

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
November 6, 2000

***CALL TO ORDER***

Mayor Tim Holland called the special meeting of the Beech Mountain Town Council to order at 2:00 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 Engineer Ed Powell, Operator in Responsible Charge Robert Heaton, and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

Seth Lawless reported to the Council and audience that the reason for the meeting was to discuss the Moratorium on any new flow into either the Grassy Gap Waste Water Treatment Plant or the Pond Creek Waste Water Treatment Plant, which would take effect on December 14, 2000 and continue until a consistent 90 day compliance is met with the NC Department of Environment and Natural Resources. Building permits can be issued through the 13<sup>th</sup> and as long as they are kept active, the new homes or additions requiring water, can be connected to the Towns sewer system. Building permits can continue to be obtained for construction that does not require water usage. The alternative to hooking up to the Town sewer system would be to install a septic system for a new home, with the understanding that the new home would connect to the Town system when the moratorium was lifted.

Robert Heaton, who is chief operator at the sewer plants, gave a report. Mr. Heaton indicated that the Pond Creek plant was a 400,000 gallons per day contact stabilization plant. The Pond Creek facility handles the northeast half of the Town. This is the area most populated and also includes the business district. The Grassy Gap Creek plant is an 80,000-gallon per day, dual train Extended Air plant servicing the southwestern portion of the Town.

Mr. Wheaten went over some of the problems we are having, including the heavy rains and changes in the population. He also pointed out that the various tests we must pass to meet EPA regulations.

Town Engineer Ed Powell addressed the Council with our short-term response. He started by letting everyone know that we were in the early stages of a long-term program to identify the problems we have in the approximately 67 miles of sewer lines. Pointing out that we do need to upgrade the technology we have in our treatment systems. There are a number of low interest loans and revolving grant monies out there that we can take advantage of.

Mr. Powell talked about the filtering system and continual maintenance on it to keep it operating properly. We can also make a temporary chlorine plant, which would give more control than we have with the ultra violet system. The Grassy Gap Creek Plant has two areas of concern and will be more difficult to fix than the Pond Creek system. The fecal limits have to be chlorinated and then de-chlorinated before being released into the creek. The other is the ammonia nitrogen. Mr. Powell felt working on these issues would help in the short term and put the Town in position to ask for the

loans necessary to do the upgrades. The Engineer in Winston-Salem, the regional office, has the authority to lift the moratorium and he is aware of what the Town is doing to rectify the problems. Mr. Lawless reported the Town started receiving files in 1998 when the state changed the enforcement of the testing. It had previously been a fine with 6 tests that were above limits now it is on each one. The Town purchased a camera system two years ago to assist in finding breaks in the sewer lines. The Town employees additional people to work on I & I during the summer months. Mr. Lawless went over the Comprehensive Wastewater System Analysis handout and the plans to apply for a grant to do a study on how best to deal with the problems the Town faces with the wastewater issue. The Town has \$20,000 budgeted for the study, which is expected to cost much more than that amount. A proposal will be mailed out to a number of firms to do this study with a date of December 6<sup>th</sup> set as the deadline to respond. A committee will be formed to select the firm. The firm will be expected to pinpoint the problems and offer solutions along with identifying manhole covers and sewer lines and putting them on a mapping system.

Reub Mooradian made a motion to approve the plan. Rick Owen seconded the motion and it passed unanimously.

### ***ADJOURN***

There being no further business to come before the Council, the meeting was adjourned upon a motion by Reub Mooradian. Rick Owen seconded the motion and it passed unanimously. The meeting ended at 3:20 PM.

Respectfully submitted,

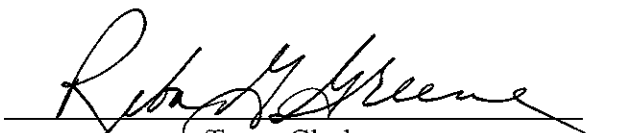
Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on NOVEMBER 14, 2000.

  
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Mayor

ATTEST:

  
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Town Clerk

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
November 14, 2000

***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, Police Chief Jay Hefner, Town Engineer Ed Powell, Town Accountant Luke Copeland, Public Works Director Riley Hatch, Planning Board Chairman Roger Bullock, and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

***Invocation – Hayst Harrold***

Hayst Harrold opened the meeting in prayer.

***Pledge of Allegiance***

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

***1. Adoption of Agenda***

Mayor Holland called for additions to the agenda. Old Business will have the addition of Mr. Richard Lane to the agenda as item a and item b. Resolution Requesting Authority for Extra Territorial Zoning will be continued until the December 12<sup>th</sup> meeting. Two additional items, e. Septic Tank Relief and f. RFP Bidding Policy, were added under New Business. Mayor Holland stated that the agenda would stand as amended.

***2. Approval of Minutes***

Rick Owen moved the minutes of the October 3, 2000 regular meeting be approved as submitted and accept the November 6, 2000 special meeting minutes as amended. Reub Mooradian seconded the motion and it passed unanimously.

***3. Committee Reports***

There were no committee reports.

***4. Special Presentation – Luke Copeland/Annual Audit***

Mr. Copeland reported that the General Fund Balance was healthy, although it did decrease from last year, fiscal year ending June 30, 2000. The cash on hand was wisely invested, as always. The tax collection remains at an excellent level with only a slight change due to the motor vehicle tax collections by the county. Expenditures were held below budget and the annual debt service was well within the income budgeted. Once again the Town has maintained its high standards with regards to the financial records.

Mr. Lawless expressed an interest in doing a Consolidated Financial Report. He asked Mr. Copeland if it an asset as far as getting a lower interest rate when seeking to borrow money. Mr. Copeland suggests checking with the state.

5. *Persons Wishing to Address the Council*

- a. Margaret Cochran / Water Bill complaint.

The Council addressed the correspondence from Mrs. Margaret Cochran with regards to a high water bill. Mrs. Cochran indicated in her letter that it was due to all the landscaping that had been planted around their property. After much discussion it was agreed that the Council could not reduce the water bill, as it would set a precedent for others who water plants to ask for a reduction in their bills. Mayor Holland will write Mrs. Cochran informing her of the Council's decision.

- b. Sam Francis/Water Bill complaint

The Council addressed the correspondence from Mr. Sam E. Francis, Jr. with regards to his water bill, which was in excess of \$600.00. Mr. Francis had requested to be placed on the agenda, but had not shown up for the meeting. The Town had checked the water meter 3 times and found it to be working correctly. Mr. Francis had written another letter, received today, indicating that he was paying \$34.01 as representative of a 27-week average and that he was not responsible for the amount billed in October. Mayor Holland indicated that we did not consider that acceptable. Mr. Lawless reported that Mr. Francis had a plumber, who was employee for his business, look over the house and he had found 2 commodes leaking. The time period was between March and June 1999, but the exact date of the leak had not yet been determined. The Council instructed Mr. Lawless to write Mr. Francis a letter stating that the Council would need further information to consider his appeal.

6. *Old Business*

- a. Richard Lane ✓

Mr. Lane's home is located at the end of Hummingbird Road. The road does not have a cul-de-sac large enough to allow vehicles to turn around and his driveway is very steep. His proposal was for the Town to donate the property to him to build a garage, in turn he would pay for the legal fees involved in the transaction. Mr. Paletta informed the Council that it was not legal for the Town to give away property. Mr. Lane would be required to pay a nominal fee for the property; the property would have to be advertised for a 10-day period. Mr. Mooradian brought up fact that the discussion regarding this property in the past had included a trade of property, allowing the Town to own the road. After much discussion the Council agreed that Mr. Lawless and Mr. Hatch would meet with Mr. Lane at the property site. Mr. Lane was asked to get a copy of the survey prepared for Mr. Miller and at December 12<sup>th</sup> meeting the Council would finalize the deal.

- b. Proposed Code Amendments

Roger Bullock addressed the Council, going over the ordinance changes recommended by the Planning Board.

1. Zoning Ordinance Section 1114 – Tree Cutting ✓  
Rick Owen moved to accept the Zoning Ordinance as amended. Reub Mooradian seconded the motion and it passed unanimously.

2. Noise Ordinance ✓

Rick Owen moved to accept the Noise Ordinance amendment. Gil Adams seconded the motion and it passed unanimously.

3. Blasting Ordinance ✓

Mayor Holland called for discussion or questions on the zoning, noise and blasting ordinance changes. Mr. Paletta had a recommendation on the wording for the Blasting Ordinance. He asked that it read as follows:

Blasting, jackhammering or drilling for the purpose of blasting, before 8:00 A.M. or after 5:00 PM, on Mondays through Saturdays, or anytime on Sundays. Rick Owen moved to accept the Blasting Ordinance amendment, as further amended by Mr. Paletta. Jim Herbert seconded the motion and it passed unanimously.

4. Solid Waste Management Ordinance ✓

Rick Owen made a motion to approve the Solid Waste Management Ordinance amendments. Reub Mooradian seconded the motion and it passed unanimously. Mr. Lawless noted that in order to educate people about the changes he would note them on the Internet site, channel 2 and the MountainEar.

Copies of all the ordinance amendments are on file with the Beech Mountain Town Clerk.

c. Solid Waste Staffing Recommendation ✓

Mayor Holland pointed out the materials regarding the staffing proposals and recommended that the Council take time to study the situation and have it added to the agenda for the December 12<sup>th</sup> meeting. The Council agreed.

7. ***New Business***

a. Consider Budget Amendment

Rick Owen moved to accept the budget transfer for the battery back up for the 911 system a new printer for the state mandated upgrade to the DCI system and a 17" monitor for the computer in the back office. Reub Mooradian seconded the motion and it passed unanimously.

b. Resolution 00-11-01

Reub Mooradian moved to accept Resolution 00-11-01 honoring Jim Rickard for service as Director of the Beech Mountain Chamber of Commerce. Rick Owen seconded the motion and it passed unanimously.

c. Offer to Donate AA-674

Staff alerted Council that the property had a pending road assessment. After a brief discussion Mr. Paletta advised the Council that a donation was more favorable than taking the lot in a foreclosure. Reub Mooradian made a motion to accept AA-674 for the road assessment. Jim Herbert seconded the amendment and it passed unanimously.

d. Consider Development of Outdoor Event Permit Ordinance

Mayor Holland felt the Town needs an event permit for individuals/groups wishing to hold events in the Town limits. The Mayor noted that the planning for the Land Of Oz day and the Ocktoberfest could have been better. Mayor Holland felt a permit could have emergency contacts for every event. Robert Bullock asked if other towns had such an ordinance. Mr. Bullock went on to suggest that Mr. Fulkerson to put together a list of events were are held in the Town for the past two years. Council agreed referred the issue to the Planning Board.

e. Septic Tank Relief ✓

Mayor Holland opened the discussion regarding the possibility of giving individuals some type of relief on septic tank installments while the Town in under the sewer moratorium. After much discussion Rick Owen suggested new homes built during the moratorium with a septic tank, where sewer would otherwise be available, hook onto the sewer system 5 years after the moratorium was lifted. Reub Mooradian made a motion to accept the idea. Mayor Holland seconded the motion for discussion. Councilman Mooradian added additional clarification. The motion includes the understanding that the Town would wave the impact fee, but not the hook up fee. This 5-year grace period will apply to all pervious dwellings that were given a waiver. Mayor Holland seconded the motion and it passed unanimously. Council agreed that Mr. Paletta would assist in the wording of a policy.

f. RFP Bidding Policy ✓

Mr. Lawless reported to the Council that a number of engineering firms who were responding to the RFP for the sewer study had questioned as to whether or not the Town was permitted to request cost estimates. Mr. Paletta noted that the Town could exempt itself from the statute requiring engineering services be selected based upon qualifications only. Mr. Owen moved to have Mr. Lawless prepare a policy statement exempting the sewer study project according to the statutes. Mr. Mooradian seconded the motion and it passed unanimously.

7. *Staff/Consultant Reports*

a. *Town Engineer's Report*

Ed Powell reported that Emerald Court water improvements had been tested for fire hydrants. The data was being sent to the State. The finishing touches were being put on the proposal for the North Pinnacle Ridge Project and would be submitted in the near future.

b. *Public Works Director's Report.* Riley Hatch reported that Infiltration & Inflow continued to be the number one priority. The flag, ordered by the Chamber, would be put up soon and the sledding hill and trucks were being prepared for the snow.

c. *Town Attorney's Report* David Paletta had no report.

d. *Chief of Police's Report.* Chief Hefner went over the monthly activity report and also updated the Council on the status of the survey. To date 628 surveys have been returned and we will have the final results in January.

e. *Town Manager's Report.* Seth Lawless gave on various issues he is dealing with. The Town is still waiting to hear from Watauga County on the request for \$10,000 recreation

grant. The tax bills have not gone out yet, however they should be mailed shortly. Mr. Mooradian has requested an update on the Gottfried nuisance issue. The pond has diminished to a small puddle but with no misquotes present. Mr. Paletta indicated that the Town would need to see proof that the area was still presenting a nuisance and no action is pending at this time

- f. ***Tax Report and Building Inspections Report.*** The Tax and Building Inspections Reports were accepted as submitted.

7. ***Other Business***

Mr. Herbert asked if the Town could send out a notice regarding the moratorium with the tax bill. Mr. Lawless indicated that we could not do that, however if Council finds it necessary a mailing could be done to all the property owners in the Town. Mr. Mooradian ask that Mr. Lawless look into putting together a list of just lot owners. A decision will be made later based on those findings. There being no other business to discuss Mayor Holland called for the meeting to adjourn.

***ADJOURN***

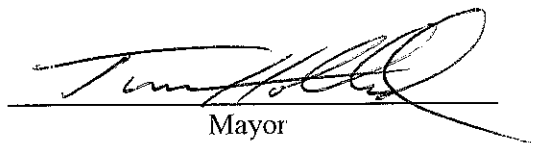
There being no further business to come before the Council, the meeting was adjourned upon a motion by Reub Mooradian. Rick Owen seconded the motion and it passed unanimously. The meeting ended at 9:25 P.M.

Respectfully submitted,

Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on December, 2000.

  
Mayor

ATTEST:

  
Town Clerk