

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 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 Tim Holland, Kakii Handley and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell, Police Chief Jay Hefner, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson. Present in the audience were Ellen Anderson, Vern Holland, Roger Bullock, Ramona Bullock, Fred Pfohl, Cindy Keller, John Hoffman, Le O'Neal, Teri Mechanic and Ed Calvin.

1. Public Hearing, Ordinance Changes.

Mayor Miller called the Public Hearing on proposed amendments to Chapter 5, Chapter 11 and Chapter 15 of the Code of Ordinances to order. Ellen Anderson questioned the wording of proposed Section 502.01 of the Zoning Ordinance, in that it required a "recent survey" and the Board of Adjustment had always required a survey within six months.

Roger Bullock said the Planning Board had asked Don Fulkerson to canvass local surveyors to get a feel for the costs of requiring three surveys. Mr. Fulkerson reported his findings:

Grindstaff: \$375 for original survey, \$275 for foundation survey and another \$275 for as-built.

Lacey: \$350 - \$400 for original survey, \$125 - \$200 for foundation survey and \$250 - \$350 for as-built.

Ball: \$275 for original survey, \$180 for foundation and \$180 - \$200 for as-built.

Bradley: Would charge \$450 for all three unless the foundation and/or as-built required a special trip to the mountain, in which case he would charge \$175 - \$250 each for those.

Vern Holland spoke against having the owner or contractor sign the certificate required by 502.01 as being excessive, especially if the Council requires all three surveys. Don Fulkerson said that the Planning Board had recommended the certificate in lieu of the foundation survey. Mayor Miller asked Roger Bullock if the Planning Board would have any problem dropping the certificate requirement if all three surveys were required, and Mr. Bullock replied they would have none whatsoever.

With regard to Section 3-13 of Chapter 5, Don Fulkerson indicated that the requirement that the surveyor mark the setbacks on the property had

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been suggested in lieu of a foundation by the Planning Board in an attempt to lessen the financial impact on the builders. Vern Holland recommended that that requirement be deleted.

With regard to Section 2-8 of Chapter 5, Vern Holland pointed out that the State requires that businesses and mercantiles be inspected only every two years, while the suggested amendment to our Ordinance requires yearly inspections. He suggested that our Ordinance correspond with the State requirements.

With regard to Article IX of the Zoning Ordinance, Mr. Holland suggested that the setbacks should remain as they have always been so as to avoid confusion and possible conflict with the Declaration of Restrictions. Roger Bullock said he did not believe the Planning Board would have any problem retaining the current setbacks.

Ellen Anderson asked for some clarification of the requirements for a variance to the Subdivision Regulations, and Don Fulkerson explained that the same criteria apply with the exception of #6, use of the land in a manner inconsistent with the Zoning, since the subdivision of land does not involve the "use" of the land.

There being no further questions or comments from the audience, the Public Hearing was closed at 6:30 PM.

Al Greene asked if consideration of a Policy dealing with Hazard Communication could be added to the agenda as item 6h, and that items 6a and 6f be reversed so that Mr. Fulkerson could leave the meeting.

2. Approval of Minutes.

Tim Holland moved that the minutes of the meeting of February 9, 1993 be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.

3. Committee Reports.

Reub Mooradian reported that he had visited the High Country Cable TV office in Boone and they had promised to install all the premium channels in the Town Hall primarily so that the night Police Dispatchers will have something with which to occupy their time. He also stated that High Country is in the process of consolidating their heads down to two, at which time Beech Mountain will be receiving another NBC station, probably from Winston-Salem, the Fox network and probably at least one independent station out of Charlotte.

Kakii Handley reported that Watauga County Parks and Recreation was gearing up for the summer. There are more people interested in baseball

than they have fields to accommodate, so she has volunteered the use of Beech Mountain's recreation activity field.

4. Tour DuPont Committee Report.

Fred Pfohl reported that the Local Organizing Committee has \$13,900 currently on hand from sponsorships. Another \$5,000 is in the mail: \$2,500 from First Union Bank and \$2,500 from the Town of Banner Elk. The Committee continues to work hard on the funding. As far as the accommodations and food service, everything is set up. There will be a press conference on the 16th in the Council Chamber.

5. Old Business.

- a. Consider Amendments to Zoning Ordinance, Subdivision Regulations and Chapter 5, Code of Ordinances. Tim Holland moved that Section 3-13 of Chapter 5 be amended to delete "The surveyor must mark setbacks on the property," and otherwise approved. Reub Mooradian seconded the motion and it passed unanimously.

Section 502 and 502.01 of the Zoning Ordinance: Tim Holland suggested that the words "marked on the property and" be removed from the survey provisions in 502.01, and that the phrase "(within six months)" be added to clarify "a recent survey." Reub Mooradian moved that the Section be approved with those amendments. Kakii Handley seconded the motion. There was a good deal of discussion about the required certificate after which the question was called and the motion defeated three votes to one, with Mrs. Handley, Mr. Miller and Mr. Holland dissenting. Tim Holland then moved that the Section be approved with the deletion of the certificate itself and the wording requiring its execution. Kakii Handley seconded the motion and after discussion it passed, three votes to one with Mr. Mooradian dissenting.

Article IX. Reub Mooradian moved that the setbacks be returned to their original widths, and that footnote #7 be removed. Tim Holland seconded the motion and it passed unanimously. After some discussion, Tim Holland moved that footnote #7 be reinstated as "The setback requirements shall not apply to stairways and exterior walkways that are no greater than four feet in width. Kakii Handley seconded the motion and it passed unanimously.

Section 2-8 of Chapter 5. Tim Holland moved that the proposed amendment be approved as amended to require businesses, mercantiles and storage facilities to be inspected annually. Reub Mooradian seconded the motion and it passed unanimously.

Subdivision Regulations. Tim Holland asked why the requirement for the Planning Board to act within thirty days was being removed, and

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Al Greene explained that it was to allow them more latitude in extremely complicated situations. Mr. Holland was concerned that removing the provision would allow the Planning Board to "sit on" plans too long, and Roger Bullock indicated that the Planning Board intends to continue to act expeditiously.

Tim Holland asked about the requirement for street light installation by developers on "curves which the Town deems sharp enough to warrant additional illumination." He wondered who would make the decision. Al Greene said this would be at the discretion of the Planning Board under their plat review, and did not require the ad hoc committee which is used to make the determination in already developed areas.

Roger Bullock pointed out a wording change, and Tim Holland moved that Section 603.2 (9) (a) be changed to read "Street plans for all subdivisions within the Town of Beech Mountain shall be reviewed by the Town staff and approved by the Beech Mountain Town Manager prior to preliminary plat approval." He moved that all of the proposed amendments to the Subdivision Regulations be approved with that one change. Kakii Handley seconded the motion and it passed unanimously.

6. New Business.

- a. Set Date for Public Hearing on Zoning Ordinance and Subdivision Regulation Amendments to include State watershed requirements. Don Fulkerson pointed out that one definition, Building Height, should have been eliminated or changed in the current Subdivision Regulations, since the building height is considered to be from the highest point of the natural grade to the highest point of the roof (excluding chimneys and TV aeriels). After some discussion, the date and time for the Public Hearing was set at 6:00 PM or immediately following the Public Hearing on the right-of-way closing on Tuesday April 13, 1993.
- b. Americans with Disabilities Act Self Evaluation. Tim Holland commented on the mound of snow which blocked the handicapped parking area in front of Town Hall, and Mr. Greene said he intended to move that slot to a place closer to the front door. Mr. Holland commented that the self evaluation was a good report. Reub Mooradian suggested that if any monies were available to start on some of the modifications required, that the doors to the Public Works Building be addressed first. Reub Mooradian moved that the plan be adopted. Tim Holland seconded the motion and it passed unanimously.
- c. Consider Amendment to Water and Sewer Use Ordinance. Al Greene outlined the reasons for the proposed changes, starting with the

sharing by the Town of expenses required by water and/or sewer extensions to already-developed properties up to 25%. He said this would encourage extensions and thus add utility customers. He also pointed out that property owners involved had paid taxes to the Sanitary District for years, as well as whatever monies from the General Fund which are transferred to subsidize water and sewer, so a 25% participation by the Town would recognize this. The other main thrust was simply to spell out in detail that the assessment process would be used for financing extensions in the future. Reub Mooradian said he thought the 25% participation by the Town was fair and moved that it be approved. Rick Miller seconded the motion. After discussion Reub Mooradian withdrew his motion and Mr. Miller his second, in favor of tabling consideration of the amendments until the April meeting.

- d. Budget Amendment: Water and Sewer Fund. Al Greene indicated that a more careful estimate by the contractor had indicated that \$365 needed to be added to the cost of rebuilding the blower. Tim Holland moved that the budget amendment, so changed, be adopted. Reub Mooradian seconded the motion and it passed unanimously.
- e. Agreement with Emerald Mountain: Water Improvements. Al Greene noted that final approval for Block D had been given by the Planning Board contingent upon the developer installing two additional fire hydrants. Due to the winter weather, this cannot be accomplished immediately, and they were seeking an agreement whereby the deposit of sufficient monies to complete the installation into an escrow account would allow the final approval. Tim Holland moved that the agreement be approved. Kakii Handley seconded the motion and it passed unanimously.
- f. Consideration of Police Radio Communications System Bids. Mr. Greene recommended the award of the contract to the low bidder, Communications Systems, Inc., at \$26,021, as well as approval of the seven year maintenance contract in the amount of \$14,670, which would start at the end of the first year's warranty. Tim Holland so moved and Reub Mooradian seconded the motion, which passed unanimously.
- g. Instruct Tax Administrator to Advertise Tax Liens. Reub Mooradian moved the Tax Administrator be instructed to advertise delinquent taxpayers in the newspapers. Tim Holland seconded the motion and it passed unanimously.
- h. Hazard Communication Policy. Reub Mooradian moved that the Hazard Communication Policy be adopted as presented. Tim Holland seconded the motion and it passed unanimously.

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7. Staff/Consultant Reports.

- a. Town Engineer's Report. Mr. Powell reported that the new Ultraviolet unit is installed and operational. There are some punch list items to be completed, but they are minor and the unit is operating properly.
- b. Public Works Director's Report. Joe Perry had no report.
- c. Town Attorney's Report. David Paletta had no report.
- d. Chief of Police's Report. Chief Hefner had no report other than that which had been included in the agenda packet. He did remark that he is extremely pleased with the 9-1-1 system. Tim Holland asked about recent false alarms, and Chief Hefner said he had written two parties and was about to write the Beech Mountain Club a second letter as their alarm continues to malfunction.
- e. Town Manager's Report. Mr. Greene pointed out that there is a sewer line running through the right-of-way the Town plans to close, so a 20' easement will have to be granted.

He reminded Council of the League of Municipalities' regional meetings, indicating that the staff would follow-up with phone calls to ascertain who wished to attend.

With regard to the Avery Occupancy Tax, it appears that it may be unconstitutional for Avery County to levy a tax in only a portion of its territory, so it may be that the bill will indicate that they will have a 3% occupancy tax, which would repeal Beech Mountain's, but they would be required to pay Beech Mountain the taxes received from units within its limits. The situation will be monitored closely.

- f. Financial Report. There were no questions or comments on the report.

ADJOURN

There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Tim Holland seconded the motion and it passed unanimously. The meeting was adjourned at 8:15 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

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Minutes approved by Town Council on APRIL 13, 1993.


Mayor

ATTEST:


Town Clerk

