

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
October 12, 1993

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 and Reub Mooradian. Kakii Handley was absent. Also present were Town Manager Al Greene, Town Attorney David Paletta, Police Chief Jay Hefner, and Public Works Director Joe Perry. Present in the audience were a number of interested spectators.

1. Approval of Minutes.

Reub Mooradian moved that the minutes of the September 8, 1993 regular meeting be approved as submitted. Tim Holland seconded the motion and it passed unanimously.

2. Consider Resolution to Release Funds to Region D.

Tim Holland moved that Council adopt a resolution releasing its pro-rata share of monies appropriated to Regional Councils, \$57.18, to Region D. Reub Mooradian seconded the motion and it passed unanimously.

3. Committee Reports.

a. Avery County Commissioners. Greg Brown reported that the Commissioners have closed the Avery County landfill and contracted with BFI in Charlotte to haul off household trash. They may continue to operate the landfill for construction and demolition trash, which would not require compliance with landfill laws. Watauga County has opted to extend operation of its landfill until April 9th, after which it will contract with an outside firm to haul their trash away.

b. Region D. Rick Miller reported that Region D held its annual dinner dance at Hound Ears, which was a very nice affair.

4. Persons Wishing to Address the Council.

a. Patsy Grindstaff and Gene Moseley of Avery's ADA Office. Ms. Grindstaff introduced Mr. Moseley who is, himself, a disabled veteran, who distributed materials to the Council regarding the Americans with Disabilities Act. He commended the Town for having adopted a self-evaluation and transition plan. He pointed out several businesses in Beech Mountain which have not complied with the law as regards parking areas for handicapped, ramps for entry, and so forth. He suggested all businesses be reminded of the Act and that it is mandatory, pointing out the penalties for non-compliance.

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- b. Leslie Hayhurst, Genesis. Ms. Hayhurst clarified to the Council that Genesis is happy to help injured or abandoned animals, but cannot pick up or keep animals which have tags and whose owners are, therefore, identifiable. She said that the Police Department have referred people to her who should have been served by the Department itself. Chief Hefner said he would investigate this and see that the practice is stopped. Greg Brown thanked Genesis for helping him find the owners of a cat which had gotten trapped in his crawl space.

4. Old Business.

- a. Consider Recommendation from EDC Relative to Billboards. Calder Smoot, Chairman of the EDC, recommended a budget amendment which would allow the Chamber of Commerce to continue the contract for the billboard on NC 184 (across from the entrance to Sugar Mountain), dropping the billboard on NC 105. He said that the billboard would be more "active" than in the past, changing scenes and using snipe lines. The Chamber will sub-lease the billboard to the ski resort during the winter months, and utilize it in the spring, summer and fall to promote Beech Mountain as a tourist destination.
- b. Consider Installation of Mirror(s). Mr. Greene reminded the Council that Mr. Ed Perls had requested installation of a mirror at the intersection of Tamarack Road with the Beech Mountain Parkway, to assist motorists endeavoring to turn left onto Tamarack in seeing if traffic is proceeding down the Parkway towards them. The State declined to install the mirror, and the cost to the Town would be \$130.00. Mr. Greene said the staff recommended against installation of a mirror for several reasons: Setting a precedent whereby requests for mirrors at intersections throughout the Town would be received; the concern for vandalism; and the fact that mirrors are an aid for some people, but tend to confuse others.

Reub Mooradian said he agreed with almost all points that Mr. Greene had made, but felt that since the Parkway was the most heavily travelled road in the Town, other requests for mirrors could be denied. Tim Holland asked if there had been any accidents at that intersection and Chief Hefner said he knew of none. Mr. Mooradian said Council should not wait for an accident to act, and moved that the mirror be installed. The motion died for lack of a second.

- c. Consider Tour DuPont Sponsorship. Al Greene distributed copies of a letter from the Chairman of the Chamber of Commerce Board declining to sponsor the Tour DuPont. He asked if Council felt it needed an agreement with Banner Elk with regards to the start venue the day after the Tour finishes at Beech Mountain; if all members of the previous Tour DuPont Local Organizing Committee had agreed to serve again. Fred Pfohl said both he and Sheila

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Fletcher would serve as co-chairmen again, and that they had contacted all members of the committee, who had all agreed to serve again. Banner Elk had wanted to wait until after the election to sign a contract for the start, but that he would call them and ask if they could sign the contract earlier. Reub Mooradian moved that the same individuals who served in the 1993 Local Organizing Committee be reappointed to the 1994 Local Organizing Committee. Greg Brown seconded the motion and it passed unanimously. Fred Pfohl asked if the Committee could be given some money so it could order some flyers to be used in the ski season and other promotional material. Mayor Miller pointed out that there remained \$6,153.44 from this year's Tour which had been earmarked for "seed money" for the 1994 Tour.

a. New Business.

- a. Consider Offer to Purchase Lot D-74. Tim Holland moved that Council accept the offer of Mr. Charles Hughes in the amount of \$2,750.00 for lot D-74. Greg Brown seconded the motion and it passed unanimously.
- b. Consider Offer to Purchase Lot C-90. Tim Holland moved that Council accept the offer of Mr. and Mrs. Curtis Sherrod in the amount of \$2,100.00, or the highest upset bid which may be received during the statutory advertising period, for lot C-90. Greg Brown seconded the motion and it passed unanimously.
- c. Set Date for Public Hearing on Proposed Zoning Ordinance Changes. Al Greene gave a brief explanation of the proposed changes and the reasons therefor. Norma Buchanan said that the Chairman of the Board of Adjustment, fearing installation of lots of satellite dishes following the dropping of WCYB by High Country Cable, wanted the amendments passed as quickly as possible, and urged a special meeting for the Public Hearing prior to the regular meeting night in November. After some general discussion it was decided by the Council to hold the Public Hearing on the proposals at 6:00 PM on November 9th.

Reub Mooradian said he felt the Town should tell High Country Cable that if, as reported in the Watauga Democrat, they did not have an official letter from WCYB "claiming" this area, they go ahead and give us another NBC station from North Carolina until WCYB can prove they can block it. Al Greene said it might help if people who are concerned contacted the General Manager of WCYB and High Country Cable expressing their concerns. Norma Buchanan said their approach, from within their business, was to write advertisers on WCYB and point out that they have just lost a chunk of viewers. Mrs. Buchanan also complained about the quality of some of the channels provided by the cable company. Mayor Miller urged those

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in the audience who were concerned to take the example of Mrs. Buchanan and write letters of complaint. Reub Mooradian urged that they write their legislative representatives objecting to the whole concept that a company in Bristol, Virginia can dictate what a North Carolina county can and cannot watch.

d. Consider Donation of LG-279 to Town. Reub Mooradian moved that the Town accept the donation of LG-279. Greg Brown seconded the motion and it passed three to one, with Mayor Miller dissenting.

e. Consider Resolutions.

(1) and (2) Supporting Economic Development Bond Financing and Supporting Bond Issues for Water and Sewer, Universities, Community Colleges and State Parks. Mr. Greene explained the benefits to the Town, both direct and indirect, of passage of the bond referenda coming up in November. Reub Mooradian moved that the Council adopt the resolutions supporting the bond issues. Tim Holland seconded the motion and it passed unanimously.

f. Consider Tax Release. Tim Holland moved that Council approve the release of \$25.13 to the Town due to a double billing. Greg Brown seconded the motion and it passed unanimously.

g. Budget Amendments.

(1) Recycling Center Landscaping. Reub Mooradian moved to adopt the budget amendment of \$2,120 for landscaping at the recycling center and public works building. Greg Brown seconded the motion and it passed unanimously.

(2) Water Line Replacement Capital Project Budget. Tim Holland moved that Council approve the budget amendment transferring funds already appropriated into the capital project fund. Greg Brown seconded the motion and it passed unanimously.

(3) Occupancy Tax Advertising Budget. Reub Mooradian moved that Council approve the budget amendment recommended by the EDC for the billboard on NC 184. Tim Holland seconded the motion and it passed three votes to one, with Mayor Miller dissenting.

(4) Tour DuPont. Tim Holland moved that \$6,153.44 be transferred from the Tour DuPont Capital Project for 1993 into the Tour DuPont Capital Project for 1994, and approved spending of

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that amount for administrative expenses. Greg Brown seconded the motion and it passed unanimously.

6. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell had no formal report. Reub Mooradian asked about the Emerald Mountain pumping station and was told there was not yet electricity to the facility so it could not, of course, be used.
- b. Public Works Director's Report. Joe Perry had no report. Tim Holland asked when the newly-planted trees at the recycling center would be trimmed, and Mr Perry advised that the supplier indicated the best time to fertilize and trim would be April, so that will be a regularly-scheduled maintenance item.
- c. Town Attorney's Report. Mr. Paletta had no report.
- d. Chief of Police's Report. Chief Hefner reported that the new patrol officer, David Beck, was on board as of October 4th. The September report included the arrest of five people. Three of those people were college students who stole and destroyed a Beech Mountain sign and deer crossing signs. The cost of those items will be asked for when they get to court. DARE Day was October 10th, and Beech Mountain's new patrol car won second place in the car show.

Chief Hefner indicated that the officers had been reissued pepper gas, after conversations with the Attorney General. A pepper spray policy has been promulgated and each officer has been trained in not only the use of the gas, but the assistance to individuals after they have been sprayed.

Bill Sposato commended the Department for finding an open door at the Club and reporting it to him.

- e. Town Manager's Report. Mr. Greene reported that the staff is still hopeful that funds for Bear Branch Phase II may be available from the Appalachian Regional Commission. A pre-request study will be submitted, after which we hope to hear positively from them in January.
- f. Financial Report, Tax Report and Building Inspections Report. The reports were received without comment.

7. Other Business.

Mayor Miller reported that Dwight Perley, a long time Beech Mountain resident, had passed away Sunday evening. The family has requested any memorials be directed to the Critical Care Unit at Cannon Hospital.

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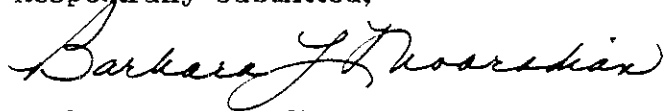
8. Executive Session.

Greg Brown moved that the Council go into executive session under the provisions of N.C.G.S. 143-318.11(a)(1). Tim Holland seconded the motion and the Council went into executive session at 7:50 PM. The Council came out of executive session at 8:08 PM.

ADJOURN

There being no further business to come before the Council, Greg Brown moved that the meeting be adjourned. Reub Mooradian seconded the motion and without dissent the meeting was adjourned at 8:09 PM.

Respectfully submitted,

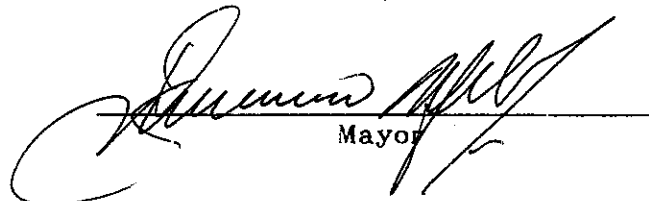


Barbara L. Mooradian  
Town Clerk

BLM/hs

Minutes approved by Town Council on November 9, 1993.

ATTEST:

  
Mayor  
Town Clerk

RESOLUTION

BY

TOWN OF BEECH MOUNTAIN

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across this state; and

WHEREAS, many counties and cities need assistance in pursuing economic and community development opportunities, but federal assistance in the form of intergovernmental revenues has been severely curtailed in recent years; and

WHEREAS, the 1993 General Assembly recognized this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by the Town of Beech Mountain for release of funds to our Regional Council, the available funds will revert to the state's General Fund; and

WHEREAS, in Region D, funds in the amount of \$48,015 will be used to continue assistance to local governments in community and economic development, to expand management assistance and training, and to provide for the continued development of the Regional Computer System.

NOW, THEREFORE, BE IT RESOLVED, that the Beech Mountain Town Council requests the release of its share of these funds, \$57.18, to the Region D Council of Governments at the earliest possible time in accordance with the provisions of Chapter 321, Senate Bill 27, Section 39 of the 1993 Session Laws.

Adopted this the 12<sup>th</sup> day of October, 1993 at Beech Mountain

by:

[Signature] (Signature)  
MAYOR (Title)

Witness:

[Signature] (Signature)  
TOWN CLERK (Title)

