

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting February 9, 2010**

**I. CALL TO ORDER**

Mayor Rick Owen called the Regular Meeting of the Beech Mountain Town Council to order at 2:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Cindy Keller, Rick Miller and Paul Piquet. Also present were Town Manager Randy Feierabend, Assistant Code Enforcement Officer/Planner Jes Scott. Billy Lee, Withers & Ravenel, Urs Gsteiger and Pete Chamberlin were present in the audience.

**II. Invocation** – Charlie Burtleson opened the meeting with a prayer.

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

**IV. Public Hearings** – Councilperson Piquet moved to open the Public Hearings on Garbage Bin Modifications and the Zoning Ordinance Building Height and Vacant Lot amendments at 2:05 p.m. Councilperson Miller seconded the motion and it passed unanimously.

- a. Garbage Bin Ordinance Modification** – Mr. Scott gave a brief overview on the modifications indicating the Planning Board had recommended that homeowners be able to opt out on having a garbage bin if they did not put trash out for pick up. The Planning Board also recommended that the bins have a lid and a flag to indicate there was trash to be picked up. The Planning Board also recommended that underground bins no longer be allowed. There were no comments from the public.
- b. Zoning Ordinance** – Building Height and Vacant Lot – Mr. Scott indicated that vacant lots were regulated by existing §1108 and proposed new §154.138 of the Zoning Ordinance. The Planning Board recommended the following wording; “Vacant lots and open spaces shall be maintained in their natural state, provided such state does not cause an endangerment to safety, health, or otherwise cause a nuisance. The accumulation of junk and unsightly debris is prohibited. (A) The storage of building materials on vacant lots shall only be permitted only with the issuance of a building permit, and shall be permitted only as long as said building permit is valid. Such storage of building materials is allowed only on the lot for which the permit was issued, or an adjoining lot with the written permission of the owner. Off premise storage of building materials in a residential area is prohibited.” Hearing no comments from the public on Garbage Bin Ordinance Modification and Zoning Building Height and Vacant Lot Amendments, Councilperson Piquet moved to close the Public Hearing at 2:20 p.m. Councilperson Miller seconded the motion and it passed unanimous.

**V. Adoption of Agenda** – Mayor Owen noted that Renee Castiglione was not present and removed VIII. b. from the Agenda. The Agenda was accepted as amended.

**VI. Approval of the Minutes January 12, 2010 Regular Meeting and the February 3, 2010 Special Meeting.** Mayor Owen asked that the minutes of January 12, 2010 and February 3, 2010 be table until the Regular Meeting on March 9, 2010. Councilperson Piquet moved to table the minutes. Councilperson Miller seconded the motion and it passed unanimously.

**VII. Public Comment** – There were no comments from the public.

**VIII. New Business** –

- a. Streetscape Plan – Robert N. Oelberg, ASLA PA** – Mr. Scott, noting that Mr. Oelberg was unable to attend the meeting, presented the proposed streetscape project. The proposal included design considerations, DOT process for grant availability and design generation. Mr. Feierabend noted that the proposed walking path was based on a 60' right of way. The main focus in the beginning would be the gateway to the Town with a walking path built in phases from the entrance of the Town, and ultimately down to Beech Mountain Resort. After much discussion, the Council asked that Mr. Scott keep them informed of the progress and indicated that the Council was in favor and would be happy to assist with the project.
- b. Wildlife Idea** – Mr. Feierabend indicated that the Town had found a licensed contractor for referral when citizens have an issue with wild animals. Mr. Feierabend noted that state law allowed fox, raccoon and skunk to be killed rather than relocated whereas other animals had to be relocated. Councilperson Piquet felt the Town should not encourage killing of any animals.
- c. Garbage Bin Ordinance Modifications** – Councilperson Keller asked if the bins could be pressure treated wood, cedar or better material to which Mr. Scott indicated that it was the Town Manager or his designee who would approve the materials unless it was designated in the ordinance. Councilperson Piquet suggested it be wood that was pressure treated or suitable for outside use and that the effective date for the discontinued use of underground garbage bins be November 1, 2010. Councilperson Keller asked if a notice with regards to the changes be put on the water bills, channel 2, and the web site. Mayor Owen asked that the revisions be presented to the Council at the March 9, 2010 meeting.
- d. Zoning Ordinance Building Height and Vacant Lot – Building height and vacant lot amendments** – Councilperson Piquet moved to approve the amendments to the Zoning Ordinance as presented. Councilperson Miller seconded the motion and it passed unanimously.
- e. Lot Donation – BHW-176 and BHW-138** – Mr. Feierabend reported that Daniel Waterman had offered to donate BHW-176 and BHW-138 to the Town. Mr. Waterman had indicated that he would like the property to remain as green space and not be sold by the Town. After a brief discussion, Councilperson Piquet moved to accept the lot donations with the stipulation regarding the green space, selling or trade of the lots be removed. Councilperson Miller seconded the motion. Mayor Owen indicated that when the Town had sold or traded a lot in the past, it was to be kept as green space. The motion passed unanimously.

- f. High Country Council of Governments – Executive Board Appointment* – Mayor Owen indicated that the High Country Council of Governments required that the Executive Board member for the Town be a Councilperson. After a brief discussion, Councilperson Piquet moved to appoint Councilperson Miller as the Town’s member of the HCCG Executive Board. Councilperson Keller seconded the motion and it passed unanimously.
- g. Storm Water Report – Billy Lee, Withers & Ravenel Inc.* – Mr. Lee reported on the Withers & Ravenel Engineers/Planners/Surveyors project for inventorying, surveying, and mapping the storm water system; developing a GIS database, and developing models of storm water runoff. The firm was also looking at the feasibility of reducing surface pollutants to Pond Creek, Beech Creek, and the Watauga River. Mr. Lee indicated that the Town had some significant features that included 1,442 culvert in/outlets, 721 culverts, 7 storm manholes, and 5 catch basins to name a few. A 200 acre study area included land use, open space, watershed classifications, high quality and trout waters and the stormwater project area. The culverts at Lake Road, Foxgrape Hollow Road and West Pond Creek Road are presently undersized. The Beech Mountain Pkwy. retrofit site #1 by the W. Fork Pond Creek and the existing Beech Mountain Resort water storage facility would include repairs to the wet pond, drawdown device, concrete riser, overflow and outlet would cost approximately \$80,000. Site #2 located on a vacant lot off W. Pond Creek Road would include concrete riser structure, water quality drawdown, overflow orifice and 80 LF of 18” RCP outlet costing approximately \$230,000. Mr. Lee noted that the water quality benefits in the Site #2 may not justify the construction cost. Upsizing existing culverts would reduce stream erosion and relieve flooding of roadways. Mr. Lee indicated that alleviating channel erosion might be a more cost effective means of improving water quality to West Pond Creek, Beech Creek, and the Watauga River. The Council will consider the proposals.

**IX. Old Business –**

- a. Board of Adjustment Alternate* – Mayor Owen reported that the Council was still considering candidates for the third alternate position to the Board of Adjustment.
- b. Tourism Development Authority Appointment* – Mayor Owen reported that Gil Adams had not accepted the appointment as a TDA member; the appointment had taken place at the January 12, 2010 meeting. After a brief discussion with regards to the qualifications as a TDA member, Mr. Feierabend was asked to review the issue. The appointment was tabled for discussion at the March 9, 2010 Regular Meeting.

**X. Town Manager and Staff Reports** – Mr. Feierabend reported 1) Mr. Paletta was not in attendance; however Mr. Paletta had indicated that he would be available by telephone if the Council needed his advice. 2) Mr. Feierabend presented a press release from ‘America in Bloom’ a non-profit organization for beautification programs. 3) The Town received the 2010 Permit to Operate a Community Public Water System from the NC Department of Environment and Natural Resources Division of Environmental Health. 4) An ethics training class, mandatory for all Council members, was tentatively scheduled for March 25, 2010 from 6 pm to 8 p.m. More information will be provided as it becomes available. Councilperson Keller suggested that the

Police report might be a little more informative and asked Mr. Feierabend for clarification on escorts. Mr. Feierabend indicated that the department regularly escorted EMS, delivery truck as well as assistance to lost visitors. Mr. Feierabend noted that during the last weather incident, a vehicle had wrecked on Lake Road and Chief Hefner had taken the couple to their proper destination which was Seven Devils. Councilperson Keller indicated that she objected to the trip to Seven Devils. Councilperson Keller said the road crew had report in when a road was plowed to which Mr. Feierabend indicated that zones were reported. Councilperson Piquet complimented the public works department on road clearing. Councilperson Miller asked for an explanation of the reports submitted by Robert Heaton on water and wastewater. The Council asked that the report be simplified for better understanding. Councilperson Keller asked for an update on the run-off from Eagles Nest to which Mr. Feierabend reported that he had contacted the State and was waiting for a response. The staff reports were accepted as submitted.

**XI. Closed Session** – Mayor Owen indicated that there was no business to be discussed in closed session.

**XII. Other Business** – There was no other business to come before the Council.

**XIII. Adjourned** – Councilperson Piquet moved to adjourn the meeting at 4:15 p.m. Councilperson Miller seconded the motion and it passed unanimously.

Minutes approved by Town Council on March \_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor