

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
September 8, 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, Police Chief Jay Hefner, and Public Works Director Joe Perry. Present in the audience were a number of interested spectators.

1. Public Hearing - Proposed Changes to the Zoning Ordinance and Subdivision Regulations Relevant to the Watershed Protection Act.

Pursuant to advertisement in the Watauga Democrat on August 20, 1993, the public hearing was called to order by Mayor Miller. Al Greene explained that at the previous public hearing on the watershed protection act concerns had been raised over the 12% impervious restriction for commercial properties, since this would tend to stifle any further commercial growth in Beech Mountain. The staff had researched the matter, and found the provision for a special, non-residential intensity allocation, which would allow a 70% built-upon area in 5% of the watershed area outside the critical zone. It is felt that this will allow most commercial properties in the Town to be utilized. Roger Bullock, Chairman of the Planning Board, pointed out that 70% utilization would approximate the area presently usable once allowance is made for the setback requirements. Reub Mooradian reminded the audience that the watershed protection act is a State-mandated regulation, imposed upon all counties and municipalities. There being no further questions or comments from the audience, the public hearing was closed at 6:10 PM.

2. Consent Agenda.

Kakii Handley moved that the consent agenda be approved. Reub Mooradian seconded the motion, and the following items were approved without dissent:

- a. Minutes of the meeting of August 10, 1993.
- b. Minutes of the meeting of August 24, 1993.

3. Committee Reports.

There were no committee reports.

4. Persons Wishing to Address the Council.

- a. Jamie Perrin, GDS. Mr. Perrin reported that Watauga County has recently solicited bids for the hauling of waste out of the county,

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since the landfill is at capacity. He feels sure that prices will go up, perhaps to \$35 per ton (they are currently charging \$20 per ton). These increases will, of course, be passed along to the Town by amendment to our contract with GDS.

Kakii Handley asked about the recycling of copier and computer paper, and Al Greene said that the Town recycles its used paper by taking it to GDS from time to time. Mr. Perrin was asked about the recycling of magazines and replied that there was currently no market for them. Mr. Perrin was asked about the recycling of plastics, but Mr. Greene pointed out that it was a very expensive procedure, involving the storage of a lot of plastics before there was a load large enough to pay for the pickup or delivery to a recycler. The staff continues to look at costs for the equipment needed as well as a storage area.

Mr. Greene noted that the GDS crews have been working very closely with the staff and making every effort to react to problems when they have arisen. While the system is not perfect, complaints have dropped off.

5. Old Business.

- a. Watershed Amendments Adoption. David Paletta outlined some technical amendments to the proposed changes, after which Reub Mooradian moved that the amendments be adopted with an effective date of October 1, 1993. Tim Holland seconded the motion and it passed unanimously.
- b. Reconsideration of Smoking Ordinance. Mr. Greene outlined the suggested smoking ordinance, following revision by the staff after the last Council meeting. Reub Mooradian said he thought the ordinance was too rigid, while Tim Holland said they were not as rigid as he would have liked. Kakii Handley moved that Council adopt the ordinance as presented, but the motion died for lack of a second.

David Paletta, when asked, said that the Council could take no action, in which case it will lose its means of regulating smoking after October 15th, or it could make other proposals. Reub Mooradian suggested that smoking in the break room be allowed except between the hours of 11:30 AM and 1:30 PM, which is the present policy. Tim Holland pointed out that there were people who work in the Town Hall who dislike the present policy.

Reub Mooradian moved that the ordinance be changed to allow smoking in the break room except between 11:30 AM and 1:30 PM, but adopted in all other aspects. The motion failed two votes to three,

with Council Members Brown, Handley and Holland dissenting.

Greg Brown asked if there was a small room, adjacent to an outside wall, which could be used as a smoking area, and Mr. Greene said the Planning Room would fit that description. Greg Brown moved that the smoking ordinance be amended to allow smoking in the Town Hall only in the Dispatch Office and the Planning Room, and that the ordinance be adopted with its other provisions intact. Reub Mooradian seconded the motion and it passed four votes to one, with Mr. Holland dissenting.

- c. Consideration of Amendments to Chapter 2, Motor Vehicles and Traffic. Al Greene went over suggested amendments that the staff was working on as a result of complaints received at the last Council meeting. These involved the requirement for traffic control measures in accordance with the State's standards for work zone traffic control, when any portion of a travel lane was going to be blocked temporarily. For blockages in excess of fifteen minutes, a permit would be required. There was a great deal of discussion about the instances where individuals would not have adequate time to request a permit, or permits might need to be extended. Mr. Greene recommended that the staff and Council continue to think about these amendments before taking any action.

6. New Business.

- a. Budget Amendment - EDC Request. Al Greene explained that the Chamber of Commerce had requested appropriations for the Winter/Summer Times be added to the advertising budget, and that the EDC had agreed this medium was an appropriate use of funds. Calder Smoot, Chairman of the EDC, said that after looking more closely at the Winter/Summer Times the EDC felt it was a good use of advertising monies. Reub Mooradian moved that the budget amendment of \$1,800 for printed media be approved. Tim Holland seconded the motion. Kakii Handley asked if the Chamber could not find that amount already within their budget by dropping some other printed media. Al Greene pointed out that this year's budget was a good deal smaller than last year's. The question was called and the motion passed unanimously.
- b. Consideration of FCC Form 328 and Cable Regulation. Al Greene explained that local governments have been given some new authority by Congress and the FCC in regulating certain aspects of the operation of cable companies franchised in their area. There are two areas where the Town has been given authority to regulate: rates for the basic tier of service and customer service standards. Our ability to regulate these items requires that we become certified by the FCC, for which certification we need to complete Form 328.

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Mr. Greene recommended approval of the completion of the form. Greg Brown so moved, Tim Holland seconded the motion and it passed unanimously.

- c. Tax Matters. Al Greene explained that the Statutes require the Town Council to approve the Tax Administrator's FY 92/93 settlement and charge the Administrator with collection of FY 93/94 taxes. Tim Holland moved that the settlement be accepted as presented and the Tax Administrator be charged with the collection of FY 93/94 taxes. Kakii Handley seconded the motion and it passed unanimously.
- d. Consider Adjustment of Mr. Seay's Water Bill. Mr. Greene explained that due to the failure of a large pressure reducing station, as well as the pressure reducing valve at Mr. Seay's meter, over 200 lbs. of pressure was put on Mr. Seay's service line between the meter and his private pressure reducing valve, causing a leak. There is also a leak of a coupling right at the meter, but on Mr. Seay's side, which is being repaired. Mr. Greene requested approval to adjust Mr. Seay's water bill for August, September and October back to his normal usage for those months. Reub Mooradian so moved. Kakii Handley seconded the motion and it passed unanimously.
- e. Consider Request for Installation of Mirror. Mr. Greene said that he had received a request from Mr. Ed Perls to install a mirror on the utility pole located on the up side of Tamarack Road where it intersects with the Beech Mountain Parkway to allow left-turners onto Tamarack from the Parkway to see traffic coming down the Parkway. Mr. Greene explained that he was a little concerned about possible vandalism, and Greg Brown said he had seen a mirror installed in Boone which had a box around it of polyglass to keep it from being broken. Reub Mooradian asked if the State supplied such mirrors and Mr. Greene said he would check on it. Rick Miller said he would like to see a mirror at the Charter Hills intersection as well. Reub Mooradian said he would like to see if the State would install them at no charge, but if not he would be in favor of the Town doing it.
- f. Consider Sponsorship of the Tour DuPont. Al Greene explained that the Town has received contracts from Medalist Sports which incorporate all the changes worked out last year. He suggested that perhaps the Chamber of Commerce might be the best entity to sponsor the event, which would avoid the problem of the Local Organizing Committee being a "public body" subject to the open meetings law and the budget and fiscal management rules. Kakii Handley asked if the co-chairmen of the Committee would be willing to undertake planning for the event again, and Fred Pfohl said both he and Shiela Fletcher would be glad to work with it again. Rick Owen, President of the Chamber of Commerce, said that after talking

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with the Local Organizing Committee he felt the Chamber would entertain the idea of sponsoring it. He was asked if he could call a special meeting of the Board to see if they would sponsor it. Tim Holland wanted to be sure it was on the record that the Council intended to back the fund raising with occupancy tax reserve funds, as last year, so that the Chamber would not feel it could be left "holding the bag." It was discussed whether it would be better, from the standpoint of Medalist Sports, for the Town to sign the contract and then sub-contract with the Chamber to put on the event, and whether this would remove the Committee from the constraints placed upon it as a public body. Al Greene was to check with David Lawrence at the Institute of Government. Mr. Greene also said he would contact Medalist Sports to see if they would have any problem entering into a contract with the Chamber as opposed to the Town, and letting them know that the contract may not be signed September 10th as they had wanted.

7. Staff/Consultant Reports.

- a. Town Engineer's Report. Ed Powell was not present, but Mr. Greene indicated that the contracts are in the mail on the Charter Hills waterline replacement project and the road repair. The waterline replacement is scheduled to begin the following week. The Town is taking informal bids for the underground storage tank replacement.
- b. Public Works Director's Report. Joe Perry had no formal report. Reub Mooradian congratulated Mr. Perry on the installation of the reflectors and asked for information on the screening of the recycling center and Public Works Building. Mr. Perry said he was still awaiting the screening material for the fence. He had gotten a price of \$20 per tree for 7'-8' trees, and for the 12'-15' trees \$120 each. Tim Holland suggested that the trees be planted at the optimum time for survival. Rick Miller asked if the supplier would guarantee the trees and Mr. Perry said he would ask. Reub Mooradian moved that the Council direct the Town Manager to proceed with the project dependent upon getting a guarantee for one year. Kakii Handley seconded the motion and it passed four voted to one with Mr. Holland dissenting.
- c. Town Attorney's Report. Mr. Paletta had no report.
- d. Chief of Police's Report. Chief Hefner stated that he had held a promotion center for the Sergeant's position opened up by Cecil Gilliam's retirement, and Officer Dana Crawford had proved the most qualified. The Police Department has gone through a transition school with the new Glock weapons, at which most officers' scores went up.

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Chief Hefner said he had made a decision on the patrol officer's slot, and that the selected individual was having his psychological test that afternoon, and is scheduled for his physical examination and drug test later in the week.

The Department had five misdemeanor charges during the month, issued six warning tickets - five for traffic violations and one for animal control. There had been some complaints about noise ordinance violations at Kat's which had been handled by making the band move indoors.

Greg Brown asked about pepper spray and Chief Hefner said he had suspended its use until findings are made about the death in Concord. He is monitoring the news media, and it appears that there may have been negligence on the part of the officers using the spray. If it is reissued there will be stricter guidelines regarding its use, and he will let Council know if and when it is reissued.

- e. Town Manager's Report. Al Greene reported that he had contacted Fred Eidson, a Beech Mountain property owner, who is our representative on the Board of Transportation with regard to the State installing a walkway along the Parkway. Mr. Eidson's comments were positive and he said he would take a good look at having the State construct them.

Mr. Greene said he had received an offer from Cliff Elder to allow the Town to use his vacant lots as a marshalling yard and storage area for chat. He is going to look into the situation and will report to the Council on the matter at the next meeting.

Mr. Greene announced that the drought situation had been alleviated and thanked everyone for their patience and cooperation.

Mr. Greene stated that he had received the extension of the letter of credit on the Emerald Mountain pump station.

- f. Financial Report, Tax Report and Building Inspections Reports. The reports were distributed to the Council for their information.

8. Other Business.

Ed Waligroski complained that the zoning ordinance was being abused, in that a recreational vehicle was parked on a vacant lot, and plugged into electric power. David Paletta pointed out that if the vehicle was simply parked on the owner's property, there was nothing in the ordinance to prevent that, but if the vehicle was being used as a dwelling that would be prohibited by the ordinance. The Code Enforcement Officer would need to ask permission to inspect the vehicle to see if the ordinance was being

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violated. Mr. Greene indicated he would ask him to do so, and the Police Department to monitor the vehicle for lights as they pass it at night.

9. Executive Session.

Greg Brown moved that the Council go into Executive Session under the provisions of N.C.G.S. 143-318.11 (a) (4) to consult with the Town Attorney. Reub Mooradian seconded the motion which passed unanimously. The Council went into Executive Session at 8:35 PM. The Council came out of Executive Session at 8:38 PM.

ADJOURN

There being no further business to come before the Council, Reub Mooradian moved that the meeting be adjourned. Greg Brown seconded the motion and it passed unanimously. The meeting was adjourned at 8:39 PM.

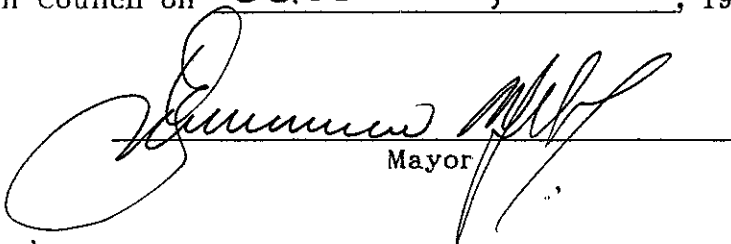
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

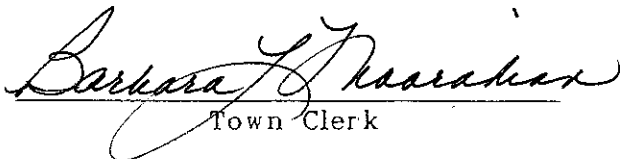
BLM/hs

Minutes approved by the Town Council on OCTOBER 12, _____, 1993.



Mayor

ATTEST:



Town Clerk

