

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
February 9, 1993

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. Other Council Members present were Greg Brown, Tim Holland, and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson. Present in the audience were Cindy Keller, Patti Pacifico, Ellen Anderson, Jay and Sheila Tischenkel, Norm Tischenkel, Vern Holland, John Hoffman, Ed Calvin and Philip Walker.

Mr. Vern Holland's offer to purchase a right-of-way from the Town was added to the agenda as item "f" under New Business.

1. Consent Agenda.

Reub Mooradian moved that the Consent Agenda be approved. Greg Brown seconded the motion and the following items were approved unanimously:

- a. Minutes of the regular meeting of January 12 and 19, 1993.
- b. Proclamation declaring February 1993 as Unity Month.

2. Committee Reports.

There were no committee reports.

3. Persons Wishing to Address the Council.

- a. Philip J. Walker; Skiview Condominium. Dr. Philip Walker, an owner of a condominium adjacent to the property on which Mountain Electric proposes to construct an electric substation expressed his concerns about the close proximity of the station to his property. Dr. Walker's primary objection had to do with the possible health risks posed by exposure to electromagnetic fields (EMFs). Citing several studies, Dr. Walker pointed out that it is very clear that exposure to EMFs damages human cells in the laboratory, primarily those of the immune system, and causes some forms of cancer. His second point is that population studies of people who have chronic exposure to EMFs show a higher incidence of cancer, including leukemia and brain tumors. Third, the data so far uniformly underestimates the risk, and, finally, the trend in the current literature is toward an increased positive impression that EMFs really do represent a risk to ordinary people, and especially children. Dr. Walker indicated he had 2½ year old twins, whose health is of great concern to him

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Dr. Walker asked the Council to consider a resolution asking Mountain Electric to reconsider the project and erect the substation on another site. He said he felt certain that an area could be found that was not so close to already developed sites. Reub Mooradian indicated that recent information had come to his attention which led him to lean towards just such a resolution. Greg Brown agreed, citing a recent Ed Bradley television program which indicated that a recent EPA study which showed significant risk in exposure to EMFs was being suppressed by the government. Reub Mooradian moved that the Council pass a resolution which asks Mountain Electric Cooperative to work with TVA to seek alternate sites, due to health concerns, which are not in such close proximity to residential structures. Greg Brown seconded the motion and it passed three votes to one, with Mr. Holland dissenting.

#### 4. Tour DuPont Committee Report.

Tim Holland reported that the Committee was still collecting money, and really just beginning to contact possible corporate sponsors. He said that Glen Raven Mills had pledged an additional \$2,000 (over their initial \$8,000 contribution) and Lance Packing also had pledged \$2,000.

#### 5. Old Business.

- a. Update on Avery Occupancy/Amusement Tax. Al Greene stated that he had originally been under the impression that Avery County did not seek an amusement tax, but only a 3% occupancy tax. However, with conflicting news reports, he checked further with County Manager Fletcher, who advised that the Commissioners are seeking both a 3% amusement tax and a 3% occupancy tax. Mr. Greene suggested that the Council might wish to take a position on the amusement tax, as well as the occupancy tax. Tim Holland moved that the Council express its opposition to the amusement tax. Greg Brown seconded the motion and it passed three votes to one, with Mr. Mooradian dissenting.

#### 6. New Business.

- a. Schedule Public Hearing on Zoning and Subdivision Regulation Amendments. Al Greene pointed out an error in the Certificate called for in Section 605.2 of the Subdivision Regulations. The last sentence should read "The Town shall not assume any responsibility to open or maintain public improvements indicated or depicted on this plat until in the opinion of the Town Council it is in the public interest to do so."

There was a great deal of discussion about the requirement for a foundation survey as opposed to an as-built survey. Tim Holland

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said he felt the foundation survey was necessary since it would be a lot easier to tear down a foundation than a whole house. Don Fulkerson indicated that the Planning Board had not wanted to impose the extra cost to the builder, and that as-built surveys are generally required by lenders, which the Town could be copied on. Vern Holland pointed out that the cost of the surveyor returning to the site to add the foundation to a recent survey would not be as high as the original survey. Reub Mooradian said he felt the Town should require a foundation survey.

Don Fulkerson pointed out a proposed change to Article IX, increasing the setbacks by two feet, but allowing certain decks, overhangs and walkways to protrude into the setback. Tim Holland said he thought this would create problems, in that the Town's requirements would differ from those of the Declaration of Restrictions.

Tim Holland suggested a change to the proposed fire inspection schedule to include businesses, mercantiles and storage areas in the annual inspection category.

After further discussion, Reub Mooradian moved to add the requirement for a foundation survey. Tim Holland seconded the motion and it passed three votes to one, with Mr. Miller dissenting. Council set 6:00 PM Tuesday, March 9, 1993 as the date and time for the public hearing on the proposed amendments.

- b. Discussion of Water Line Replacement; Charter Hills Road. Al Greene indicated that the Town staff wished to begin replacement of the Charter Hills Road 2" water line by a 6" line this spring. Mr. Greene recommended that the Council authorize Ed Powell to proceed with the necessary plans and specifications for the project, and that a budget ordinance and budget transfer (attached) be approved. Reub Mooradian moved that the budget ordinance appropriating \$150,000 for the project be approved. Tim Holland seconded the motion and it passed unanimously.

Tim Holland moved that Council approve the transfer of \$75,000 from the Taps and System Maintenance Department to the Water Line Replacement Capital Project. Greg Brown seconded the motion and it passed unanimously.

Tim Holland moved that the Town Engineer be directed to proceed with the plans and specifications. Greg Brown seconded the motion and it passed unanimously.

- c. Budget Amendments; Bear Branch Outfall Line. Mr. Greene pointed out some cost overruns which had been encountered in the Bear Branch outfall project. Reub Mooradian moved that \$13,700 be

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transferred from the Enterprise Fund to the Bear Branch Capital Project fund to cover the overruns. Greg Brown seconded the motion and it passed unanimously.

Tim Holland moved that the Water and Sewer Fund budget item "miscellaneous income" be increased by \$10,590 due to an insurance refund, and further appropriated. Greg Brown seconded the motion and it passed unanimously.

- d. Consider Offer to Purchase Lot LG-285. Tim Holland moved that the Town accept the offer of \$1,250.00 tendered by Mr. and Mrs. Mickey Shore for LG-285 once the statutory advertisement has passed, failing receipt of any upset bids. Greg Brown seconded the motion and it passed unanimously.
- e. Consider Tax Releases. Tim Holland asked that Tax Release No. 153 be removed from consideration at this time, but that the remaining tax releases be approved. Greg Brown seconded the motion and it passed unanimously.
- f. Vern Holland; Offer to Purchase Right-of-Way. Greg Brown moved that Tim Holland be excused to avoid any possible conflict of interest. Reub Mooradian seconded the motion and it passed unanimously.

Vern Holland indicated he wished to buy the property in question for \$100. David Paletta outlined the procedure for permanently closing a street or right-of-way. Reub Mooradian moved that the Council adopt a resolution declaring its intention to close the road shown at page 171 in Watauga County Plat Book 4 as progressing approximately 136 feet off of Mariah Circle into Northridge Condominium Site #28, and set the date for a public hearing on same for 6:00 PM Tuesday, April 13, 1993. Greg Brown seconded the motion and it passed unanimously.

Greg Brown moved that Tim Holland be readmitted to the meeting. Reub Mooradian seconded the motion and it passed unanimously.

### 7. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell reported that, aside from a small punch list of things, the Bear Branch outfall line is completed and operational. He reported that the ultraviolet unit is in place and in the process of being connected.
- b. Public Works Director's Report. Joe Perry had no report.
- c. Town Attorney's Report. David Paletta had no report.

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- d. Chief of Police's Report. Chief Hefner pointed out that a clerical error had left off business and residential checks made during the month of January, but that 114 business and 162 residence checks had been made. Greg Brown passed on a compliment that he had heard about Kevin Frye helping an individual whose brakes went out.
- e. Town Manager's Report. Al Greene reported that the tax software program will be adjusted so that next year the Town can send notices to the new owners of property if the tax bills are sent to the owners of record as of January 1st.
- f. Financial Report. The monthly financial report was distributed without comment. Tim Holland commended the staff on the Mid-Year Financial Report, and Mr. Greene indicated that the Finance Officer had done the work.

8. Executive Session.

Greg Brown moved that the Council go into Executive Session pursuant to N.C.G.S. 143-318.11(a)(4) and (5), to consult with their attorney and discuss pending litigation. Tim Holland seconded the motion and it passed unanimously. The Council went into Executive Session at 7:28 PM. The Council came out of Executive Session at 8:25 PM.

9. Other Business.

- a. Larry Fisk Automobile Accident. Reub Mooradian moved that the Town, without accepting any responsibility for the accident, offer Larry Fisk a settlement of half of the lowest of two additional estimates for his auto repair. The motion died for lack of a second. Tim Holland moved to deny Mr. Fisk's request based on the response of the Town's insurance carrier. The motion died for lack of a second. Greg Brown moved that the Town offer Mr. Fisk \$500 in exchange for a complete release of liability, while not admitting any guilt on the part of the Town. Reub Mooradian seconded the motion and it failed unanimously. Greg Brown moved that Mr. Fisk's request be denied. Tim Holland seconded the motion and it resulted in a tie vote.

Council instructed the Town Manager to request two more repair estimates from Mr. Fisk.

- b. Mummert Tax Release. Tim Holland moved that the Council release penalties and interest in the amount of \$8.88 charged to Mr. and Mrs. John Mummert, A-92. Motion died for lack of a second.

Council declined to take action on the Mummert release.

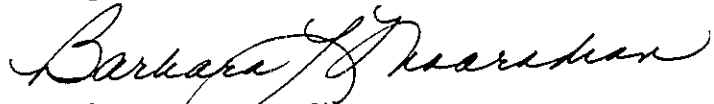
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ADJOURN

There being no further business, Tim Holland moved to adjourn the meeting. Greg Brown seconded the motion and it passed unanimously. The meeting was adjourned at 8:35 PM.

Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

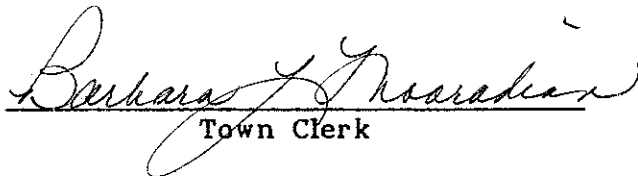
BLM/hs

Minutes approved by the Town Council on MARCH 9, 1993.



Mayor

ATTEST:



Town Clerk