

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
January 11, 2005

CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 6:00 p.m. in the Council Chambers of Town Hall. Other Council Members present were Gil Adams and Paul Piquet. Also present were Town Manager Seth Lawless, Police Chief Jay Hefner, Public Works Director Riley Hatch, Building Inspector Keith Cook, Town Engineer Ed Powell and Town Attorney David Paletta. There were a number of interested parties in the audience.

Invocation – Charlie Burleson opened the meeting with prayer.

Pledge of Allegiance – All present joined in the pledge of allegiance to the flag.

1. Adoption of Agenda – The Agenda was adopted with the addition of three items under #8 Other Business: A. Renaming Beech Mountain Parkway, B. Letter to Skyline, and C. Randy Corn on the Town appearance.

2. Consent Agenda – Minutes of December 14th Regular – Mr. Piquet moved to approve the minutes with the reversal of the words may and shall on page 2. Mr. Adams seconded the motion and it passed unanimously.

3. Public Hearing – 201 Facilities Plan Amendment – Pond Creek Wastewater Treatment Plant Upgrade – Mayor Owen opened the Public Hearing at 6:04 p.m. turning the floor over to the Town Engineer Ed Powell. Mr. Powell presented comments from the United States Department of Interior Fish and Wildlife Services regarding the Beech Mountain Pond Creek expansion and upgrade. Fish and Wildlife had identified some federally listed species and species of concerns which exist in the region but would not be affected by this project. Fish and Wildlife confirmed their support for the proposed expansion upgrade of the Pond Creek Treatment Plant and the methodology included in the design. They offered some recommendations to help address potential secondary and cumulative impacts associated with the project pertaining to perennial and intermittent streams and buffer requirements. It is recommended that the Town Council provide these Fish and Wildlife recommendations to the Planning Board for their considerations.

Mr. Powell gave an overview of the wastewater systems in the Town starting with the Grassy Gap Basin which covers 1,170 acres of land. The Grassy Gap Basin has 23.8 miles of sewer mains. The Town has concentrated the rehabilitation project in this basin. The Pond Creek Basin, which is the subject of the 201 Facilities Plan, covers 1,540 acres and has 31.4 miles of sewer mains. The Pond Creek Basin has had a history of fecal coliform and effluent toxicity violations resulting in the Town's moratorium in December 2000. The Town has been under an S.O.C. agreement since August 2003. Mr. Powell noted the problems that had been identified as limited redundancy, UV maintenance issues, limited digester capacity and weather dependent sludge drying beds. The proposed upgrades, Mr. Powell continued, would include modified biological processing, more efficient aeration, redundant clarifiers and updated UV disinfection, dual sludge digesters, a dewatering system, standby power

and laboratory expansion. Mr. Powell informed the Council and audience of the cost – the Pond Creek upgrade would cost \$1,229,100. The Town would apply for a low interest loan at a rate of approximately 2% for the project. Several questions were regarding the future treatment capacity, timing for construction and the lifting of the Pond Creek Moratorium. It was noted that there would be an increase in the minimum monthly sewer charge, which is currently \$14.31; the proposed amount would be \$18.31. Mr. Lawless noted that the Council had proposed a 2% rate increase in July 2004 and it was proposed to do increases at regular intervals allowing for small amounts each time. No project objections were raised. Hearing no further comments Mr. Piquet moved to close the Public Hearing at 6:25 p.m. Mr. Adams seconded the motion and it passed unanimously.

4. *Special Presentations*

A. *Brian Barnes for service to TDA* – Mayor Owen, on behalf of the Town, presented Mr. Brian Barnes with a plaque of appreciation for his service to the Tourism Development Authority from 2001 through 2004.

B. *Bryce Holder – 2003/04 Audit* - Mr. Bryce Holder C.P.A. presented the Council with a brief overview of the audit for 2003/2004 fiscal year. Mr. Holder indicated that the Town's finances were in good shape and having no questions from the Council, Mr. Holder's report was accepted as submitted.

5. *Old Business – Committee Appointments: TDA (1), Parks (4), Rec. Center (3)*

A. *Tourism Development Authority* – Mr. Piquet moved to appoint Mr. Rick Miller to the Tourism Development Authority. Mr. Adams seconded the motion and it passed unanimously.

B. *Parks Committee* – Mr. Piquet moved to appoint Mr. Fred Pfohl to the Parks Committee as Chairman. Mr. Adams seconded the motion and it passed unanimously. Mr. Piquet asked that Mr. Brad Mettee be considered for the Committee. When the remaining appointments are considered at the February 8th Council meeting.

C. *Recreation Center* – Appointments will be scheduled for the February 8th Council meeting.

6. *New Business*

A. *Resolution 05-01-01 – 201 Facilities Plan Amendment* – Mr. Adams moved to adopt Resolution 05-01-01 for the improvements to the Pond Creek Wastewater Treatment Plant. Mr. Piquet seconded the motion and it passed unanimously.

B. *Call for Public Hearing – Proposed Zoning Ordinance Amendment* – Mr. Lawless reported that the Planning Board had reviewed the Soil Erosion Plan based on State standards and asked that the Council set a date for the Public Hearing. The Council agreed to hold the Public Hearing prior to the next Council meeting, February 8th at 6:00 p.m.

C. *Designation of Applicant's Agent* – Mr. Lawless explained that the Designation of Applicant's Agent forms were required by F.E.M.A. to appoint designated individuals to sign report forms. Mr. Lawless indicated that he had listed Mr. Hatch and himself as agents, allowing them to sign the

necessary forms for the Town to receive reimbursement for Hurricanes Ivan and Frances. Mr. Piquet moved to approve both the Ivan and Frances Designation of Applicant's Agent Resolutions. Mr. Adams seconded the motion and it passed unanimously.

D. Proposed Change Order – Rec. Center – Mr. Lawless indicated that this was the second change order for the Buckeye Lake Indoor Recreation Center. The change order, in the amount of \$10,686.50, was to perform soil remediation work in two areas, provide for additional steel, court markings and the Town logo to the sports floor, and allow for a contract extension of 16 days, making the substantial completion date June 18, 2005. Mr. Clint Iles asked what the new total for the center was to which Mayor Owen stated \$2,791,785.30. Mr. Piquet made a motion to approve the change order. Mr. Adams seconded the motion and it passed unanimously.

E. Proposed Budget Amendment – E911 – Mr. Lawless reported that the Budget Amendment was to cover the cost of a replacement generator at Town Hall. Mr. Adams made a motion to approve the Budget Amendment. Mr. Piquet seconded the motion and it passed unanimously.

F. Discussion Items

i. Sledding Hill – Mayor Owen informed the Council and audience that the sledding hill, which was managed by the Town and partially funded by the I.D.A., had been shut down on December 28th due to over crowding and too many accidents. Mayor Owen and the Council agreed that Mr. Lawless had made the right decision because of the inability to maintain control over the situation, the question before the Council now was to decide if the hill should be reopened and if so, when. Ms. Peggy Coscia addressed the issue indicating that she felt there should be a 3 person panel in control of the hill made up of a public works employee, business owner and one of the E.M.T.'s. This panel could be responsible for the employees that maintain the hill. Ms. Coscia further indicated that the hill had not been managed well. Ms. Renee Castiglione worked a number of the E.M.T. calls and she noted there were 11 in one day – this does not include injuries that did not require the attention of an E.M.T. Ms. Castiglione felt there were far more calls this year as compared to last year and agreed with Ms. Coscia. Mr. Jim Brooks felt the lack of control was due to the age of the employees watching the crowd and felt that adults would be looked at as an authoritative figure. Mr. Brooks also suggested a fence on the upper area to help control the crowd. Mr. Wilson King felt that it was the most fun visitors to the Town could have, and asked Council to compare the cost of operating the sled hill safely with the amount being spent on the Buckeye Recreation Center. After much more discussion the Council agreed that the sledding hill would be open after the M.L.K. holiday weekend.

ii. Memorial Park Non-Profit Status – Mr. Lawless reported that the Town had one more lot to acquire for the proposed site of the Memorial Park. Mrs. Kakii Handley was still very enthusiastic about the Memorial Park and wanted to see a building built on the property. Mr. Piquet stated that Mrs. Handley had given him a list of name of individuals she would like to work with and Mr. Piquet felt forming an Advisory Committee that would report back to the Town Council would be an effective way to approach the issue. After a brief discussion, Mr. Piquet moved to appoint Kakii Handley Chairperson of the Memorial Parks Committee. Mr. Adams seconded the motion. Mayor Owen noted if Mrs. Handley deemed it beneficial in the future to set up the Memorial Park on a non-profit status, separate from the Town that the Committee could make that recommendation to the Town. The motion passed without dissent.

7. New Business

A. Town Engineer's Report – Ed Powell – Mr. Powell reported that Mr. Hatch and Mr. Lawless had gone with him to look at the Golfview Drive cul-de-sac area; an easement would have to be obtained in order to make the necessary turnaround. The property owners will have to be contacted to see if they are willing to grant easements to the Town for the project.

B. Public Works Director's Report – Riley Hatch – Mr. Hatch reported; 1) The water plant turbidity monitoring system had been installed and is working. 2) F.E.M.A. is still working on the Perry Park flooding. 3) The crew has been busy cleaning out culverts in anticipation of bad weather.

C. Town Attorney's Report – David Paletta – Mr. Paletta had no report.

D. Chief of Police's Report – Jay Hefner – Chief Hefner reported that the department had had three D.W.I. violations, a fraud case involving an individual paid to do a job that he did not do and a simple assault in which no charges were filed. The report is on file with the Town Clerk.

E. Quarterly Financial Report – The report is on file with the Town Clerk.

F. Quarterly TDA Report – The report is on file with the Town Clerk.

G. Town Manager's Report – Seth Lawless – Mr. Lawless reported: 1) Mr. Randy Corn had been appointed the new Planning Board Chairman. 2) The Planning Board has moved their regular monthly meetings to the first Thursday of every month, the time is still 9:00 a.m. 3) February 2 – 4 is the City and County Manager's Association meeting in Raleigh. 4) The pay classification review should be ready by the February meeting.

H. Tax Collection Report – Melissa Norwood – The report is on file with the Town Clerk.

I. Building Inspection Report – Keith Cook – The report is on file with the Town Clerk.

8. Other Business

A. Re-Naming Beech Mountain Parkway – Mayor Owen reported that he had received a FAX from Spencer Robbins with a copy of a letter he had written to Senator David Hoyle asking that NC 184 from Banner Elk to Beech Mountain be designated Grover C. Robbins, Jr. Memorial Parkway. After a brief discussion the Council agreed they would be opposed to changing the name from 'Beech Mountain Parkway'. Mayor Owen indicated that he would contact Mr. Robbins with the Council's decision.

B. Skyline Telephone – Mr. Lawless reported that the pay phone in the entry way of Town Hall had not had enough use and Skyline was recommending that the Town buy its own phone at a cost of \$350.00 + a monthly fee. Mr. Lawless and the Council agreed that a phone was useful in that area and after a brief discussion agreed that a Local Access phone be installed costing approximately \$11.00 per month.

C. Appearance Committee – Mr. Randy Corn addressed the Council with his concerns about the appearance of the Town, mainly the area from Fox Run Estates to the entrance of Ski Beech.

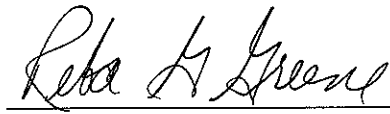
along Beech Mountain Parkway. Mr. Corn asked if the Town had a landscaping plan to which Mayor Owen indicated that the Department of Transportation was working on a design. Ms. Coscia volunteered to be on the Appearance Committee, should the Town decide one was necessary.

9. Adjournment- There being no further business to come before the Council, Mr. Adams moved to adjourn the meeting. The motion was seconded by Mr. Piquet, and the meeting was adjourned at 7:35 p.m.

Minutes approved by Town Council on Feb. 8, 2005.


Mayor

ATTEST:


Town Clerk

