

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
January 9, 1996

CALL TO ORDER

Mayor Fred Pfohl called the regular meeting of the Beech Mountain Town Council to order at 6:00 PM. Other Council Members present were Shiela Fletcher, Reub Mooradian, Rick Owen and Ed Waligroski. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Chief of Police Jay Hefner and Assistant Public Works Director Dolin Carpenter. Present in the audience were several interested parties.

Public Hearing - Establishment of a Verifiable Percentage Goal for Minority Business Participation in Construction Contracts. Mayor Pfohl called the Public Hearing, duly advertised in the December 20, 1995 edition of The Watauga Democrat, to order, and asked Seth Lawless to summarize the proposed resolution. Mr. Lawless explained that the resolution was based upon a State mandate passed in 1989 which requires municipal governments to set goals for minority contractors for participation in construction contracts over \$100,000. Proof of compliance is often required when applying for State loans and/or grants. It would require maintaining a list of minority contractors in the area, making sure they are aware of any contracts coming up for bids and requires bids as a single-prime contract system and a separate specification contract system. The suggested goal is 3% participation. Reub Mooradian asked if the State was not required to provide the Town with a list of minority contractors, and Mr. Lawless replied that this was so, but that we had been unable to get such a list from them.

Mayor Pfohl asked if there were any questions or comments from the audience, and there were none. He asked if any other Council Members had questions or comments, and there were none. Reub Mooradian moved the Public Hearing be closed, and Ed Waligroski seconded the motion. The closing was unanimously approved, and occurred at 6:07 PM.

1. ***Adoption of Agenda.***

Seth Lawless asked that consideration of a proposed Hillclimb be added under "Other Business." Ed Waligroski moved the agenda be approved with that addition. Rick Owen seconded the motion and it passed unanimously.

2. ***Approval of Minutes, December 12, 1995.***

Shiela Fletcher moved approval of the Minutes of the December 12th meeting as presented. Ed Waligroski seconded the motion and it passed unanimously.

3. ***Committee Reports.***

Ed Waligroski reported that he had attended a Region D meeting but there was no further information on the welfare situation he had brought to the Council's attention during the last meeting. Region D has been awarded a \$110,000 grant to establish an "Assistance Bringing Independent Living Instruments to You" program. This program will distribute low-tech, low maintenance assistive technology devices to disabled older adults to allow them to remain at home longer.

Mr. Lawless reported that Kakii Handley had attended the Watauga Parks and Recreation meeting and

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asked that Council be advised the committee had decided to keep the same rate structure, at least until after the upcoming election.

4. ***Old Business:***

- a. ***Consideration of Resolution 96-01-01.*** Shiela Fletcher moved that Resolution 96-01-01, establishing a verifiable percentage goal for minority business participation in construction contracts be approved. Reub Mooradian seconded the motion and it passed unanimously.

5. ***New Business:***

- a. ***Consider Adoption of Alcohol and Drug Testing Policy for Holders of Commercial Drivers' Licenses.*** Seth Lawless noted that this policy has been mandated to all public entities by the federal government. Towns under 2,500 population must have this policy in effect by the end of this month. All holders of commercial drivers licenses must be tested for alcohol and drug use before they are hired, after any accident in which the driver is cited, if there exists reasonable suspicion of use on the job and on a random basis, at least one-quarter of the employees must be tested per year for alcohol and one-half for drugs. The alcohol test must be by breathalyzer, and the drug test is by urine sample. There is a physician in Boone who has sent a nurse to be certified for the breathalyzer test, and the staff recommends using that physician's office for the tests, as opposed to the Sheriff's Department, to preserve confidentiality. There was some concern that if an accident happened at night, timely testing could not be performed, and it was suggested that the nurse might be in an on-call situation.

The Council expressed concern that all affected employees be adequately informed of the new policy, and Mr. Lawless explained that they will be asked to sign a consent form. Reub Mooradian moved the policy be adopted. Ed Waligroski seconded the motion and it passed unanimously.

- b. ***Consider Adjusting Prices for Certain Town Services.*** Mr. Lawless reported that the Town staff had received some complaints about the cost of receiving certain services, and had looked at the actual cost of providing them and come up with some suggested price changes. Presently the Town charges \$275 for a plat listing, but it is felt that \$75 would cover the computer time, paper and ribbon replacement; the Utilities billing list presently costs \$50, and it is suggested that be lowered to \$25; and an incoming fax is presently \$1.50 for the first two pages then \$1.00 per page thereafter, and a new price of \$1.00 for the first page and 50¢ for every page thereafter is suggested. Mayor Pfohl said he liked the new rate structure, and agreed that the Town shouldn't be making money on these services. Shiela Fletcher moved that the changes be approved. Reub Mooradian seconded the motion and it passed unanimously.
- c. ***Set Date for Public Hearing - Zoning Ordinance Amendments.*** Mr. Lawless reported that the Planning Board had reviewed the necessity of filing an erosion control plan on tracts one acre or larger where land-disturbing activity was to take place, and recommended that be changed to tracts of one-half acre or more. As this is a suggested change to the Zoning Ordinance, a public hearing must be held before considering the matter. Mayor Pfohl asked how this would impact on normal residential construction on platted lots, and Mr. Lawless noted that buffers are already required on trout streams, and the Planning Board was considering acreage tracts as opposed to residential

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lots. After brief discussion it was decided to hold the public hearing at 6:00 PM on February 13th.

- d. ***Set Date for Annual Planning Session.*** After discussing the desirability of holding a planning retreat, Council agreed upon March 15th as a date, and requested the Town Manager to come up with several locales for consideration.
- e. ***Consider Request to Erect Radio Tower.*** Seth Lawless stated that Mr. and Mrs. Rondinaro had received an FCC license to operate a Beech Mountain FM station, and were requesting permission to erect an receiver and transmitting antenna on the Town site which previously housed the Skiloft water tank. There is a small structure, formerly used as a pump house, in which they would like to house their transmitter and perhaps a small generator. He noted there are already two radio antennas there, one for Brown Brothers and the other for Elk River. He asked Mr. Rondinaro, who was in the audience, to address the Council in more depth.

Mr. Rondinaro addressed the Council, noting that Beech Mountain would be the town of license, even though the studio will be in Newland. The 24 hour station will carry local weather, events and announcements, and the owners intend to take part in all Town activities. The station will carry a light adult contemporary music format, featuring "tasty hits from today seasoned with vintage classics," and they plan a jazz show for Sunday evenings with other specialized shows added in the future.

After general discussion regarding sizes of antennas, dishes, etc., Rick Owen moved the Council grant permission for erection of the antenna on the specified property. Ed Waligroski seconded the motion and it passed unanimously.

- f. ***Review Bids for Town Hall Cleaning Services.*** Mr. Lawless presented two bids which had been solicited for providing janitorial service to the Town Hall. The bids both contained a base bid, for twice weekly services, plus alternate bids for carpet cleaning, window cleaning and kitchen cleaning. Reub Mooradian said he thought the kitchen cleaning should be part of the base bid, but Mr. Lawless indicated this was not a "public area" and is used by, and hence cleaned by, the employees. After comparing the bids, Shiela Fletcher moved Blue Ridge Cleaning Service be awarded a one year contract. Rick Owen seconded the motion and it passed unanimously.
- g. ***Consider Frisbie Water Line Agreement.*** Seth Lawless explained that the Town and Frisbie family had entered into an agreement last summer to install a larger water pipe across the Frisbie property located between Emerald Mountain and Crest of Beech, which agreement had called for the Frisbies to pay for the materials and the Town to contribute the labor for installation. A similar agreement is sought for the Frisbie property located adjacent to Elderberry Ridge Road. This installation would include fire hydrants. The Town's costs would include some \$2,850 in engineering costs, but it would still be a good opportunity to extend our water lines at a reduced rate to the Town. Reub Mooradian said he felt this might be a good opportunity to get Southcrest to extend the water line so there could be a fire hydrant close to the building. Mrs. Frisbie pointed out that there is a ten acre piece of property between their land and the Southcrest property, so permission would have to be granted by the owner.

Mr. Lawless went over several changes in the language of the agreement suggested by David Paletta. Fred Pfohl asked how many fire hydrants should be installed, and Reub Mooradian said

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he felt two would be the minimum, possibly three needed. Mr. Mooradian said he felt when the Town enters into an agreement of this type the requesting parties should have to pay the engineering costs, not the Town. He pointed out his remarks were not directed at the Frisbies, but rather as a policy for the Town to consider in the future. David Paletta stated that Boone had adopted a similar policy last year and now they do not pay engineering fees. Shiela Fletcher moved that the water line agreement be approved, with the understanding that the Town will pay the engineering costs. Ed Waligroski seconded the motion and it passed unanimously.

- h. **Consider Estimate for Spraying Town Trees.** Mayor Pfohl asked that this item be deferred until additional prices can be obtained.
- i. **Consider Request to Purchase Personal Computer for Public Works.** Mr. Lawless indicated that Joe Perry had been looking to purchase a computer powerful enough to operate a GIS system to map water lines, manholes, etc., but that such a system is very, very expensive. He said he felt there were probably better ways to obtain such mapping. Mr. Perry has changed his request to a laptop or stationary computer powerful enough to support his programs for estimating materials and costs for road construction, etc. There is some \$2,100 in the Public Works budget for capital expenditure. Mayor Pfohl asked if there was nothing upcoming prior to budget time for which this money should be spent, and Mr. Lawless said everything should be in order. Reub Mooradian moved Council approve the purchase of a PC for Public Works not to exceed \$2,000. Ed Waligroski seconded the motion and it passed unanimously.
- j. **Consider Offer to Purchase Lot CR-155.** Mr. Lawless noted the Town has received an offer to purchase CR-155 for \$1,000, and the Town has \$125.00 in taxes in the property. Shiela Fletcher moved Council accept the offer. Rick Owen seconded the motion and it passed unanimously.
- k. **Consider Tax Release.** Mr. Lawless explained that the property in question had been erroneously listed as rental property, therefore had been charged taxes on the personal property. Rick Owen moved the release be approved. Shiela Fletcher seconded the motion and it passed unanimously.

6. **Staff/Consultant Reports:**

- a. **Town Engineer's Report.** Ed Powell was not present. Mr. Lawless pointed out that the State had finally been forthcoming with the limits the Grassy Gap wastewater treatment plant will have to meet, so that the engineering firm can proceed with the design and submit it for approval. He has notified the State people who granted the SOC that the Town has been delayed by DEHNR.
- b. **Public Works Director's Report.** Dolin Carpenter had no report. Mayor Pfohl thanked the Public Works Department for the good job they have done in snow removal, and noted he has heard lots of positive comments.
- c. **Town Attorney's Report.** David Paletta had no report.
- d. **Chief of Police's Report.** Chief Hefner reported that his Department had hired a dispatcher, who has had a number of years' experience in dispatching with the Sheriff's Department, and she will start on January 18. This should alleviate the personnel problems his Department has had recently. Mayor Pfohl said Wayne Hoilman had asked the Police to monitor the use of the chains/four wheel drive sign at the bottom of the mountain so as to remove it as soon as conditions

permit. He commended the Department for keeping traffic going during the bad weather, and said when the Police Department encounters a problem with traffic control, he was sure some of the Fire Department personnel equipped with walkie talkies would be happy to help out.

Ed Waligroski asked for a highlight of the Christmas donations from the Police Fair. Chief Hefner noted they had bought 23 children Christmas presents, spending approximately \$125 apiece. These gifts were clothes, with one toy included. They took 12 teenagers to the Boone Mall, where some of the stores provided discounts. The Department bought some fuel oil for some elderly people and opened up a couple of accounts at drug stores so people who were on a fixed income could get prescriptions filled. A college fund has been set up, as well.

- e. ***Town Manager's Report.*** Mr. Lawless reminded Council of the School for Newly Elected Officials. He announced that he was temporarily dropping the Boone telephone line, since the telephone company has instituted regional calling. He will monitor the bills for regional calling vs. the cost of keeping the Boone line, and if it seems more prudent, will reinstate the Boone line.

Mr. Lawless reported on a meeting with ASU professors about preparing a questionnaire for the Town to send to all property owners, as suggested by the Long Range Planning Committee. He said part of the cost of the survey might be borne by TVA, Mountain Electric and the Travel and Tourism Office, since the result would be of interest to them.

- f. ***Financial Report and Building Inspections Report.*** Mayor Pfohl pointed out that he had gotten some complaints about the tax rate not going down, while a lot of properties' values for taxation purposes had gone up, and reminded Council of the conditions existing at the time of adopting a budget for this year.

7. ***Other Business.***

- a. ***Consider Gravity Tub Racers Association Hillfall.*** Seth Lawless distributed a letter from the Chamber of Commerce asking that the Town allow the closure of North Pinnacle Ridge Road, Beech Mountain Parkway and Lake Road for part of the day on September 21 and all day on September 22 to hold a Hillfall. The roads would be opened hourly for vehicular traffic. He described the type of race this was. Shiela Fletcher moved the request be approved. Ed Waligroski seconded the motion and it passed unanimously.
- b. ***Marshall Smith Property.*** Mayor Pfohl indicated Marshall Smith had come to him offering to allow the transfer to the Town of his property behind Accardis by purchase of a condominium at Sugar Mountain and trade for the lot, and wondered if this was the sort of activity in which a Town government can participate. David Paletta said it was legal and proper if the Town wishes to do so.

ADJOURN

There being no further business to come before the Council Reub Mooradian moved the meeting be adjourned.

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Shiela Fletcher seconded the motion and it passed unanimously. The meeting adjourned at 8:30 PM.

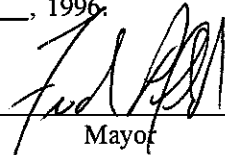
Respectfully submitted,



Barbara L. Mooradian
Town Clerk

BLM/hs

Minutes approved by Town Council on February 13, 1996.



Mayor

ATTEST:



Town Clerk