

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting November 10, 2009

I. CALL TO ORDER

Mayor Rick Owen called the Regular Meeting of the Beech Mountain Town Council to order at 2:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, and Randy Corn. Alan Holcombe arrived at 2:40 p.m. Also present were Town Manager Randy Feierabend, Town Attorney David Paletta, Water/Wastewater Supervisor Robert Heaton, Recreational Director Eric Jelinski, and Director of Planning & Inspections Stan Hanna. There were a number of interested parties in the audience.

II. Invocation – Charlie Burleson opened the meeting with a prayer.

III. Adoption of Agenda – Mayor Owen indicated that Item 4 under Old Business, Water/Sewer Improvements, would be removed from the Agenda. The Agenda was adopted as amended.

VI. Pledge of Allegiance – All present joined in the Pledged of Allegiance to the flag.

V. Approval of the Minutes October 13, 2009 Regular Meeting – Councilman Adams indicated that he was a nay vote on the paving of Upper Snowbird Trail. Councilman Chamberlin moved to approve the minutes as amended. Councilman Adams seconded the motion and it passed unanimously.

VI. Public Comment – Jim True suggested that the Town Hall invest in a \$40 router to allow internet access in the Council Chambers.

VII. Public Hearing – Mayor Owen opened the Public Hearing on the revised Tree Ordinance at 2:08 p.m. Paul Piquet noted that in Section 2203 public property was not stated, Mr. Paletta agreed that was a good suggestion. Cindy Keller asked about the \$500 fine, noting that it was not clear if it is per tree, per day. The Public Hearing was closed at 2:13 p.m.

VIII. New Business –

1. **Utility Reduction Request – Kim Shahbazi** – Mr. Feierabend indicated as Town Manager, the Ordinance did allow that his decision on a utility reduction could be the final decision; however he did feel that it was more diplomatic to the consumer to allow an appeal to the Council. Mayor Owen reported that Kim Shahbazi, 114 Christie Way, had requested a reduction on her original bill of \$2,394. The staff had adjusted the bill to \$1,084.95; the staff had recommended that no further action be taken. After a brief discussion, the Council agreed not to take any action.

2. Recreation Committee –

- a. **Buckeye Lake Fishing Access** – Mr. Jelinski asked that the Town Council consider allowing a parking area to be constructed off of Buckeye Creek Road. An easement would have to be obtained from Dr. Ronald Shane for the project. After a brief discussion, Councilman Chamberlin moved to enter into an easement agreement with Dr. Shane. Mayor Owen seconded the motion and it passed unanimously.
- b. **Buckeye Lake Fishing Program** – Mr. Jelinski presented a request from the Recreation Committee to apply for a Community Fishing Program Grant through the NC Wildlife Fisheries. The Town would be required to provide 25% of the cost for the fishing dock and provide the property for the fishing site. The program would be for both Buckeye Lake and Lake Coffey. The approximate cost for both fishing areas would be from \$3,500 to \$4,000. Mr. Jelinski further noted that the closest Community Fishing Program site to Beech Mountain is in Ashe County. If the grant is given, the Town would have the opportunity to decline acceptance of the grant. Councilman Adams moved to apply for the Community Fishing Program Grant. Mayor Owen seconded the motion and it passed unanimously.

3. Staff “Summer 2009 Presentation”

- a. **Utilities** – Mr. Heaton reported that the water projects included the Ashwood, Millpond, and the Parkway pump stations; a new pump was installed at the Summit station. The Town has purchased two generators, one is a portable unit. The generators will allow water to be pumped in the event of a power failure. Mr. Heaton also noted that the backwash motor had to be replaced; this pump and motor allows the water plant to operate. Mr. Heaton reported that the Town was in compliance for HAA’s, but were out of compliance for lead. Mr. Heaton explained that the lead content was due to the pipes and/or faucets in the homes tested. The lower priced faucets that are made in China do not have to comply with the lead restrictions placed on faucets made in the states. Mr. Feierabend noted that the staff had found a solution to the turbidity issue for the water, not the engineers. On the wastewater projects, Mr. Heaton indicated that the Grassy Creek pump station upgrade would help to control the (Sanitary Sewer Overflow) SSO’s. The Town’s wastewater is in compliance with all the limits except Toxicity. Mr. Heaton gave an overview of projects, listing pump repair or replacement being the main issues with the water pumping. Mr. Heaton noted that the only projects for the wastewater was to the Grassy Gap wastewater pump and plant upgrade. The Pond Creek Wastewater Treatment Plant scada, a computer program, was ready to bid; Mr. Heaton noted that he had 2 firms interested in the process. Mr. Heaton indicated that solids disposal would be the next issue that the Town would have to deal with.
- b. **Public Works** – Mr. Feierabend, noting that Mr. Hatch was out of Town, presented the Public Works report starting with road stabilization, \$150,000 had been spent on gravel. A guard rail had been installed on Greenbriar Road and all new culverts had been put in on Skiway Circle. The Public Works staff had built the Town Hall area additional parking behind the building. The Public Works department had worked on a number of projects for the Recreation department including improvements to

the Falls trail, auxiliary parking, wood benches for the play ground and the sledding hill. The staff had worked on the water lines, added 2 new flush hydrants, added new hydrants and replaced 59 water meters. Gates had also been installed at the recycling center.

- c. Planning and Building Inspections* – Mr. Hanna reported that the department had improved the quality of maps, helped with the sign ordinance amendments and looked into a plan to improve the energy efficiency of Town Hall. Mr. Hanna also reflected on the departments improved relationship with most of the local builders and a higher level of enforcement overall with a commonsense approach. Mr. Hanna indicted that Jes Scott was now a certified building inspector level one and probationary in each of the other trades. Mr. Hanna noted that the department had recovered the street scape plan prepared by the state 3 years ago for possible implementation.
- d. Recreation* – Mr. Jelinski indicated that the Recreation Department had a very busy summer with daily visits up 45% in the months of June through September '09. The passes for that same time period were up 87%. The publication of a program guide had been well received. Mr. Jelinski noted that a personal fitness trainer was now on staff to assist the members. Mr. Jelinski noted that the projects and repairs included work on the kite park, sledding hill, Kat's Overlook, the parks, hiking trails and lakes as well as the new playground. The department also took over the mowing of Town properties. Mr. Jelinski thanked all the staff, public works staff and the numerous volunteers for making all projects, programs and maintenance possible. Mr. Jelinski also acknowledged the Beech Mountain Club for their assistance.
4. *Greenbriar Infrastructure Improvements – Limited improvements* – Mr. Feierabend reported that Hobbs, Upchurch & Associates, P.A. had completed the reduced improvement estimates for the Greenbriar Road infrastructure repairs and improvements. The work would include the installation of a section of new sewer line where there was no line and a five point repair. The cost of surveying, detailed design and construction management and inspection would not exceed a total of \$13,000. Mr. Feierabend noted that the total estimated project construction cost is projected to be \$76,050. Total project cost is projected not to exceed \$89,050. After a brief discussion, Councilman Adams moved to approve staff to begin this project provided total cost does not exceed \$89,050. Councilman Holcombe seconded the motion and it passed unanimously.

IX. Old Business –

1. *Recreation Committee Appointment* – Mayor Owen recommended that the appointed to the Recreation Committee be tabled for discussion at the December 8, 2009 meeting. All Agreed.
2. *Water Sewer – Rate Schedule Proposal* – Mayor Owen indicated that Councilman Chamberlin had requested that the rate proposal be discussed further by the Council. Councilman Chamberlin expressed his concern over the multiple units with a 2" water line, indicating that he owned 2 units at Beech Towers condominium building with a 2"

meter. After much discussion, Councilman Chamberlin asked to be recused due to a conflict of interest. Councilman Holcombe moved to recuse Councilman Chamberlin. Councilman Corn seconded the motion and it passed unanimously.

Councilman Corn moved to adopt the committee recommendations with the elimination of the elevation charge as of January 1, 2010. Councilman Adams seconded the motion and it passed unanimously. Councilman Holcombe moved to allow Councilman Chamberlin to re-enter the meeting. Councilman Corn seconded the motion and it passed unanimously. Mr. Feierabend indicated that the utility clerk could discuss the rate schedule with Mr. Gsteiger.

3. **Tree Ordinance** – Mayor Owen indicated that the Tree Ordinance Section 2203 should be clarified to indicate that the fine was per tree. Mr. Paletta recommended that Section 2203.01 (c) be removed. Mr. Piquet questioned Section 2201 asking if each day was a continuing violation. After a lengthy discussion, Councilman Corn moved to table the discussion on the Tree Ordinance amendments to allow the staff additional time for review. Councilman Holcombe seconded the motion and it passed unanimously.

X. Town Manager's Report– Mr. Feierabend reported; that the committee working on the proposed shuttle service had met and the discussions will continue. The Town continues to receive complaints regarding the bears and damage they continue to do. Councilman Corn indicated that bear and deer issue would have to be dealt with and people were feeding the bears. Councilman Corn suggested that the Council look at prohibiting all feeding; Mr. Feierabend noted that he had met with Genesis and would report any recommendations. Jim True indicated that the group had been working on cleaning up the area to meet with the DENR requirements with regards to the Town's water supply.

XI. Staff Reports –

1. **Public Works –**
2. **Police –**
3. **Inspections**
4. **Recreation** – Mr. Jelinski reported that the children enrolled in the summer camp did go down to visit Genesis.
5. **Water Treatment Report –**
6. **Waste Water Report –**

XII. Closed Session – Mayor Owen moved to go into Closed Session at 4:25 p.m. to discuss personnel matters, NC GS 143-318.11(a) (3). Councilman Adams seconded the motion and it passed unanimously. Councilman Corn moved to come out of Closed Session at 4:50 p.m. Councilman Holcombe seconded the motion and it passed unanimously. Councilman Corn moved to honor Dolin Carpenter at the December 8, 2009 meeting. Councilman Chamberlin seconded the motion and it passed unanimously.

XIII. Other Business – The Council had no further business to discuss.

XIV. Adjourned – Councilman Holcombe moved to adjourn the meeting at 4:55 p.m. Councilman Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on November 10, 2009.

Mayor

ATTEST:

Town Clerk