

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – March 13, 2012**

***I. CALL TO ORDER***

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 3:04 p.m., Tuesday March 13, 2012 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Alan Holcombe, Cindy Keller and Rick Miller. Town Attorney Stacy C. Eggers, IV was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Public Utilities Director Robert Heaton, Town Planner James Scott, Tourism Development Authority Assistant John Troxler, Fire Chief Robert Pudney and Town Engineer Marion Rothrock.

***II. Invocation*** – John Troxler presented the invocation.

***III. Pledge of Allegiance*** – All present joined in the Pledge of Allegiance to the flag.

***IV. Adoption of Agenda*** – Mayor Owen stated that the proposed agenda would be amended to remove § VIII. New Business c. ‘*Proposed Sign on Rock for Streetscape*’. Additionally § VIII. New Business a. Projected 2012 Spring Utility Projects iii. ‘*Proposed Budget Amendment for Spring Utility Projects*’ would be moved to § XII Other Business a. ‘*Proposed Budget Amendment for Spring Utility Projects.*’ Mayor Owen stated that the agenda would stand as amended.

***V. Approval of the Minutes***

***a. February 14, 2012 Regular Meeting Minutes*** – Councilman Holcombe motioned to approve the February 14, 2012 Regular Meeting Minutes as corrected. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***b. February 14, 2012 Closed Session Minutes*** – Councilman Holcombe motioned to approve the February 14, 2012 Closed Session Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***VI. Public Hearing***

***a. Renaming of Grassy Gap Creek Road as Well as Portions of Poplar Road to Pine Ridge Road; Additionally Renaming Portions of Poplar Road to Black Birch Lane*** – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott used a large map to visually demonstrate to the public the portions of road which would be converted to Pine Ridge Road if approved by Council. The portions of road that were proposed to be renamed were Poplar Road and Grassy Gap Creek Road. Mr. Scott also pointed out the portion of Poplar Road that was being proposed to be changed to Black Birch Lane. Debbie Canady of 112 Lakeledge Circle wished to know when this would take effect. Mr. Scott stated that if these proposed name changes were passed by Council then they would take effect.

immediately. The post office will continue to provide mail services to the old addresses for 1 year. Karen Miller of 139 Grassy Gap Creek Road asked if these proposed changes would affect deeds. Mr. Scott stated that this would not affect deeds. Mayor Owen asked how many homes this would affect. Mr. Scott stated that the proposed name change would affect 13 homes. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Miller seconded the motion and the vote passed unanimously.

***b. Amend Appeal Fee to the Board of Adjustment*** – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott stated that the intent behind this proposed amendment was to permit staff to reverse the Board of Adjustment Appeal fee for any cases heard by the Board of Adjustment which were overturned. Urs Gsteiger of 115 W. Shamrock stated that if the individual bringing a case before the Board of Adjustment substantially prevailed then they should be entitled to have their money back. Vice Mayor Piquet stated that they should only be entitled to their money back if they are totally exonerated. Mr. Gsteiger stated that an individual should be permitted to bring before the Board of Adjustment the portion of their fine for which they are disputing. Mr. Gsteiger used as an example a homeowner being fined for cutting down five trees citing that this homeowner should be permitted to dispute one of the five trees that they were being fined for. Hearing no more public comment Councilman Holcombe motioned to close the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***VII. Public Comment*** – There was no public comment.

***VIII. New Business***

***a. Projected 2012 Spring Utility Projects***

***i. Design of Grassy Gap Lift Station*** – Town Engineer Marion Rothrock provided an overview of the proposed Grassy Gap Lift Station stating that the original estimate was \$225,000. The proposal is to install a lift station that will have two 150 gallon per minute non-submersible pumps. Wet well and all electrical controls will be housed in a proposed mason constructed building. The existing station will be gutted and will be used as a sand trap. Can take the vacuum truck down there and vacuum this area out. By doing this you will keep 100% of the sand and dirt out of the filters. Councilman Miller asked about the \$225,000 and whether this included the building. Mr. Rothrock stated that this included a new building and heater but does not include a new generator as there is already a 30 kilowatt generator in place. Mr. Rothrock did state that this work would not stop violations.

***ii. Design of Sewer Rehab in the Grassy Gap Basin; Specifically Draining to the Grassy Gap Lift Station*** – Town Engineer Marion Rothrock stated the intent of the rehabilitation of the collection system specifically draining to the Grassy Gap Lift station was to stop the overflow into the reservoir. The total cost for the project is \$750,000. It is estimated that 82 manholes and 1,200 linear feet of line will be taken care of. Mr. Rothrock stated that the bid process would determine what exactly would be completed. If the bids are less than what the Town expects then the Town will rehabilitate more line. If the bids are more than what the Town expects then the Town will designate which

areas are most critical and have those completed first. Mayor Owen asked about the potential rehabilitation of the manholes. Mr. Rothrock stated that the cost to rehabilitate is approximately 65% to 70% of the cost to replace and that the end results were not as satisfactory. Mr. Rothrock stated that there were some manholes had been identified that only needed the barrel replaced. These manholes would be dug out removing all except for the base. Councilman Miller asked about the \$750,000 and if this figure was to include all new manholes. Mr. Rothrock stated that this would cover approximately 82 precast manholes out of about 300. It will be as if it is a new manhole. The process will start with the replacement of the manhole first. The next phase of the process would be to come back and install a slip line inside the sewer pipes. Doing it this way would ensure a good seal at the manhole. Vice Mayor Piquet asked if that was the product that Council saw demonstrated a year ago. Mr. Rothrock concurred and stated that using this product would save 25% in cost. Vice Mayor Piquet asked how long the product would last. Mr. Rothrock stated that no one knows what the life expectancy is for this product just as no one knows what the life expectancy is for polyvinyl chloride pipe even though there is polyvinyl chloride pipe that is 60 to 70 years old. Vice Mayor Piquet stated that he recollected that this product only has a one year warranty on it and was concerned about spending money on such a product. Mr. Rothrock stated that because of there being so much rock in this area the Town was unable to install polyvinyl chloride pipe. Mr. Rothrock stated that the product that he is recommending the Town to use is an epoxy liner that has structural integrity. It adds to the present structural integrity of the system and is a cured epoxy resin. Public Utilities Director Robert Heaton stated that this product began in Europe and has been in the ground for over 30 years over there. Mr. Heaton stated he felt this was an excellent product to go with especially considering the fact that the Towns system does not have to deal with the stress levels that other municipalities have due to the lack of industrial waste. Councilman Miller asked if this was proposed to be completed this year. Mr. Rothrock stated that the work should be completed within a physical year. Mayor Owen thanked Mr. Rothrock.

***b. Utility Reduction Requests***

***102 Cricket Way*** – Manager Feierabend stated that the homeowner was informed that they had a leak and staff had turned off their meter. As a result of trying to find the leak the homeowners have spent \$1,800 on plumbers. The leak was finally located at the stub out which is the homeowners' responsibility. After much discussion Vice Mayor Piquet motioned that staff provide no further reduction. Councilman Holcombe seconded the motion and the vote passed unanimously.

***208 Dogwood Lane*** – Manager Feierabend stated that the homeowners that had accrued the large utility bill had recently sold this property. Attorney Eggers stated that the utility bill does not run with the land. Hence, even though the property had been sold the bill was still the sellers' responsibility. Attorney Eggers provided collection options to Council stating that if the seller had assets here the Town could collect those or the Town would need to go to the state that the sellers resided in. Debbie Canady of 112 Lakeedge Circle stated that she is the realtor that was involved in this sale. Mrs. Canady stated that the leak was due to there being a cut in the water line and sewer line. The cuts had resulted in the water leaking directly into the sewer line making the leak virtually undetectable. Public Utilities Director

Robert Heaton stated that his staff had assisted the sellers in discovering where the leak was by using a field camera on the sewer line. Manager Feierabend stated that when staff put this information together and into the agenda packet the sellers were still currently the homeowners. Councilman Holcombe motioned for Council to deny the request. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**c. Amendment to Conditional Uses Process** – Town Planner James Scott stated that staff was recommending that Council schedule a public hearing for the proposed amendment to the conditional uses process. Mr. Scott stated that the Board of Adjustment and staff had recently received training and that through this training it was discovered that the current process in place for permitted, not permitted or conditional uses might be causing the Board of Adjustment to form a bias prior to a hearing. The proposed amendment would eliminate the step that the applicant must go before the Board of Adjustment. In lieu of this step the applicant would come before staff. Vice Mayor Piquet motioned to schedule the public hearing for Councils next regularly scheduled meeting. Councilman Holcombe seconded the motion and the vote passed unanimously.

**d. Telecommunication Tower Amendment** – Town Planner James Scott stated that staff was recommending that Council schedule a public hearing for the proposed amendment to the telecommunication tower ordinance. The proposed amendment would correct current discrepancies within the Towns ordinance as well as change the guidelines for the radiance of height. Vice Mayor Piquet motioned to schedule the public hearing for Councils next regularly schedule meeting. Councilman Miller seconded and the vote passed unanimously.

**e. Traffic Regulations** – Attorney Eggers stated that this proposed ordinance was a housekeeping mater. The proposed amendment would meet State law requirements which set forth that penalties collected from traffic regulations are to be allocated to the local school system. Vice Mayor Piquet motioned to approve Ordinance No. 2012-01 '*An Ordinance to Amend the Allocation of Civil Penalties for Traffic Violations*'. Councilman Holcombe seconded the motion and the vote passed unanimously. Ordinance No. 2012-01 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

**f. Advertise Delinquent Property Taxes** – Councilman Miller motioned to approve the order to advertise 2011 delinquent property taxes. Councilman Holcombe seconded the motion and the vote passed unanimously.

**g. Tax Refund** – Mayor Owen stated that the State recommended this refund. Councilman Miller motioned to approve the refund. Vice Mayor Piquet seconded and the motion passed unanimously.

**h. Tax Release** – Mayor Owen stated that the value of this property had not been listed correctly with Watauga County. Vice Mayor Piquet motioned to approve the release. Councilman Holcombe seconded the motion and the vote passed unanimously.

## **IX. Old Business**

**a. Request from Chamber of Commerce for Town Funding of Fireworks** – John Troxler spoke representing the Chamber of Commerce stating that he had spoken to both the Tourism Development Authority and Chamber of Commerce regarding their ability to assist with funding the fireworks for the Pig Roast. The Tourism Development Authority and the Chamber of Commerce had each agreed to fund \$1,000. Mr. Troxler requested that Council consider committing to the remainder balance of \$3,500 for proposal number 2. Councilman Miller motioned that Council provide \$3,000 to go towards proposal number 2. Mr. Troxler asked that in the future Council consider including this expense in their annual budget. Vice Mayor Piquet felt that the firework display needed to be held on the 4<sup>th</sup> of July. Mayor Owen reminded everyone that last year was supposed to be the last time that the Town funded the fireworks. Councilman Holcombe recommended that all parties currently involved get together to discuss future funding of this event in more detail in August. Councilman Holcombe also recommended that Beech Mountain Club be included in the discussions as well. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Mayor Owen thanked Mr. Troxler for all of his hard work.

**b. Vote on Renaming of Grassy Gap Creek Road as Well as Portions of Poplar Road to Pine Ridge Road; Additionally Renaming Portions of Poplar Road to Black Birch Lane** – Councilman Holcombe motioned to approve the renaming of Grassy Gap Creek Road as well as portions of Poplar Road to Pine Ridge Road as well as renaming portions of Poplar Road to Black Birch Lane. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**c. Vote on Amend Appeal Fee to the Board of Adjustment** – Town Planner James Scott stated that during the public hearing Urs Gsteiger had provided a very valuable viewpoint that had not been taken into consideration when creating the proposed amendment. As a result Mr. Scott had revisions to the proposed ordinance amendment that Council had before them. After much discussion Council instructed Attorney Eggers to draft a new form to be used for the process of making appeals to the Board of Adjustment based upon the revised proposed amendment. Councilman Miller motioned to carry this discussion over to Council's next regularly scheduled meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**d. Water Well Option to Intake Line Budget Amendment** – Manager Feierabend stated that if this proposed project was successful it would allow the Town to push the Watauga River Intake Project back. Manager Feierabend stated that the company would look at the feasibility of the areas to be tested prior to spending the full \$50,000. Vice Mayor Piquet motioned to approve transfer of the \$50,000 from the General Fund to the Water/Sewer Fund to cover the costs of the test wells. Councilman Holcombe seconded the motion and the vote passed unanimously.

**e. Board of Adjustment Alternate Appointment** – Mayor Owen stated this agenda item would be taken care of at a future date.

**X. Town Manager and Staff Reports**

**Tourism Development Authority Information** – Staff was directed by Council to continue to include the Tourism Development Authority monthly reports within Councils agenda packet and to e-mail the Tourism Development Authority's minutes and agendas.

**Draft Newsletter** – Manager Feierabend stated that the draft newsletter that Council had before them was going to be mailed to homeowners along with their upcoming quarterly utility bill. The newsletters cost approximately \$700 which provided 1,950 inserts and 500 newsletters in color to distribute. Manager Feierabend stated that staff would place the newsletter on the Towns website as well.

**Special Projects Calendar** – Manager Feierabend stated that the goal of the special projects calendar that Council had before them was to assist in organizing the use of the Towns heavy equipment amongst all of the Towns departments so that their projects did not overlap.

**Noise Ordinance** – Manager Feierabend asked for Councils consent for staff to move forward on reviewing the Towns current noise ordinance. Council granted their consent.

**Avery County Drug Task Force Vehicle** – Manager Feierabend stated the Town participates in the Avery County Drug Task Force with Banner Elk and Avery County. Currently the Avery County Drug Task Force is in need of a vehicle. Manager Feierabend proposed that Council give the Avery County Drug Task Force the next vehicle that the Town had going to the auction block. Council consented to this arrangement.

**2012 – 2013 Budget Calendar** – Manager Feierabend reviewed the proposed budget calendar with Council. After discussion Council stated that they would hold a Planning Retreat on Tuesday, April 3, 2012 at 4:00 p.m. at Buckeye Recreation Center. This meeting would be geared towards hearing about proposed special projects and not smaller budget items. Staff was instructed to place the budget calendar on the Towns website. Mayor Owen recommended that Council start thinking about dates for their upcoming budget meetings.

**Buckeye Recreation Center Usage Fees** – Manager Feierabend stated that the Recreation Committee was holding a special meeting to discuss the Buckeye Recreation Center Usage Fees.

Mayor Owen stated that Council would take a short break at 4:57 p.m.

**XI. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters** – Upon motion by Councilwoman Miller at 5:10 p.m., seconded by Councilman Holcombe, the Council voted unanimously to go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters. Councilman Holcombe motioned to exit closed session at 6:28 p.m., which was seconded by Councilman Miller. The motion passed unanimously.

**XII. Other Business**

**a. Proposed Budget Amendment for Spring Utility Projects** – Councilman Holcombe motioned to transfer \$300,000 from the Water/Sewer Fund Balance to Capital Outlay.

Councilman Miller seconded the motion and the vote passed unanimously. Councilman Holcombe motioned to transfer \$450,000 from the General Fund to the Water/Sewer Fund Capital Outlay. Councilman Miller seconded the motion and the vote passed unanimously.

**b. Town Website** – Councilman Holcombe requested that staff place events that Council was attending on the Towns website.

**c. Road Safety Sign at Base of Mountain** – Manager Feierabend stated that he had a positive conversation with Dean Ledbetter of the North Carolina Department of Transportation regarding the placement of the road safety sign at the base of the mountain.

**XIII. Adjourn** – Upon motion to adjourn made by Vice Mayor Piquet and seconded by Mayor Owen the meeting was adjourned at 6:33 p.m. The motion carried unanimously.

Minutes approved by Town Council on April 10, 2012.

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Richard H. Owen, Mayor

ATTEST:

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Jennifer Broderick, Town Clerk