

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
December 14, 1999

CALL TO ORDER

Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. in the Council Chamber at Town Hall. Other Council members present were Gil Adams, Jim Herbert, Rick Owen and Reub Mooradian. Also present were Town Manager Seth Lawless, Town Attorney David Paletta, Town Engineer Ed Powell, Chief of Police Jay Hefner, Public Works Director Joe Perry and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

*Invocation – Hayst Harrold*

Pastor Hayst Harrold opened the meeting in prayer.

*Pledge of Allegiance*

All present joined in the pledge of allegiance to the flag.

*Oaths of Office*

Judge Alexander Lyerly administered the oath of office to Mayor Holland and councilpersons Gil Adams, Jim Herbert and Rick Owen.

*Special Presentation – Kevin Frye*

Officer Kevin Frye, representing the Avery County Board of Education, presented The Town of Beech Mountain with a plaque of appreciation. The award was for allowing Officer Frye to serve on the Board. Mayor Holland accepted the award.

*Public Hearing – Proposed Amendments to the Zoning Ordinance*

Mayor Holland opened the hearing and asked Mr. Fulkerson to discuss the proposed changes. Mr. Fulkerson reported that the amendments were based upon recommendations made by the NC Department of Environment and Natural Resources (DENR), and effected the water supply watershed and soil erosion regulations. Most were technical changes and would not impact the administration of the program locally. The most significant change was the maximum civil penalty for violating effected sections of the ordinance increased from \$100 to \$500. Mayor Holland called for comments from the public, and hearing none, closed the hearing.

*1. Adoption of Agenda*

Mayor Holland asked Council to make the following changes to the agenda: Under New Business, move item "g", Vernon Kelley paving request, up to "a". Item "j", High Country Communications request, was replaced by Pinnacle Inn request, and discussion of neighborhood park was replaced by Resolution of Support for Census 2000. Mac Mermell request, was added as well as consideration of request to contribute to Banner Elk training facility. Reub Mooradian moved the agenda be approved as amended. Rick Owen seconded the motion and it passed unanimously.

2. *Consent Agenda*

Upon a motion by Rick Owen, second by Mr. Mooradian, the consent agenda was approved without dissent.

3. *Approval of Minutes*

Rick Owen moved the minutes from the November 9, 1999 meeting be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.

4. *Committee Reports*

Kakki Handley, Watauga County Recreation Committee, reported that the County has plans for an indoor recreation center which will include a new swimming pool, basketball courts, tennis and other amenities. She will continue to keep the Council informed as the project develops.

Mayor Holland requested that Gil Adams represent the Town on the Region D Council of Governments Board of Directors. Mr. Adams accepted. There were no other committee reports.

5. *Old Business*

- a. *Recycling Center Improvements.* Seth Lawless presented a sketch of the recycling center property and the space necessary to implement the improvements discussed at the November meeting. Mr. Lawless also updated those present on the trip to two Avery County collection sites to view the operation of the trash compactors. Discussion of the compactor ensued and the Council agreed that any use of compaction equipment would mean adding at least one staff person to oversee its' operation.

The next item discussed was the roll-off recycling trailer used to collect glass bottles and aluminum and steel cans. Mr. Lawless reported that staff recommended re-configuring the container to allocate more space for the cans and less for green and clear glass bottles. Also, a top could be added with portals to insert the recyclables. This would keep the large windowpanes and other oversized materials out of the container. The cost of the work was quoted at \$ 2,450. Upon a motion by Mr. Mooradian, seconded by Mr. Adams, the Council voted unanimously to refurbish the roll-off container. Mr. Adams suggested the work be done after the holidays.

Mayor Holland then asked the Council about the proposed improvements for the collection of plastic and mixed paper. Mr. Owen asked about the capacity of the existing blue containers as opposed to the proposed roll-off dumpster, and staff could not provide the information immediately. Mr. Mooradian suggested that the discussion on mixed paper be carried over to the January meeting and that the capacity information be gathered.

Mr. Owen stated that he would prefer to avoid adding any staff if possible. He felt all other options should be explored first, and suggested that the recycling center be rearranged, with dumpsters moved to the opposite side of the yard from their current position, and that the paper, plastic and cardboard collection equipment be moved to the present location of the garbage containers. Mr. Owen believes that the rearranging would de-emphasize the area as a trash dump. All agreed; however, Mayor Holland stated that he felt the area would have to be manned at some point in the future.

The Council discussed potential surveillance techniques, including increased enforcement by the Code Enforcement Officer and Police Department. Video camera use was brought up, and the Council asked the staff to bring some pricing information to the January meeting. Wilson King cautioned against becoming too aggressive on enforcement, and suggested a container be placed in the Center for phone book collection. David Paletta was asked about the legality of issuing fines with evidence obtained from cameras, and replied that he knew of no state or federal laws that would prohibit the practice, but stated that it is always good to have an eye witness. Mayor Holland asked if there were any further comments, and hearing none, stated that the unresolved issues would continue to be worked on.

- b. *Consider Purchase of PA -70.* This lot is located on Hawthorne Rd. at the head of the Grassy Gap Creek Hiking Trail. Mr. Lawless reminded the Council that the Town had agreed to purchase this property earlier in the year for \$6,000 for a trail head and parking, but that the deal had been delayed by several problems encountered by the seller which were now resolved. He wanted to have the Council review the situation before closing due to recent actions involving the inability to secure a hiking trail easement from PA-70 over the Bauman property to the area of the trail built upon sewer easements near Arrowhead Rd. Time was an important factor because the seller wanted to complete the transaction prior to December 31, 1999. Mr. Lawless stated he had that several conversations with Bob Grosso, a land planner representing Mr. Bauman's proposed subdivision of the acreage adjacent to PA-70, and that Mr. Bauman was confident an arrangement would be reached regarding the trail easements. David Paletta stated that the easements could be obtained as part of the subdivision approval process. Reub Mooradian moved to proceed with the purchase of PA-70. The motion was seconded by Rick Owen and passed unanimously.

6. *New Business*

- a. *Review Vernon Kelly Paving Request.* Wilson King was present to represent Mr. Kelly. Mr. King requested that the Council extend the paving of Upper Grouse Ridge Rd. from the end of the project at the intersection with Ash Lane on past lots C-360 and C-361. Mr. Kelly would pay all additional expenses. Joe Perry stated that, if the Council were to approve the request that it would be beneficial to continue farther in order to reach the bottom of an incline 300 -350 feet past the request made by Kelly. The Council asked Mr. Lawless to contact some of the owners abutting the road incline to gauge their interest in extending the paving further. Mayor Holland asked David Paletta if the Town needed any written agreement from Mr. Kelly, who indicated that it would be advantageous. Reub Mooradian made the motion to grant Mr. Kelly's request pending necessary agreements. Gil Adams seconded the motion. All agreed.
- b. *Consider Zoning Ordinance Amendment.* Mayor Holland noted several typographical errors to be corrected. Joe Perry asked why all the watershed districts were not included in the language provided by DENR. Mr. Fulkerson was unsure. Mr. Mooradian moved to pass the amendments. The motion was seconded by Rick Owen and passed unanimously.
- c. *Consider Tax Releases.* Mayor Holland explained the tax releases to the Council. The tax releases were approved without dissent upon a motion by Mr. Mooradian and a second from Mr. Adams.
- d. *Consider Appointments to Board of Adjustment, Economic Development Committee and Planning Board.* Mayor Holland indicated that all individuals whose terms are

expiring have agreed to serve again. He asked if members of the Council had any additional nominations. Reub Mooradian made the motion to reappoint Nancy Hoffman and Paul Piquet to the Board of Adjustment, Kakii Handley, Charley Burleson and Deborah Connelly as alternates to the Board of Adjustment, Caulder Smoot to the Economic Development Committee, and John Hoffman and Joe Pavelchak to the Planning Board. Jim Herbert seconded the motion and it passed unanimously.

- e. **Consider Budget Amendments.** Seth Lawless presented the proposed amendment, which increases the budget for the Skiloft Rd./Pinnacle Ridge Rd. Paving Project Budget by \$6,820. This was made possible by revenue collected over the amount budgeted, and expenses remaining on budget for the project. The increase in construction funds would be used to pay most of the cost for widening the lower portion of Skiloft Rd near Meadowview Drive. Rick Owen moved for approval, and upon a second by Gil Adams, the Council approved the amendment unanimously.
- f. **Regional Planning Meeting.** Mr. Lawless introduced a proposal prepared by the Town of Banner Elk. The concept was to have Banner Elk, Beech Mountain, Sugar Mountain and Seven Devils participate in a series of planning forums, conducted by Dr. Gary Cooper, to identify areas of mutual concern. Examples might include common land use requirements in certain areas; shared resources and other regional efforts that might lead to improved service or offer economic efficiencies. The cost to conduct the meetings and prepare the reports is \$600 per town. Seth Lawless stated that participation would be the key to the projects' success. Mr. Adams made the motion to approve, second by Rick Owen. All agreed.
- g. **Consider Pavement Striping Bid.** Mayor Holland reported that the Town received a bid of \$6,600 for the striping of Village Rd., Skiway and Skiway Circle, and Pine Ridge Rd. The question before the Council is whether or not to accept the bid for the newly paved roads in light of the fact that the paint may get scraped off during winter road maintenance and the same areas will have to be done again in the spring when the rest of the roads are repainted. Mr. Mooradian stressed the need to provide some way of aiding drivers during inclement weather and moved that the bid be accepted. The motion was seconded by Mr. Herbert and passed unanimously.
- h. **Census 2000 Resolution.** Mr. Lawless noted the importance of the upcoming enumeration to local governments. He stated that the proposed resolution committed the Town to assisting the Census Bureau by encouraging residents to respond to mail back questionnaires, allowing the meeting room to be used as a testing facility, and by helping recruit employees to do the post census follow up in Beech Mountain. Rick Owen moved for approval. The motion was seconded by Mr. Mooradian and passed unanimously.
- i. **Consider Mac Mermell Proposal.** A letter addressed to the Council from Mr. Mermell was presented requesting permission to leave the culvert on the Town right-of-way across from his residence on Village Rd. Various members of Council questioned Joe Perry about the circumstances of the pipe installation. Mr. Perry responded that the Town installed the culvert purchased by Mr. Mermell with the understanding that it would be a temporary arrangement only. Mr. Mooradian stated that he felt Town staff were responsible for the pipe being installed in the first place, and since it is not presently a hazard or an eye sore, that the Town should not force Mr. Mermell to remove it. Mayor Holland disagreed, stating that he felt it was a safety hazard. Mr. Owen made a motion to have the Town remove the culvert and offer to install it on the lower end of his lot to provide access to parking off of Northridge Lane. Mr. Adams

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asked Joe Perry if Northridge was the original access to the property and Perry responded in the affirmative. The motion was seconded by Gil Adams and passed 4-1, with Mr. Mooradian voting against

- j. Consider Pinnacle Inn Sign Request.* Mr. Lawless reported that the Pinnacle Inn had requested replacing a stop sign with a yield sign at the intersection of their driveway and Elderberry Ridge Rd. Chief Hefner and David Paletta were each asked their opinion and neither saw a problem with replacing the sign. Reub Mooradian made the motion to approve the request contingent upon the Pinnacle paying for the sign, second by Rick Owen. All agreed.
- k. Consideration of Joint Facility.* Chief Hefner presented a proposal involving a cooperative effort between Beech Mountain, Banner Elk and possibly the other local police departments in the area. The project involved renovating the old ABC store building in Banner Elk for use as a meeting room/training facility. Each department could contribute \$5,000. The goal was to have a facility that could host regional training sessions and also serve as a fitness center/workout room for sworn officers. The Council expressed some hesitation about improving a building owned by the Town of Banner Elk when meeting space was available elsewhere, but did express some interest in the development of a workout facility. No action taken.

#### **7. Staff/Consultant Reports**

- a. Town Engineer's Report.* Ed Powell reported the status of the Town paving projects, and stated that the remaining work could be finished in several weeks once the contractor re-mobilized after the winter. Powell also gave an update on his work planning the water system improvements for North Pinnacle Ridge Rd. Reub Mooradian inquired about a complaint from an owner on Skiway Circle who thought the ditches did not have enough asphalt in them. Powell replied that part of the follow up work would include core samples of the ditches. If the job were not constructed to specifications, the contractor would have to upgrade the work
- b. Public Works Director's Report.* Mr. Perry had no report. Mayor Holland asked Joe about the status of the chain law signs on Beech Mountain Parkway, which were removed for repairs in the summer. Mr. Perry replied that new signs would have to be ordered. Mayor Holland asked him to do so immediately. Rick Owen requested clean up of some water line parts left on Poplar and Jack Pine Rd. Reub Mooradian asked Perry if the 2-inch water line on Oak Rd was still active. Perry replied that it was not.
- c. Town Attorney's Report.* Mr. Paletta had no report.
- d. Chief of Police's Report.* Chief Hefner presented his report, including descriptions of several minor occurrences over the last month. Shots had been reported in the West Bowl, a dog bite citation was issued, and reoccurring vandalism to the gate at Emerald Mountain was being investigated. The complete report is on file at Town Hall.
- e. Town Manager's Report.* Seth Lawless reminded the Council that the group photograph would be taken prior to the January meeting. The Town had received a deed for LG-51. Mr. Gottfried's nuisance ordinance abatement order had been suspended pending the outcome of his plan to drain the pond on his Spring Branch Rd. property. Lawless gave an update on the intern who had been hired to work on the GIS mapping project. Council agreed to permit Mr. Lawless to serve on the NC Local Government Credit Union Advisory Committee which meets quarterly in Spruce Pine.

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8. *Other Business.* Mayor Holland stated that the financial report, tax report and building inspection report were in the agenda packet. Mayor Holland asked that the financial report only be included in the packet quarterly. All agreed. Mr. Mooradian asked about the results of a previous inquiry into getting a Beech Mountain zip code. Mayor Holland replied that the Town had spoken with Postal Service officials about the request, but were told that the only way to have an individual zip code would be to have a Post Office in Beech Mountain.
9. *Closed Session.* Upon a motion by Owen, second by Mooradian, the Council entered executive session under the provisions of NCGS 143-318(a)(3) to consult with the Town Attorney. The Council came out of the closed session at 8:20 p.m. No action taken.

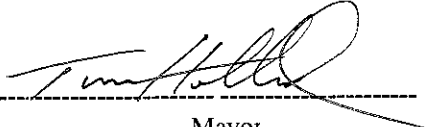
ADJOURN

There being no further business to come before the Council, the meeting was adjourned upon a motion by Gil Adams, second by Mr. Herbert. All agreed. The meeting ended at 8:27 p.m.

Respectfully submitted,

Reba G. Greene  
Town Clerk

Minutes approved by Town Council on 01-11-00

  
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Mayor

ATTEST:

  
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Town Clerk



Seth Lawless, Manager  
David R. Paletta Attorney

# Town of Beech Mountain

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Mayor  
Tim Holland

Vice Mayor  
Rick Owen

Council Members  
Gil Adams  
James A. Herbert  
Reub Mooradian

## Resolution 00-01-02

### RESOLUTION CERTIFYING RECREATIONAL TRAILS PROGRAM GRANT APPLICATION

WHEREAS, The North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation administers grant funds for the development of public hiking trails, and

WHEREAS, program requirements include compliance with all applicable local, state and federal laws and regulations, and

WHEREAS, The Town of Beech Mountain will contribute 20% of the project cost (matching funds), up to \$12,500 in cash and/or In-kind services, and

WHEREAS, The Town of Beech Mountain pledges that the development will be maintained and managed for a period of not less than 25 years.

NOW, THEREFORE BE IT RESOLVED that the Beech Mountain Town Council authorizes the Mayor to certify a Recreational Trails grant application of behalf of the Town for January, 2000.

Adopted, this the 11<sup>th</sup> day of January, 2000

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk