

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
July 13, 1993

CALL TO ORDER

Mayor Rick Miller called the regular meeting of the Beech Mountain Town Council to order at 6:04 PM. Other Council Members present were Tim Holland, Kakii Handley, Greg Brown and Reub Mooradian. Also present were Town Manager Al Greene, Town Attorney David Paletta, Town Engineer Ed Powell, Police Chief Jay Hefner, and Public Works Director Joe Perry. Present in the audience were Leslie Hoffman, Ellen Anderson, Richard and Phyllis Sollner, Cindy Keller, and David and Linda Grover.

Al Greene asked that Mr. Jamie Perrin, GDS, be removed from the agenda and added to next month's agenda, as Mr. Perrin had a scheduling conflict. He also asked that a resolution on disposing of certain assets and a brief discussion of long range transportation needs be added to the agenda. They were added under Other Business.

1. Public Hearing, Amendments to Zoning Ordinance & Subdivision Regulations.

Mayor Miller called the Public Hearing to order. Al Greene explained that there were basically three amendments that the Planning Board had sent to Council:

a. Decreasing the width required for cul-de-sac turn-arounds in residential zones from 90 feet to 70 feet to bring them into line with DOT requirements.

b. Spelling out the Town's ability to require off street parking be upgraded in the event of addition or alteration of a structure which does not include the basic requirements for parking, as well as the addition of any more space which might be needed due to the addition.

c. Adding a certificate for approval of minor subdivisions by the Code Enforcement Officer to those required for recording of plats.

Cindy Keller expressed her approval of the 70 foot cul-de-sac requirement. There being no further comments or questions from the public, Reub Mooradian moved that the Public Hearing be closed. Greg Brown seconded the motion, which passed unanimously, and the Public Hearing was closed at 6:10 PM.

2. Consent Agenda.

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

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- a. Minutes of the meeting of June 8, 1993.
- b. Minutes of the meeting of June 15, 1993.
- c. Minutes of the meeting of June 23, 1993.

### 3. Committee Reports.

Mayor Miller had the only committee report, on Region D, that a budget of \$3.6 million had been approved.

### 4. Persons Wishing to Address the Council.

a. Richard and Phyllis Sollner. Mr. Sollner explained to the Council that, despite his request in 1992 that the ownership records on several lots his family had purchased be changed, the original bills on the properties were sent to the old owner. By the time they received the third notice, interest and penalties in the amount of \$59.43 had accrued. They had paid the bills, including interest and penalties, and wished the Council to authorize return of the interest and penalties, since the mistake had been made in the office of the Town Tax Administrator.

Mayor Miller asked Attorney David Paletta for his guidance. Mr. Paletta explained that the N.C. statutes allow relief in only two situations: The individual has been billed for taxes on property which is not within the corporate limits of the taxing body or has been billed for taxes on a motor vehicle which is taxed in another jurisdiction. There is also a provision for relief to be granted in the instance of a discovery which includes several years of interest. Property tax law is very simple and straightforward and, in fact, if the Council were to depart from the law, the Council would be personally liable for the monies waived.

Reub Mooradian pointed out that, over the years, there have been other similar requests, and that the Town Attorney has consistently advised that the law puts the burden of payment of taxes on the property owner, whether or not a bill has been received.

Mr. Paletta pointed out that the reason behind this rigid policy was that, historically, Town Councils would give relief to influential persons. It was such a problem that the legislature took away Town Councils' ability to give relief. Greg Brown asked what other towns and counties did under similar circumstances, and Mr. Paletta said that the two other units of government (Boone and Watauga County) with which he is familiar act in the same way for the same reason.

Mr. Sollner asked if there were not a fund to be used to rectify such mistakes and Mayor Miller advised that the Town had no such "slush fund." Reub Mooradian said that, unfortunately, the only thing the Council could legally do is apologize and guarantee that it won't happen again. Mr. Sollner thanked the Council for their time and commented that it was too bad that the system is so tight.

5. Old Business.

a. Consider Amendments to Zoning Ordinance and Subdivision Regulations. Tim Holland moved that Council adopt the Certificate for Minor Subdivisions as Section 605.2(11)(f), and the change in width of residential cul-de-sacs to 70 feet in Section 802 of the Subdivision Regulations. He further moved that Section 1101.04 and 1101.05 of the Zoning Ordinance be amended to require that minimum parking requirements of Section 1102 be met when any non-conforming uses are extended, enlarged, or in the case of damage, reconstructed. Greg Brown seconded the motion and it passed unanimously.

6. New Business.

a. Consider Resolution on Bottle Bill. Mr. Greene stated that Mrs. Handley had provided Council with an article concerning the National Bottle Bill in Congress (National Beverage Container Re-Use and Recycling Act) which would place a 10¢ deposit on glass, metal or plastic containers for beer, soda, mineral water and wine coolers. The proposed resolution would indicate the Town Council's support of the bill and, if adopted, be sent to our U.S. Senators and Representatives. Tim Holland moved that the resolution be adopted. Greg Brown seconded the motion and it passed unanimously.

b. Consider Request for Additional Street Sign. Mr. Greene explained that a request had been received from Bill James that a sign be erected on Pine Ridge Road just above the intersection with Clubhouse Road saying "Clubhouse Road next right." Mr. Greene said that, after visiting the intersection with the Public Works Director, he would support such a sign to be erected on the right hand side of the road between Grassy Gap Loop and Clubhouse Road, especially since Clubhouse Road received such a large amount of traffic. Reub Mooradian suggested that if the sign was approved it be painted with a little darker blue than the last time signs were painted. There was a brief discussion of sign colors, after which it was the consensus of Council that "Salem Blue" was the most appropriate color. Greg Brown moved that the requested sign be installed on the right hand side of Pine Ridge Road between Grassy Gap Loop and Clubhouse Road. Kakii Handley seconded the motion and it passed unanimously.

c. Consider Change of Name of Putter Point to Heatherglen. Mr. Greene indicated that a request had been received from Mr. and Mrs. Sullivan Curran asking that the name of Putter Point be changed to Heatherglen. He said that, since the Currans were the only residents who used that road as an address he had no objection. He said he had contacted Bill Sposato to see if the Club had any objection, since most roads around the golf course had a golfing theme, but had not heard back from him. Reub Mooradian moved that the item be tabled until the next meeting to allow the Club to respond as well as the other owners on Putter Point. Tim Holland seconded the motion and it passed unanimously.

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d. Consider Making Red Oak Road One-Way. Mayor Miller stated that this subject had been raised in the past without action, but that he is now personally aware of how narrow that road is and how difficult it is when vehicles meet one another on it. Reub Mooradian pointed out that there are construction companies contributing to the problem by having their materials extend into the roadway. Ellen Anderson asked why the driveways have not been constructed in accordance with the ordinances, and Mr. Greene said they were waiting on a backhoe to finish them. Miss Anderson said she felt the situation should be investigated and the ordinances enforced.

Reub Mooradian moved that the item be tabled until the owners of properties on the road could be contacted for their input. Greg Brown seconded the motion and it passed unanimously.

e. Consider Replacement for Ron Nichols on the EDC. Mayor Miller said that when he received Mr. Nichols' resignation he had spoken with Mrs. Rick Holcombe, who had indicated her willingness to serve. Reub Mooradian moved that Mrs. Holcombe be appointed to fill out Mr. Nichols' unexpired term (through December 1993). Tim Holland seconded the motion. Mayor Miller asked if any Council Members had contacted any other persons, and both Mr. Mooradian and Mr. Holland said they had, but without any interest being shown. The motion passed unanimously.

f. Approval of Bills; Tour DuPont. Mr. Greene explained that during the final days of the Tour DuPont several small purchases had been made by the Local Organizing Committee at Fred's Mercantile. Since the owner is a member of the Committee, approval for payment should be made by Council. He said he did not believe that any reasonable argument could be made that personal benefit accrued to any member of the Committee through the purchases and recommended approval. Reub Mooradian moved that the payment be approved. Tim Holland seconded the motion and it passed unanimously.

7. Staff/Consultant Reports.

a. Town Engineer's Report. Mr. Powell stated that plans for the Charter Hills waterline replacement have been finalized and reviewed by the Fire Department, whose comments have been incorporated into the plans. The bids should be received on this, as well as the stabilizing of Charter Hills Road at Dogwood Lane, on August 10th, and a recommendation for the awarding of bids should be ready for Council at their next meeting.

Mr Powell said that the Skiways pumping station is under construction and look extremely nice. The building is complete, the roof on and the piping in. The contractor is awaiting the pump and controls. He stated that Larry's Pump and Well was doing an excellent job. He will be working with Mr. Perry on the moving of the Skiloft tank to Hemlock Hills. Rick Miller asked when the tank would be operational at the new site and was told

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that it is not anticipated that it will be in service this year. Kakii Handley asked if the overflow problems encountered in Skiloft were anticipated in Hemlock Hills and Mr. Powell said they were not.

Al Greene announced that Mr. Powell had just received a "fax" from the Emerald Mountain engineer indicating the delivery of the pump may be delayed until September, but he did not think it would be a problem.

b. Public Works Director's Report. Joe Perry had no report. Reub Mooradian asked about the status of the reflectors and Mr. Perry replied they had been ordered July 1st and will be emplaced as soon as possible.

Tim Holland indicated he had been spending a lot of time on North Pinnacle Ridge Road due to construction on his home, and had noted a number of large trucks on the road, the drivers of which had not seen the sign announcing that N.C. 184 ended at the entrance to the ski area. He asked Mr. Perry to check with the DOT to see if a larger sign or some other form of notice could be installed.

c. Town Attorney's Report. Mr. Paletta had no report.

d. Chief of Police's Report. Chief Hefner had no report. Greg Brown stated that he felt the instances of nuisance dogs had increased, due to packing and attacking. The most tragic instance was the attack on the deer which lives at Emerald Mountain and the rams which Dr. Calvin has at Crest of Beech. Chief Hefner indicated that a number of citations have been issued and will continue to be. He stated that the Police Department does not have facilities in which to contain a dog until the animal control people arrive, and if the dog is not held, the animal control people can't find the animal to take appropriate action.

Mr. Brown said that his concern was not only that animals be kept under control, but that feeling about the deer attack was running so high he feared someone might take unilateral action against a dog or dogs, which would be inappropriate and unfortunate. Several people in the audience identified individual dogs as nuisances, and Mr. Greene encouraged them to always share this information with Chief Hefner so that action could be taken.

e. Town Manager's Report. Mr. Greene said he had received some complaints about unlicensed golf carts being driven on Town streets, which have been reported to Chief Hefner, who is pursuing the matter.

Mr. Greene stated that through the perseverance of Joe Perry, it seemed as if the Town may be eligible for some monetary assistance through the Appalachian Regional Commission for materials and engineering, to continue the Bear Branch Sewer Outfall Project to its end. The staff will continue to work towards this and Council will be kept advised.

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Mr. Greene pointed out that the Public Hearing on the watershed regulations had prompted some concerns that commercial development on Beech Mountain might be curtailed altogether. Mr. Fulkerson had done some investigating and had found a means whereby this may be averted. The Planning Board is pursuing the matter and the item will probably be on the agenda for the next Council meeting.

Greg Brown brought up the subject of the dumpsters at the Recycling Center being misused by contractors for the disposal of construction material, thereby making space for ordinary garbage unavailable. It was suggested that GDS be instructed to empty all dumpsters every time they visit Beech Mountain, and that greater surveillance be used to perhaps catch guilty parties in the act. If it proves necessary, then it may be that additional dumpsters will have to be supplied.

There was discussion about the screening of the Recycling Center and Mr. Perry indicated he had gotten a price of \$6 per lineal foot, installed, of the screening used at the tennis courts, or \$3 per foot uninstalled, and that there were about 100 lineal feet involved. Mrs. Handley suggested getting an indication from the Club about the life of this material, as well as the installation of hemlock trees. The Town might ultimately want to install both the screening and the trees.

Tim Holland stated that building permits were not supposed to be put on trees, yet he has reported a couple of instances of this practice. He suggested this provision of the ordinances be more strictly enforced. Rick Miller said he understood that temporary electric service was also not allowed on trees.

Kakii Handley asked, relative to Mr. Greene's memo on the Town's tax collection rates, what a good collection rate is for a Town. Mr. Greene said that he thought ours was very good, that anything over 97% was good. The Watauga County tax collector was recently cited as being very proud of reaching a 95% level for the first time.

### 8. Other Business.

a. Resolution on Disposition of Certain Property. Mr. Greene indicated that T-shirts had been purchased to give to sponsors of the Tour DuPont. Those that are left over need to be disposed of by selling them. Since the amount involved exceeds the \$500 limit which restricts the Town Manager in such matters, the Council should pass a resolution allowing the sale. Tim Holland moved that Resolution 93-07-02 be approved. Greg Brown seconded the motion and it passed unanimously.

b. Discussion of Long-Range Transportation Needs. Mr. Greene said that the Council had previously discussed the idea of approaching the DOT to extend NC 184 all the way through the Town to US 321. The Planning Board, in discussing the matter, felt that Pinnacle Ridge Road would be

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better as a continuation of NC 184 than Pine Ridge Road, and Mr. Greene agreed. Kakii Handley said she had always thought Pinnacle Ridge Road would be the suggested route as it is shorter. After general discussion, Reub Mooradian moved that the request be to extend NC 184 along the Beech Mountain Parkway to Pinnacle Ridge Road, then Pinnacle Ridge Road to Buckeye Creek Road and on to US 321. Greg Brown seconded the motion and it passed unanimously.

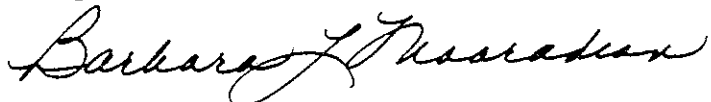
- 9. Executive Session. Tim Holland moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318.11 (a) (4). Greg Brown seconded the motion, which passed unanimously, and the Council went into Executive Session at 7:50 PM. The Council came out of Executive Session at 8:00 PM.

Mayor Miller asked the Town Attorney if he, in his capacity as Mayor, could write a letter to a property owner about an irresponsible tenant. Mr. Paletta replied that he could.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:10 PM.

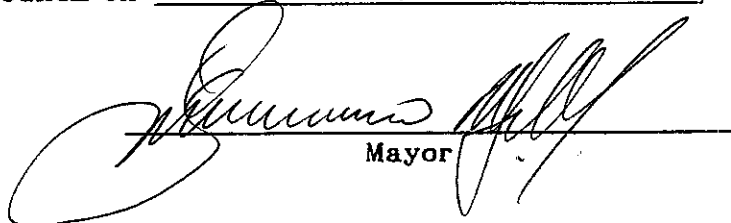
Respectfully submitted,



Barbara L. Mooradian  
Town Clerk

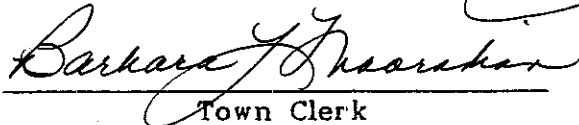
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Minutes approved by Town Council on August 10, 1993.



Mayor

ATTEST:

  
Town Clerk

