

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
August 10, 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, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson. Present in the audience were a number of interested spectators.

Al Greene asked that several items be added to the agenda: Consider accepting donation of BHW-125; Consider resolution declaring Police vehicle surplus; Consider a budget amendment and Set Date for Public Hearing on Amendments to the Zoning Ordinance.

1. Approval of Minutes.

Kakii Handley moved that the minutes of the meeting of July 13, 1993 be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.

2. Committee Reports.

Mayor Miller reported that Region D had approved its \$2.9 million budget.

3. Persons Wishing to Address the Council.

- a. Jamie Perrin, G.D.S. Mr. Perrin was not present, but Mr. Greene indicated he had talked with him earlier, and that things seemed to be going well. Complaints have slackened off and, while there will always be some complaints, GDS has been very responsive and have contacted complainants to work out the problems.

With regard to on-site recycling for businesses and multi-family dwellings, the costs would seem to be prohibitive due to the long distance the trucks would have to travel to pick up a relatively small amount of materials. He thought perhaps the Town staff could look at different ideal, different containers and collection equipment to perhaps provide this service in-house. Reub Mooradian cautioned against the Town inching back into the garbage collection business, as it was a very expensive operation, and Mr. Greene indicated the staff would keep looking at different options.

- b. Randy Rand. Mr. Rand, whose property abuts Pond Creek, spoke to the Council regarding the hikers along Pond Creek, and how disappointing it has been that the trail is not well maintained and there is very little water in the creek. He wondered if a measured amount of water could be let out of the small reservoir pond to give

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the creek more "life." Joe Perry indicated that, while the cleaning up of the trail was on his agenda, it had not yet been done this summer. Reub Mooradian asked if it might be moved up on the schedule to accommodate summer hikers.

John Hoffman, who also lives on Pond Creek, said he did not feel there was enough water in the small reservoir to make a real difference, but Mr. Rand thought a controlled water flow would still be effective.

- c. Frank Caputo. Mr. Caputo said he felt parts of the parking ordinance were either in conflict with each other, or not being adequately enforced. He said he was specifically talking about vehicles blocking the travelled portion of roadways, and stated that he was making no differentiation between construction vehicles and family transportation vehicles. He felt the Town should be more strict in citing and towing vehicles which violate the ordinance.

There was a good deal of discussion regarding the inability, in certain instances, of vehicles being able to get completely off the travelled portion of roadways due to the inherent topography of the mountain, be they vehicles at a construction site or visitors to a private home in adequate numbers to overwhelm the home's parking area. Mr. Caputo said he felt the Town would be opening itself up to a liability if it did not strictly enforce the ordinance and a motorist was involved in an accident while trying to avoid the offending vehicle.

Several suggestions were offered, to include the procuring of a special permit before one has a gathering which might result in people parking along the road; posting of warning signs at an adequate distance from the partial blockage to alert motorists to use extreme caution; requirement to have an individual or individuals posted at each end of blockages to direct traffic. Consensus of the Council was that some of the suggestions were excellent and should be investigated by the staff for possible inclusion in the ordinance.

4. Old Business.

- a. Consider Change of Name of Putter Point to Heatherglen. Mr. Greene pointed out that all owners of property abutting Putter Point had been contacted for their opinion of the possible name change. Two responses had been received, one of which objected. Since the change did not involve public safety, and due to the objection, the staff recommended against approval. Reub Mooradian moved that the Council not change the name of Putter Point. Greg Brown seconded the motion and it passed unanimously.

b. Consider Making Red Oak Road One-Way. Mr. Greene indicated that the staff had written to all owners of property abutting Red Oak Road and of the eight responses, five were in favor of the proposal. Since the matter involved public safety, Mr. Greene recommended making Red Oak Road one-way. Kakii Handley moved that Red Oak Road be made one way with the lawful direction of travel being west from its intersection with the Beech Mountain Parkway. Tim Holland seconded the motion and it passed unanimously.

c. Discussion of Residential Parking Lots. Al Greene indicated that, while the Zoning Ordinance requires that adequate parking areas be completed prior to construction in order to provide an off-road area for the storage of building supplies, there are some instances where the parking area is designed to abut the foundation of the house and thus cannot be constructed until the footings are poured and the foundation block laid. He sought the Council's guidance in whether this option should still be open to contractors or if they wished strict compliance with the terms of the ordinance.

Don Fulkerson said that in the past he has worked with this kind of parking lot, because it seems to create a better, more stable parking area. In such cases he requires that the contractor still place his materials out of the roadway. Kakii Handley said she felt this was the best approach, and Tim Holland agreed, as long as the material is off the road. The consensus was that Mr. Fulkerson should continue to use his good judgment in such cases.

d. Consider Emerald Mountain Water Tank Options. Al Greene referred to a letter from the engineer for the developer to the Town Engineer explaining that the Emerald Mountain tank project will likely not be completed by the September 1st deadline. Frances Leidy, President of Emerald Mountain at Oz, requested that the Council extend its agreement with Emerald Mountain relative to the water tank project for an additional sixty days.

After general discussion about the various options open to the Town, Reub Mooradian moved no further extensions to the Emerald Mountain water tank agreement be granted. Kakii Handley seconded the motion. After some further discussion the question was called and the motion passed unanimously.

5. New Business.

a. Consider Construction of Firing Range. Chief Hefner stated that the Department would like to have an area within the Town at which their officers can qualify with their weapons on a regular basis. They believe that the recreation field would provide an excellent location with the building up of the natural berm and installation of

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some 4 x 4 posts from which to hang the targets. Chief Hefner had spoken with the Town's insurance carrier, who indicated that there would be no increase in insurance rates if any use was conducted by a certified instructor. Chief Hefner did not feel that the facility would be used more than two or three days per year.

Reub Mooradian asked if it would also be possible for the Police Department to sponsor a familiarization in firing course for residents at the range, and Chief Hefner said he would check with the insurance company, but felt that if it was conducted by a certified instructor there would be no problem.

Kakii Handley asked if there would be some sort of permanent structure that would identify it as a firing range, and Chief Hefner said it would only consist of the 4 x 4 posts. Tim Holland suggested that something be worked out which could be set up and taken completely down.

Mr. Greene said they also needed to consider any inconvenience that might be caused to the people who live in the area, and that residents would have to be notified prior to the area's use as a firing range. Greg Brown expressed his concern about property which might be located beyond the range. Chief Hefner said that the berm into which they would be firing was some twenty feet in height, and the nearest residence is over a mile away. Reub Mooradian moved that the firing range be approved. Tim Holland seconded the motion and it passed unanimously.

b. Consider Donation of lot BHW-125. Al Greene indicated the Town had received a letter from Robert Scheiderbauer offering to donate lot BHW-125 to the Town. Tim Holland moved the Town accept the offer. Reub Mooradian seconded the motion and it passed four votes to one with Mayor Miller dissenting.

c. Consider Ordinance on Smoking in Public Buildings. Mr. Greene referred to a proposed ordinance to regulate smoking in public buildings. After a good deal of discussion, Reub Mooradian moved that the ordinance be adopted as prepared with the provision that smoking not be allowed in the garage bays. Rick Miller seconded the motion which failed, three votes to two with Council Members Holland, Handley and Brown dissenting.

Mrs. Handley asked that the Town staff prepare another proposal which is more stringent and bring it before the Council at the next meeting.

d. Consider Offer to Purchase Lot TC-8. Mr. Greene indicated that the Town has received an offer to purchase lot TC-8, which has since

been overturned by an additional bidder. We are going through the statutory advertisement process, and he requested that the staff be authorized to accept the highest offer received when the upset bid process has reached its ultimate conclusion. Tim Holland so moved. Kakii Handley seconded the motion and it passed unanimously.

- e. Consider Additional Stop Sign. Mr. Greene stated that the Council has been asked to consider authorizing a stop sign to be placed on the Beech Mountain Parkway where it intersects with Pine Ridge Road as one travels downwards (towards the ski area) from Pinnacle Ridge. Reub Mooradian said there used to be a stop sign there, but there were complaints that they could not stop on snow and ice and they would slide on into the intersection.

Kakii Handley said the complaints that she had received were that people build up speed coming down the Parkway and are speeding by their homes so swiftly they are afraid to venture out of their driveways onto the Parkway. Greg Brown voiced his objection to the erection of a sign where requested. After further discussion, Kakii Handley moved that an additional stop sign be placed on Beech Mountain Parkway where requested. Reub Mooradian seconded the motion. Greg Brown urged another type of sign to be placed in the approach to the intersection indicating traffic entering from the left.

Chief Hefner was asked his opinion, and said he would suggest leaving it alone. He said he believed a stop sign there would create problems in the winter and that he did not know of any accidents which had occurred at that spot.

The question was called and the motion passed three votes to two, with Messrs. Brown and Holland dissenting.

Reub Mooradian moved that Council rescind the previous motion and agree to erect a "dangerous intersection" sign. Greg Brown seconded the motion. Chief Hefner said the Department could start correcting the problem of speeders the next day through the use of radar. The question was called and the motion passed four votes to one with Mr. Holland dissenting.

- e. Consideration of Sidewalk Construction Options. Mr. Greene referred to his memorandum of July 21st in which he had outlined two options suggested by the DOT: construct 2"-6" concrete curb and gutter with storm drains and 5' concrete sidewalk at an estimated cost of \$135,000; construct 8' pavement widening with 6' paved ditch at an estimated cost of \$45,000, either on one side of the road. Mr. Greene pointed out a third option, which was the installation of curb and gutter and sidewalks on both sides of the street.

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Don Fulkerson asked if it would be feasible for the Town to consider using occupancy tax monies for the project. Norma Buchanan said she felt there would probably be a revolution if the Town tried to use occupancy tax monies. Mr. Greene said he agreed with Mrs. Buchanan and that he was not trying to use occupancy tax monies, but to get the Department of Transportation to do the project.

Kakii Handley said she did not like the idea of sidewalks at all. Ed Powell, when asked his opinion, said the most "doable" would be the ditch and asphalt but that he would prefer curb and gutter. Joe Perry agreed. Al Greene said that would be the staff's recommendation, as well. He asked if the Council wanted him to pursue the project, and suggested the next step would be to get an opinion from our local Board of Transportation member, as well as to attend the public hearing scheduled in the fall where we want to also ask the DOT to extend NC 184 down Pinnacle Ridge Road. The consensus was to pursue the project.

- f. Consider Rescheduling September Meeting. Due to a personal conflict, Mr. Greene asked the Council to consider changing the date for the September meeting. After discussion, Wednesday, September 8, 1993 was set as the date.
- g. Resolutions Authorizing Sale of Surplus Property. Tim Holland moved that Resolution 93-08-01 and 93-08-02 be adopted (attached). Greg Brown seconded the motion and it passed unanimously.

6. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell noted that an insufficient number of bids had been received on the two Charter Hills jobs, so they were being readvertised with an anticipated bid opening at 2:00 PM on Tuesday, August 24th. He said he would request a short special meeting to take action on those bids the evening of the 24th. After discussion, the Council decided to hold a special meeting for that purpose at 6:00 PM on Tuesday, August 24 1993.

Mr. Powell is working up the plans for the removal of the underground storage tanks and installation of above-ground tanks with screening for the Public Works area. He hoped to have prices for the Council to receive by August 24th, or if not, by the meeting September 8th.

- b. Public Works Director's Report. Joe Perry had no report. Greg Brown complimented the manicured sides of the roads and the care and time which has obviously been spent maintaining them. Mr. Perry said the credit should go to the temporary employee doing the work, Ronnie McKinney, who is just 16 years of age.

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Reub Mooradian said that on his walks he had noted some culverts which seemed to need cleaning, and Mr. Perry said he would appreciate being let know whenever he found any such obstructed culverts. Le O'Neal complimented Mr. Perry on the culverts on his street (Birchwood Lane).

- c. Town Attorney's Report. Mr. Paletta had no report.
- d. Chief of Police's Report. Chief Hefner had no report.
- e. Town Manager's Report. Al Greene reminded Council Members of the NCLM Convention October 17 - 19 in Fayetteville. Mayor Miller asked any Council Members who wished to attend to let the staff know by the end of the week since lodging is assigned by lottery.

Mr. Greene announced that employee day this year is set for Friday, August 20th at Buckeye Lake. We will have hamburgers and hot dogs with all the trimmings, play softball, etc. Mr. Greene invited all the Council Members to come if they could, as well as the Town Attorney and Town Engineer.

Mr. Greene stated that the Chamber of Commerce had discussed using some of their funds to purchase park benches to be placed on Town property in several places, and cited this as a very positive move.

Mr. Greene reported that the Town had again been denied a sanitation grant through the State to construct a small building and store plastic and the baler. He indicated that the Town probably needed to take into consideration that it will have to bear the expense of expanding the recycling program without the benefit of a grant. Mrs. Handley asked how the Watauga County Landfill problems would impact upon the Town, and Mr. Greene replied that it was going to cost the County money which will, no doubt, be passed along to users in the form of increased tipping fees.

Mr. Greene announced that the Tour DuPont has a surplus of \$6,153. Once the final bills are paid and the final income from T-shirt sales has been received, he will bring a resolution before the Council to set the surplus aside for next year's Tour (if the Town is again a finish stage).

- f. Budget Amendment. Mr. Greene presented a Charter Hills resurfacing capital project budget ordinance to the Council. Kakii Handley moved that the ordinance be approved. Reub Mooradian seconded the motion and it passed unanimously.

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- g. Set Date for Public Hearing on Amendments to the Zoning Ordinance Relative to the Watershed Act. The Council set September 8, 1993 at 6:00 PM as the date and time for the public hearing.

7. Executive Session.

Reub Mooradian moved that the Council go into executive session under the terms of N.C.G.S. 143-318.11 (a) (4) to consult with the Town Attorney. Tim Holland seconded the motion and it passed unanimously. The Council went into executive session at 8:55 PM and returned to regular session at 9:07 PM.

ADJOURN

There being no further business to come before the Council the meeting was adjourned at 9:09 PM.

Respectfully submitted,



Barbara L. Mooradian
Town Clerk

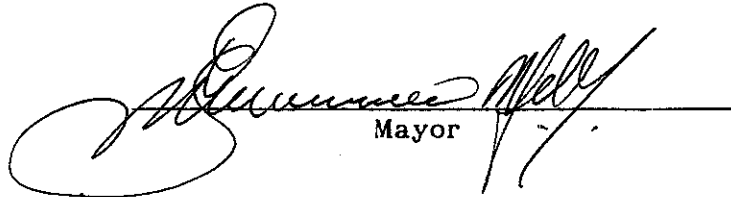
BLM/hs

Minutes approved by Town Council on September 8, 1993.

ATTEST:



Town Clerk



Mayor

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting, August 24, 1993

CALL TO ORDER

Mayor Miller called a special meeting of the Beech Mountain Town Council, held pursuant to an advertisement in the Watauga Democrat published August 20, 1993, to order at 6:02 PM in the Council Chamber at Town Hall. Other Council Members present were Tim Holland and Reub Mooradian. Also present were Town Manager Al Greene, Public Works Director Joe Perry and Town Engineer Ed Powell.

Mr. Powell explained the bids received for the water line construction:

Hobson Construction, Arden NC: \$169,625 total bid
C.W. Poore Construction, Newland NC: \$319,175 total bid
R & G Construction, Charlotte NC: \$187,675 total bid

and discussed the low bidder's qualifications, which were positive, and recommended award of the bid to the low bidder. Reub Mooradian moved that the contract be awarded to Hobson Construction of Arden, NC. Tim Holland seconded the motion and it passed unanimously.

Mr. Greene presented a budget amendment transferring \$53,870 from the General Fund to the capital project to complete funding for this project. Tim Holland moved that the budget amendment be approved. Reub Mooradian seconded the motion and it passed unanimously.

Mr. Powell explained the history of the Charter Hills Road repair project and described what would be involved with the project. Mr. Powell also outlined the two bids received:

Brown Brothers Construction, Zionville NC: \$120,760
R & G Construction, Charlotte NC: \$49,870

and the qualifications of the low bidder, R & G Construction, which were positive. The Council questioned, taking into account the high bids, if the approach was necessary and appropriate, as well as what problems might be encountered on the job. Mr. Greene explained that insufficient funds had been budgeted for this project and recommended adoption of a budget amendment of \$16,870 for Charter Hills Road repair. Tim Holland moved that the contract be awarded to R & G Construction of Charlotte, NC, and that the budget amendment be approved. Reub Mooradian seconded the motion and it passed unanimously.

Before adjourning the Council discussed the need for additional screening at the recycling center and Public Works building. The staff was asked to determine what additional measures would be effective, to determine the cost of these measures and to put this item on the next regular agenda for continued discussion.

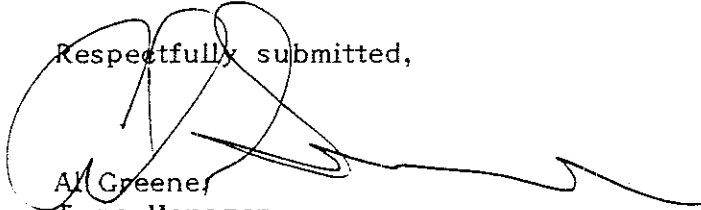
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ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 6:40 PM.

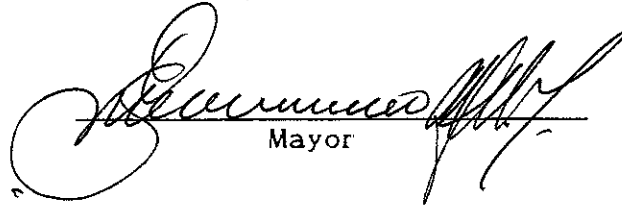
Respectfully submitted,



Al Greener
Town Manager

AG/blm

Minutes approved by the Town Council on September 8, 1993.



Mayor

ATTEST:



Barbara H. Anderson
Town Clerk