

MINUTES  
BEECH MOUNTAIN TOWN COUNCIL  
December 8, 1998

CALL TO ORDER

Mayor Tim Holland called the regular meeting of the Beech Mountain Town Council to order at 6:00 PM. Other Council Members present were Rick Owen, Jim Herbert, Reub Mooradian and Ed Waligroski. Also present were Town Manager Seth Lawless, Public Works Director Joe Perry, Chief of Police Jay Hefner, Town Engineer Ed Powell and Code Enforcement Officer Don Fulkerson. There were a number of interested parties in the audience.

*Public Hearing - Proposed Amendment to Zoning Ordinance.*

Pursuant to due advertisement having been given in the Watauga Democrat editions of November 23 and 30, 1998 and the Avery Journal editions of November 19 and 26, 1998, Mayor Holland called a Public Hearing on the proposed addition of a resort zoning district to the Zoning Ordinance to order. Roger Bullock, Chairman of the Planning Board, set forth the purpose of the Board's recommendation: that the Town Charter specifies that the ski area is to remain in use for recreation purposes and the Town is not allowed to regulate it in any way that would impact its operation as a resort. That being said, Mr. Bullock explained that the Planning Board took up this issue in order to zone the Town comprehensively, as required by statute. By taking the language from the Charter, and thoroughly reviewing the permitted use table for all zones over a period of five Planning Board meetings, the Board had arrived at the recommendation that was being presented tonight. He reiterated that the original intent and language of the Charter had been upheld.

Jim Cary from Holiday Beech Villas asked what the height restriction was and how it was calculated. Don Fulkerson replied that it is 35 feet, figured from the point where the natural grade meets the building.

Jim Blane, attorney for the Beech Mountain Resort, introduced himself to the Council. He requested a thirty day extension before the Council acts on the zoning recommendation.

Bruce Keith asked the Council if residential property abutting the resort zoning district would be impacted. Don Fulkerson replied by stating that no changes would be made to abutting districts by the adoption of the new district.

Mary Frisbie asked if the Town action had anything to do with extraterritorial zoning. Mayor Holland replied that it did not.

At the Council's request, Don Fulkerson explained the conditional use permit process.

Mr. Blane stated that telecommunication towers should be permitted. Mayor Holland replied that conditional use permits are required for towers in all commercial districts. Roger Bullock added that the Planning Board had done a comprehensive review of the telecommunication tower issue.

Mayor Holland called for additional comments. Hearing none, Reub Mooradian moved to close the hearing. Ed Waligroski seconded the motion, which passed unanimously.

*Special Presentation - Robert Heaton.*

Robert Heaton, Beech Mountain Chief Operator, Wastewater Treatment, spoke of the changing climate in the regulatory environment, and gave specific examples of how the Division of Environmental Management has increased enforcement on municipal wastewater discharges. Monitoring has to be done more frequently, and permit

limits are now calculated on a weekly running average as opposed to the monthly mean in the past. This makes compliance more difficult, and he forewarned the Council that fines from DEM may be on the way. Robert discussed the Town's I & I efforts and informed the audience of the breaks discovered on Village Road, which are under repair. Several in the audience had questions for Robert, which he answered. Mayor Holland thanked Mr. Heaton for the report

1. ***Adoption of Agenda.***

The agenda was adopted as presented.

2. ***Consent Agenda.***

Mayor Holland asked that the November minutes be corrected to indicate that the water to fight the fire in the Snowtree Villas Condominiums came from the Skiway Circle fire hydrants, not the lake. A motion to that effect was made by Rick Owen and seconded by Ed Waligroski. The motion passed unanimously. Reub Mooradian moved the Consent Agenda be approved with the minutes correction. Rick Owen seconded the motion and the following items were unanimously approved:

- a. Minutes, November 10, 1998.
- b. Resolution releasing Region D funds

3. ***Committee Reports.***

There were no committee reports.

4. ***Old Business:***

- a. ***Consider Amendment to Zoning Ordinance.*** This item was deferred until the January meeting.
- b. ***Consider Request - Richard Lane.*** Seth Lawless reported on the progress of the request received from Mr. Lane to swap property with Mr. Yarbrough in hope of widening Hummingbird Lane. Mr. Yarbrough has agreed to swap with the Town, and Mr. Lane has agreed to transfer a piece of his property to the effort as long as he retains the right to park on it. Council agreed. David Paletta suggested the parking easement be incorporated into the deed.
- c. ***Sign Inventory Report.*** Chief Hefner discussed the sign inventory his department had been asked to complete. Council tabled this matter until the January meeting.

5. ***New Business:***

- a. ***Committee Appointments.*** All members whose terms had expires expressed an interest to serve again. Mayor Holland asked the Council and audience if there was anyone else interested in serving. Hearing none, Rick Owen moved that Ted Crager and Bill Watson be reappointed to the Planning Board for three year terms; that Norm Smith be reappointed to the Board of Adjustment for a three year term; that Kakii Handley, Alan Holcombe and Deborah Connelly be reappointed to the Board of Adjustment for one year as alternate members; and that Rick Miller be reappointed to the Economic Development Committee for a three year term. The motion was seconded by Jim Herbert and passed unanimously.
- b. ***Set Date for Public Hearing - PARTF.*** Seth Lawless gave an overview of the Parks and Recreation Trust Fund grant program. He went into detail about submitting an application based

upon the final recommendations of the Long Range Planning Committee. A fifty percent cash match is required. Mayor Holland called for a Public Hearing at the January 12th meeting to gain input on the application.

- c. **Consider Tax Release.** Rick Owen moved the tax release for Kinglsey Plimpton be approved as submitted. Reub Mooradian seconded the motion and it passed unanimously.
- d. **Wastewater Violation.** Upon a motion by Ed Waligroski, seconded by Reub Mooradian, the Council voted unanimously to pay the most recent wastewater permit violation to DENR totalling \$1,066.00.
- e. **Consider Budget Amendment.** Reub Mooradian moved the budget amendment regarding the 1999 Ford truck and computer backup system be approved as submitted. Rick Owen seconded the motion and it passed unanimously.
- f. **Discussion of Water Line Replacement - Ed Powell.** Mr. Powell was asked to make a presentation regarding water pressure and fire protection, specifically in relation to the proposed Woodland Road water line replacement. Mr. Powell presented the results of the modeling his firm had done. He stated that the reason there was little to no pressure on Grassy Gap Loop road when a fire hydrant was open on Pine Ridge Road was due to the fact that the mountain had been divided into self-contained sectors, based upon elevation. Each sector was isolated from the others and fed off of one of the Town's water storage tanks. This was done to decrease electrical costs and improve safety a couple of years ago, up to which time all treated water was pumped to the top of the mountain and gravity fed back down. Mr. Powell suggested replacing the two and four inch lines with six or eight inch, and leaving the existing six inch pipe in place. He explained that this would provide as much water as possible to the Grassy Gap Loop and St Andrews Road areas. Kakii Handley repeated an earlier suggestion to replace the water line on Village Road before it is paved.

6. **Staff/Consultant Reports.**

- a. **Town Engineer's Report.** Ed Powell had no report.
- b. **Public Works Director's Report.** Joe Perry reported that the damaged hydrants are 99% fixed, with the exception of those on two inch lines.
- c. **Town Attorney's Report.** Mr. Paletta had no report.
- d. **Chief of Police's Report.** Chief Hefner had no report.
- e. **Town Manager's Report.** Mr. Lawless had no report.
- f. **Finance Report and Building Inspection Report.** Both reports were accepted without comment.

7. **Closed Session, N.C.G.S. 143-318.11(a)(5).**

Rick Owen moved the Council go into closed session to discuss property acquisition and a pending legal matter. Jim Herbert seconded the motion and the Council went into closed session at 8:40 PM. Council

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came out of closed session at 9:15 PM.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:15 PM

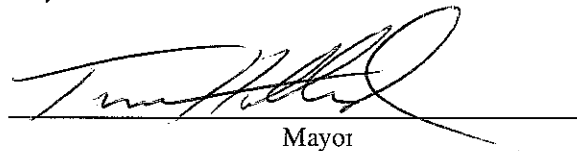
Respectfully submitted,



Seth Lawless  
Town Manager

SL/blm

Minutes approved by Town Council on January 12, 1999.

  
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Mayor

ATTEST:

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Town Clerk