the Okidata Printer, old Wang CPU, three work stations and a Star printer be declared surplus to the needs of the Town and that the Town Manager be authorized to solicit a private sale. Kakii Handley seconded the motion and it passed unanimously.

f. Consider Purchase of Police Radio Equipment. Mr. Greene explained that the current fiscal year budget calls for the expenditure of \$8,000 on walkie talkies, and the five year plan calls for additional expenditures in the next two fiscal years for additional mobile units and a new base station. However, the currently-owned base station has been giving problems, and the repairman is worried that replacement parts will soon be unavailable. Mr. Greene solicited permission to request bids on a package which would include 11 walkie talkies, a new base station and the required mobile units, which would be purchased under a two-year lease purchase agreement and, thus, spread the purchase over the previously planned three year period but provide the equipment immediately.

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Reub Mooradian said that if the cost could be spread over three years as originally planned, and did not exceed the proposed monetary expenditure, he would like the Police Department to have the equipment immediately. Greg Brown pointed out that there could be a considerable savings involved in purchasing the equipment at today's prices, rather than those which will be in effect in two or three years. Kakii Handley moved that the Town solicit bids on all of the requested equipment, to be purchased with \$8,000 down and the remainder over two years. Greg Brown seconded the motion and it passed unanimously.

- g. Revision to Personnel Ordinance. Mr. Greene explained that there was now a need to make one existing dispatcher the E 9-1-1 System Administrator and David Davis has assumed this role. If the revision to the ordinance is approved, Mr. Davis would receive the change in title and an upgrade in his salary grade to "8". Kakii Handley asked if this would involve the addition of another dispatcher, and was told it would not. Kakii Handley moved the Personnel Ordinance be revised to add the position of Dispatcher/E 9-1-1 System Administrator. Reub Mooradian seconded the motion and it passed unanimously.
- h. Discussion of Policy on Persons Wishing to Address Council. Mayor Miller said he wished to establish a policy that members of the public who wished to speak at a Council meeting be required to have themselves placed on the agenda beforehand. He said he felt that often the Council was expected to deal with matters before they had the opportunity to research them. Greg Brown said he did not feel there was any problem in telling someone with a question that it would be looked into and answered at a later meeting. Tim Holland indicated that if a subject was brought up that the Council was not prepared to deal with, the questioner or complainer could be told what the proper channels were.

Reub Mooradian said he did not want to stifle anyone who wished to speak at a Council meeting, but that he would prefer that individuals first try to work through the Town staff to resolve their problems before bringing them before the Council. He said he did understand, however, how someone at a meeting could be reminded of something and just want to mention it then. He felt the Council wanted to encourage people to talk to the Town Council.

- i. Budget Amendments.
- (1) Parking Lot Expansion. Al Greene noted that the Council had approved the expenditure of \$3,300 in the prior fiscal year for expansion of the parking lot at Town Hall. Since we are now in FY 92-93, however, those monies had been returned to Fund

Balance. Tim Holland moved that \$3,300 be appropriated out of this year's budget to expand the parking lot. Reub Mooradian seconded the motion and it passed unanimously.

- (2) E 9-1-1 Fund. Mr. Greene stated that, similarly, the final payment to be made on the E 9-1-1 system had not been made during the previous fiscal year, so \$18,940 needed to be appropriated out of the current year's budget. Kakii Handley so moved. Tim Holland seconded the motion and it passed unanimously.

- j. Amendments to Soil Erosion and Sedimentation Ordinance. Mr. Greene referred to changes mandated by the State which had been previously forwarded to the Council, and indicated they seemed merely to tighten up the requirements. Tim Holland moved the changes be adopted as presented. Greg Brown seconded the motion and it passed unanimously.

- k. Employee Appreciation Day. Mr. Greene proposed declaring Friday, August 28 as Employee Appreciation Day, which would be marked by letting employees off at 1:00 pm to take part in a barbecue picnic at Buckeye Lake. The cost to the Town should not exceed \$250 to \$300. Tim Holland so moved. Kakii Handley seconded the motion and it passed unanimously.

5. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell reported that the contracts on the Bear Branch project have been executed and construction should start the first part of the following week. The Town is still in the process of securing acceptable contracts on the ultraviolet unit, and they should be in hand within the next week.

Reub Mooradian asked if any movement on the Emerald Mountain water tank had been noted, and Mr. Powell said he knew the tank was under fabrication, but nothing has yet been done by the developer. Mr. Powell indicated it would probably be a good idea for Mr. Greene to contact the developer for a progress report.

- b. Public Works Director's Report. Joe Perry had no report. Rick Miller noted that the stripes have been painted on NC 184, and Al Greene stated that the Town had requested D.O.T. stripe the remainder of the Town's paved roads. Reub Mooradian thanked Mr. Perry for having his men remove the paint from the reflectors after the State painted NC 184. Mr. Mooradian also said he would like to see a little money put aside each year for the installation of reflectors on other paved roads on the mountain. Kakii Handley

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asked Mr. Perry to investigate the cost of another type of reflector, believing they may be less costly.

- c. Town Attorney's Report. David Paletta had no report.
- d. Chief of Police's Report. Chief Hefner reported that he had received two bids on a new Police car: one from Mack Brown Chevrolet in the amount of \$18,200 and the other from Boone Nissan for \$19,224. \$19,000 had been budgeted for the vehicle.

Rick Miller asked about the street light situation, and Chief Hefner said he had contacted Mountain Electric two times with no response. It was suggested that when citizens call the Town to report lights out or not working correctly they also call William Carroway at Mountain Electric, 733-0159.

- e. Town Manager's Report. Mr. Greene suggested September 1st would be a good date for a ribbon-cutting ceremony for the E 9-1-1 system. All Council Members agreed this would not create a conflict with their schedules.

Mr. Greene reported that the staff is in the process of reviewing the Town services, etc., to determine whether or not there are any barriers to people with disabilities. This is prompted by the Americans with Disabilities Act. Mr. Greene said the staff would like to involve disabled people in the process, or even others who may have an interest in being involved.

Mr. Greene reported that he and Don Fulkerson had visited Bill Elder after the last Council meeting to discuss his proposed mini-storage area, and that Mr. Elder had indicated he was thinking the matter over and would contact the Town if he wished to go further.

Mr. Greene also referred to a letter from Representative Flaherty indicating his support of HB 916 and his opposition to Avery County's Occupancy Tax.

Kakii Handley asked if there had been any response to Mr. Greene's letter to Skyline Telephone about home addresses, and Mr. Greene indicated he had not heard from them. He said perhaps some assistance in getting the 9-1-1 questionnaires to new owners can be provided by real estate agents. Norma Buchanan indicated they would have no problem at all in passing out the questionnaires.

6. Executive Session.

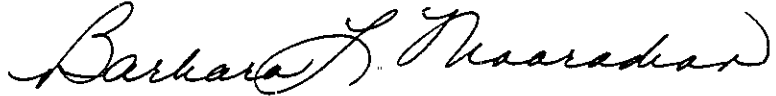
Kakii Handley moved that Council go into Executive Session under the provisions of N.C.G.S. 143-318.11(a)(4) to receive an update on pending

litigation. Council went into Executive Session at 8:00 PM. Council came out of Executive Session at 8:20 PM.

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 8:21 PM.

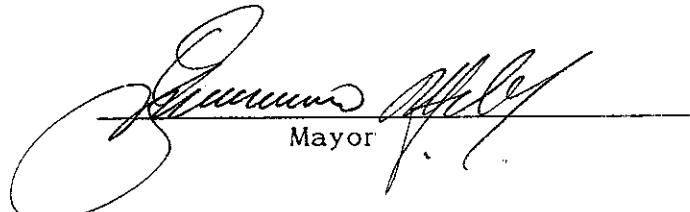
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Council on AUGUST 11, 1992.


Mayor

ATTEST:


Town Clerk

