

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
September 18, 2001

***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, Reub Mooradian and Rick Owen. Also present were Town Manager Seth Lawless, Assistant to the Town Manager Jonathan Hobbs, Town Attorney David Paletta, Police Captain R. L. Dunn, Town Engineers Ed Powell & Mike Slusher, L. Eddie Staley GIS Division Manager of Hobbs, Upchurch & Associates, P.A., Public Works Director Riley Hatch and Robert Heaton Waste Water Treatment Plant Operator. There were a number of interested parties in the audience.

***Invocation – Haste Harrold***

Haste 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 added Dr. Murray Miller as item 6-b, Persons Wishing to Address Council and 7-k, Resolution in Support of HB-685.

***2. Consent Agenda***

Rick Owen made a motion to accept the minutes of August 14<sup>th</sup> as submitted. Reub Mooradian seconded the motion and it passed unanimously.

***3. Recognition of Flower Barrel Contest Winners***

Mayor Holland gave special thanks to Eva Jones for her work in organizing the 'Beech Mountain Beautification Award' program. Certificates of Appreciation were awarded to Fred & Margie Pfohl, Fred Diehl, Lee Ramsey, Maureen Reed, Charlene Pridgen, Roy Ellington, Ann Iles. Pete Chamberlin received 1st place, 2<sup>nd</sup> place went to Ann Miller, 3<sup>rd</sup> place was Therese Barry and 4<sup>th</sup> place went to Hans Beckedorf.

***4. Public Hearing – Mariah Circle Paving***

Mayor Holland called for input from the public on the Mariah Circle Paving project at 6:10 P.M. Davis-Martin-Powell & Associates submitted a job estimate for the paving, estimated contract cost is \$58,000 – with technical service, design and inspection, the estimate is \$72,200.

Hearing no other comments, the public hearing was closed at

6:15 P M.

5. *Special Presentation – Comprehensive Wastewater Analysis*

Mr. Eddie Staley represented Hobbs-Upchurch and Associates, the engineering firm contracted to map the water and wastewater collection system, evaluate the condition of the system, monitor wastewater flows, and report on the findings of their work. Mr. Staley started by defining "Infiltration and Inflow" which the report refers to. Infiltration refers to groundwater that enters the sanitary sewer system through defective pipes, pipe joints, connections or manholes. Groundwater Infiltration can be divided into two primary categories: dry weather infiltration and wet weather infiltration. Dry weather infiltration is defined as the function of seasonal variations in the depth of groundwater tables. Dry weather infiltration typically remains constant and peaks in late winter and early spring. Wet weather infiltration, refers to the phenomenon of elevated groundwater tables that result from isolated rainfall events. It begins during or shortly after the rainfall abates and can last for several days. Mr. Staley went on to define Inflow as the referral to storm water runoff coming from sources such as roof gutters drains, cellar drains, drains from springs and swampy areas, manhole covers, cross connections between storm and sanitary sewers, catch basins and surface runoff. Infiltration and inflow (I/I) is the volume of both infiltration water and inflow water found in existing sewer systems.

Mr. Staley explained the approach taken for the study, and noted that the Grassy Gap and Pond Creek basins were each divided into multiple sub-basins for inspection and flow monitoring. The report recommends a priority of basins to be repaired based upon cost and the potential reduction of I/I. Three areas in the Grassy Gap sewer shed were identified as Phase 1, to be undertaken as soon as possible. The estimated cost of Phase 1 is \$1,188,877.

Mr. Staley's report is available for public inspection on the world wide web at [www.ncgis.com/beece](http://www.ncgis.com/beece) and also in the Town Clerk's office.

Mike Slusher of Davis-Martin-Powell & Associates presented the summary of the portion of the study dealing with the treatment plants, noting that the project goals for their firm was to resolve issues related to the moratorium imposed upon the Town by the N.C. Department of Environmental and Natural Resources (DENR). Their recommendations for the improvements at the two plants are as follows:

Grassy Gap Waste Water Treatment Plant: Estimated Cost \$ 281,000

Pond Creek Waste Water Treatment: Estimated Cost \$ 998,000

In addition to the above mentioned improvements Mr. Slusher recommended that the Town have an operator on duty 7 days, 8 hours a day at the Pond Creek facility and at the Grassy Gap Plant he felt ½ day, 7 days a week would be sufficient.

**6. *Persons Wishing to Address the Council***

- a. Linda Tobin addressed the Council regarding aesthetic zoning issues. Ms. Tobin pointed out that the Town could not make a distinction between modular homes and site built homes, but that minimum aesthetic standards could be adopted to apply to all single family homes. Ms. Tobin suggested that the Council form a committee under the auspices of the Planning Board to look at aesthetic ordinances.

Roger Bullock responded to Ms. Tobin by pointing out that the Planning Board serves at the will of the Council, however they do not require them to serve their will. Mr. Bullock also noted that the home in question was not a mobile home because of the state building codes that it was built to, which made it a modular home. Advice from the Town's attorney was to not take on the state building codes. A town can regulate some architecture and landscaping for mobile homes, not for modular homes. The Planning Board intends to review aesthetic guidelines, but has not yet had time to address the subject.

Mayor Holland reiterated that the Planning Board would continue to look into the issue.

- b. Dr. Murray Miller brought the Council up to date on the "Mountain Ambulance and Health Care Foundation" noting that the ambulance had been in the Banner Elk area since the first of July. It is currently at the Elk River airport and the Town of Banner Elk held a special council meeting yesterday, Monday, September 17<sup>th</sup>, and proposed an ordinance, which must be approved, authorizing the Elk River Property Owners Association to build the addition to the hanger.

**7. *New Business***

- a. Resolution 01-09-01 – Mariah Paving

Rick Owen moved to accept Resolution 01-09-01 for the paving of Mariah Circle. Reub Mooradian seconded the motion and it passed unanimously.

- b. Resolution 01-09-02 – Accept Comprehensive Wastewater Analysis

Reub Mooradian made a motion to accept Resolution 01-09-02 for the Acceptance of the Comprehensive Wastewater Analysis. Rick Owen seconded the motion and it passed unanimously.

- c. Call for Special Meeting

Mayor Holland called for the recess of this meeting to allow time for the Council to look over the two studies presented to the Council tonight. It was agreed that at the end of agenda, the meeting would be recessed until Thursday September 20<sup>th</sup> at 1:00 P M

- d. Call for Public Hearing – Zoning Ordinance Amendments

A public hearing was called for at the next Council meeting to start at 6:00 P M. on October 16<sup>th</sup> to discuss various zoning ordinance amendments proposed by the Planning Board.

e Consider Capital Project Ordinance

Reub Mooradian moved to adopt the Tamarack, Oz Circle & Grassy Gap Loop Capital Project Ordinance. Rick Owen seconded the motion and it passed unanimously.

f Community Policing Workshop Report – Roger Bullock

Mr. Bullock reported on the workshop held at the Four Seasons Inn on Tuesday, September 11<sup>th</sup>. The result of the workshop was a vision statement for the Police Department which states “Our vision is community service to the highest standards.” The Departmental goals, are 1) Strive to find innovative ways to be visible to the community 2) Provide compensation to attract and retain qualified personnel 3) Find ways to relate to youth as recreational and park facilities come on line

Mr. Bullock indicated that the group had requested that the above information be posted on the web side and to also publish a summary of police activity in the quarterly ‘Beech MountainEar.’

Reub Mooradian moved to endorse the results of the police workshop. Rick Owen seconded the motion and it passed unanimously.

g Resolution 01-09-03 – Request to Dispose of Surplus Property

Rick Owen made a motion to accept Resolution 01-09-03 -Request to Dispose of Surplus Property, a 1987 Case Backhoe/Loader. Gil Adams seconded the motion and it passed unanimously.

h Review Backhoe Bids

After a brief discussion Reub Mooradian moved to accept the low bid, Chuck Mason Equipment (JCB) with a base bid of \$61,900.00 and a trade in of \$17,000.00. Rick Owen seconded the motion and it passed unanimously. The Resolution to dispose of the Case Backhoe/Loader will be advertised in the Watauga Democrat and the new backhoe can be purchased 10 days after the advertisement

i Resolution 01-09-04 – Resolution of Intent to Participate in Flood Insurance Program

Reub Mooradian moved to pass Resolution of Intent 01-09-04 to start the process for Town residence to obtain flood insurance. Rick Owen seconded the Motion and it passed unanimously

j Audit Contract for 2000-2001

Mr. Lawless noted a conflict, pointed out by Mr. Mooradian, with the Holder, Copeland & Associates contract in that it states a fee of \$6,370 and the letter of engagement states \$6,270. The cost for their services is \$6,270. Gil Adams made a motion to accept the Audit Contract for 2000-2001. Reub Mooradian seconded the motion and it passed unanimously.

- k Resolution 01-09-05 in Support of House Bill 685

Reub Mooradian moved to adopt Resolution 01-09-05 supporting the occupancy tax bill for the Watauga County portion of the Town. Rick Owen seconded the motion and it passed unanimously.

## 8. *Staff/Consultant Reports.*

- a. Town Engineer's Report

Ed Powell reported the following: 1. The jockey pump has arrived for the Slopes subdivision and is scheduled for installation Wednesday, September 19<sup>th</sup>. This will complete the effort to resolve the low water pressure in that area. 2. The paving plans are to start in early October and complete before winter sets in. 3. The tennis courts at the Buckeye Lake Recreation Facility are properly aged and Court I will be up to do the cover coat applications.

Mr. Mooradian noted that the tennis court fence only has one gate. Mr. Powell responded that there was a 12' inset inside the fence all around the courts. Mr. Mooradian requested that Mr. Powell look into putting in another gate on the other side of the fence.

- b. Public Works Director's Report

Riley Hatch reported that the hours of operation for the recycling center were posted and that it should be manned next week, but the closing hours are now in effect. Mr. Hatch's report is in the agenda packet.

- c. Town Attorney's Report

Mr. Paletta asked that the Council make a motion accepting the settlement S. Nick Wilson for \$1,000. Gil Adams made a motion to dismiss the suit and accept the settlement. Rick Owen seconded the motion and it passed unanimously.

- d. Police Report

Captain R. L. Dunn noted that the report was in the packet and asked if there were any questions. Mr. Lawless requested a summary of the report for the MountainEar. The report was accepted as submitted.

- e. Town Manager's Report

Seth Lawless reported; 1) Town Hall is being repainted for a contract price of \$2,550. This will be paid for out of the building maintenance fund. 2) The right of way transactions with Don Bennett and Ramona Bullock have been completed. 3) Mtn. Electric is continuing to work on the clean up of the right of way clearing. 4) The recycling center will begin closing this week, although the staff positions have not been filled yet. The Town does have a building, purchased from Avery County for \$1.00, and the gate to allow locking the facility has been put up. 5) The basketball court at Lake Coffey should be open by October 1<sup>st</sup>. 6) Mr. Lawless informed the Council of this rescheduled vacation, September 21<sup>st</sup> - 25<sup>th</sup>. 7) The Town has not received any information on the request for a Disaster Declaration from the August 11<sup>th</sup> rain.

f The Tax Report and the Building Inspections Report were accepted as submitted.

#### 9. *Other Business*

Cindy Keller asked about the Chamber building. Mr. Lawless responded by informing Ms. Keller that the building should be completed by Christmas and the sewer hook up would not be done until the moratorium is lifted.

Ms. Keller then asked about the moratorium to which it was noted that a representative from DENR had made a yearly scheduled visit on August 21<sup>st</sup>. After Ms. White's visit she contacted the Town to ask for a copy of the reports from the two engineering firms along with a copy of the capital improvement plan. The Town will be able to provide this information after the meeting on Thursday.

Mayor Holland reminded the audience that the October Council meeting would be on the 16<sup>th</sup>, 3<sup>rd</sup> Tuesday, not the 2<sup>nd</sup>.

#### 10. *Executive Session*

Upon a motion by Reub Mooradian, seconded by Rick Owen, the Council entered into Executive Session at 8:45 P.M. under the provisions of NCGS 143-318(a)(3) to consult with the Town Attorney. The Council came out of the closed session at 9:20 P.M.

#### 11. *Recessed*

There being no further business to come before the Council, the meeting was recessed until Thursday, September 20, 2001 at 1:00 P.M. upon a motion by Reub Mooradian, seconded by Rick Owen. All agreed.

#### *Reconvened – 9-20, 1:05 P.M.*

Mayor Holland reconvened the regular meeting of September 18<sup>th</sup> at 1:05 P.M. Present was Vice Mayor Rick Owen, Council Members Gil Adams and Reub Mooradian. Also present were Town Manager Seth Lawless, Jonathan Hobbs, Town Engineer Mike Slusher and Public Works Director Riley Hatch.

Mayor Holland called for the first order of business.

- a. Mr. Lawless gave the Council an update by starting with the DENR visit on August 21<sup>st</sup> by Sue White. After Ms. White's visit she contacted the Town to say they would consider the Town's request to lift the moratorium on the Pond Creek Wastewater Treatment plant after they receive a copy of the reports from the two engineering firms along with a copy of the capital improvement plan and information on how this would be paid for.
- b. Mr. Lawless stated that he had started to investigate funding sources. The Rural Center has a \$400,000 supplemental grant program that has to be matched, applications for this grant are due on Friday, September 28<sup>th</sup>. This grant application will be submitted by the deadline. The two worse basins in the Hobbs & Upchurch study in the Grassy Gap section have been selected for this grant, identified as TO225 and TO339. Rural Center grants are awarded twice a year.

Another source of funding being investigated in the State Revolving Loan Fund. This is a State and federal government subsidized low interest loan program, currently lending at 2.5%. This requires a 201 Facilities Amendment, included in the Davis Martin Powell study. October 15<sup>th</sup> is the Town's target date for getting an application in for this loan.

The following alternatives are not quite as attractive, one being the USDA Old Farmers Home Program, which offers a combination of grant and loan funds, with repayment over a 30 or 40 year term. The Town is likely not eligible for any grants. This will be pursued as an alternative source of funding. The Town can also look at conventional market rate loans which are now at 4.5% to 4.6%. With this type of loan, the system would have to be put up as collateral.

The list of improvements recommended by the two studies comes to \$2,467,000. A proposed amendment to the CIP incorporating the selected improvements was presented by Mr. Lawless. The CIP is a planning tool, it does not appropriate any money. The CIP is updated every two years. The amendment being presented is necessary to meet the requirements of the grant program and also to satisfy DENR.

To apply for the Rural Center Funds the Town must adopt a resolution authorizing the Mayor to sign the application. Reub Mooradian moved to adopt resolution 01-09-06 as a top priority because of the \$400,000 matching funds. Gil Adams seconded the resolution and it passed unanimously.

Mr. Lawless asked if the Council had any questions on the recommendations made by the two firms. Mr. Mooradian expressed his interest in having back up at the plants. Mr. Lawless had proposed, in the CIP, the Pond Creek project at the lower figure of \$998,000 and the Grassy Gap facility at \$281,000- that doesn't include the tertiary filters (\$230,000), new headworks (\$210,000) at the Pond Creek plant or fixed film media instillation (\$85,000) at the Grassy Gap facility. There was a brief discussion on these particular items plus the possibility of having the town under an SOC by DENR, which allows the Town to go over the set limits while repairs are being made. The

drawback to a Special Order by Consent (SOC) plan is the possibility of a \$25,000 fine for going over set limits

Reub Mooradian made a motion to approve the changes to the Capital Improvement Plan. Gil Adams seconded the motion and it passed unanimously

Mr. Lawless went on to explain that the Capital Reserve Fund is where the availability fees income is deposited. This is restricted to water and sewer improvements. It is now at \$125,000. The availability fees bring up \$25,000 to \$30,000 per year. Mr. Lawless requested \$110,000 out of the Capital Reserve Fund and transferred into the Capital Project. Mr. Lawless then presented the budget for the Capital Project, which he felt would have to have future amendments. The Town will also have to create a Capital Project for the collection system work. Rick Owen made a motion to approve the Budget Amendment. Reub Mooradian seconded the motion and it passed unanimously.

Rick Owen made a motion to set up a Capital Project Ordinance. Reub Mooradian seconded the motion and it passed unanimously

Mr. Lawless noted that the total project was 2 416 million dollars.

Rick Owen asked whether or not we were able to do immediate repairs to get the Grassy Gap Plant back in compliance. Mr. Slusher indicated that Mr. Hatch's crew continued to make any repairs they could do on their own. Mr. Lawless noted that DENR has mandated 3 consecutive months of compliance, during the summer months, before the moratorium could be lifted.

### *Adjourn*

There being not further business to come before the Council, the meeting was adjourned at 2:00 P.M. upon a motion by Rick Owen, seconded by Gil Adams. All Agreed.

Respectfully submitted,

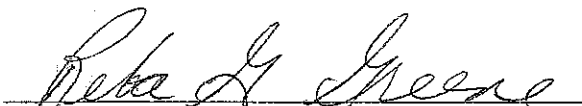
Reba G. Greene  
Town Clerk

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Minutes approved by Town Council on October 16, 2001.

  
Mayor

ATTEST:

  
Town Clerk