

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**August 11, 2009**

***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 Gil Adams, Pete Chamberlin, Randy Corn and Alan Holcombe. Also present were Town Manager Randy Feierabend, Town Attorney David Paletta, Public Works Director Riley Hatch, Police Chief Jay Hefner, Water/Wastewater Supervisor Robert Heaton, Recreational Director Eric Jelinski, Assistant Code Enforcement Officer/Planner Jes Scott, and Special Projects Manager Joe Perry. There were a number of interested parties in the audience.

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

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

***IV. Adoption of Agenda*** – The Agenda was adopted as presented.

***V. Approval of the Minutes – May 26, 2009 Special Meeting and July 14, 2009 Regular Meeting*** – Councilman Chamberlin moved to approve the minutes of May 26, 2009 and July 14, 2009 as presented. Councilman Corn seconded the motion and it passed unanimously.

***VI. Public Hearing*** – Councilman Chamberlin moved to open the Public Hearing on the Sign Ordinance Revisions at 2:05 p.m. Councilman Corn seconded the motion and it passed unanimously. Jes Scott gave an overview of the recommendations made by the Planning Board. The proposed revisions included Section 1909 Material and Style, Section 1902 and 1904 Information Boxes, Section 1905 Commercial Signs and 1903 Exempt Signs. Mr. Fred Pfohl, Fred's Mercantile at 501 Beech Mtn. Pkwy., indicated that his store sign, attached to the building, was larger and had more colors than proposed. Mr. Pfohl also indicated that his sign was 30 years old and it would be a burden to revise the sign. Mr. Paletta indicated that there were no provisions for existing signs. Mr. Pfohl noted that his sign was painted on 3 sheets of plywood. Andy Porter, Vice Chair of the Planning Board, indicated that the Board had thought that Fred's sign was in compliance. Mr. Pfohl then asked about the drink machine signs that are back lit and visible from the road. The Council recommended that the soft drink machines be non-illuminated. Mr. Burlison asked about the residential signs to which Mr. Scott noted that the house numbers had to be reflective and visible from the road. Mayor Owen noted that Wilson King, 405 Beech Mtn. Pkwy., had submitted a letter expressing concern over the proposed time limit for compliance, suggesting 5 years as opposed to the 2 years recommended by the Planning Board. Planning Board Chairperson, Paul O'Connell felt 5 years was too long for compliance. Councilman Holcombe moved to close the Public Hearing at 2:20 p.m. Councilman Chamberlin seconded the motion and it passed unanimously.

***VII. Public Comment*** – Cindy Giarrusso, 1504 Beech Mtn. Pkwy., expressed her concern regarding the water quality. Councilman Chamberlin replied that the water was safe reiterating a state requirement for haloacetic acids is .06 and the Town's average is .061.

## **VIII. New Business –**

- 1. Recreation Center Donation Approval** – Mr. Jelinski presented the Council with a donation request from a family, which wished to remain anonymous, to pay the remaining balance on the newly constructed playground in honor of Fred and Margie Pfohl. Mr. Jelinski noted that the donor did understand that many other businesses and individuals contribute to the playground. The Recreation Committee recommends that the Council accept the donation and publicly honor the playground in Mr. & Mrs. Pfohl's name and have a plaque placed by the entrance of the playground. Councilman Chamberlin moved to accept the donation to be used for the balance of monies owed on the new playground. Councilman Corn seconded the motion and it passed unanimously.
- 2. HSMM (AECOM) – Preliminary Engineering Report** – Mr. Feierabend reported that additional copies of the preliminary engineering report from HSMM had been requested and that the Council would receive copies soon as they arrive. Mr. Hatch noted that the study proposed three alternatives to upgrade the water treatment plant. Councilman Corn indicated that the Council could not fully discuss the options until they had the report. The Council tabled the discussion until the September 8, 2009 meeting.

## **IX. Old Business –**

- 1. Water & Sewer Budget 2009-2010 update** – The Council tabled the discussion until the September 8, 2009 meeting.
- 2. Sign Ordinance** – Councilman Chamberlin thanked the Planning Board and staff for all their work on the Sign Ordinance. Mr. Scott gave an overview of the proposed changes. The Council discussed revisions in Section 1903(c) Exempt Signs that would delete the provision exempting city directory and welcome signs. 1903(d), Exempt Signs- Specify that only “non illuminated” soft drink dispensers are exempt from the Sign Ordinance. Section 1905(b) (2) - Size Limitations- Specify exactly where the 12 ft. height restriction shall be measured from. For formatting and clarity purposes, include a separate subsection that pertains to “Sign Height.” Section 1905 (a) (4) (a) Commercial Attached Signs – Change size limitation to 35 square feet to be consistent with other provisions. Section 1906(d) - Residential Signs- Change this provision to require that the street address, rather than the lot number, must be displayed, in accordance with state law, 1909(a) Material and Style- Incorporate a color chart into the ordinance to remove the subjective element from the requirement for “muted earth tones.” 1909(d) Material and Style- As to the color limitation to 5 colors, state that different shades of the same color shall be considered one color. 1913(d) Non-Conforming Signs- Modifies the “grace period” to bring signs into compliance to 3 years. Councilman Corn asked about the square footage allowed in the proposed ordinance to which Mr. Scott noted it was 35 sq. ft. Mayor Owen asked if all the commercial signs, not attached to buildings, had been

measured. Mr. Porter responded that there was an oversight and the sign attached to the building of Fred's Mercantile's had not been measured. Mr. Pfohl indicated that his sign was painted on 3 sheets of plywood (4' x 8') and had approximately 46 square feet. Councilman Corn recommended that Fred's sign to be measured and use the square foot for the ordinance requirements. There was further discussion with regards to grandfathering in signs and reference to Fred's as an historical site in the Town. Mr. Porter noted that the Pancake House, 1003 Beech Mtn. Pkwy., had a sign that was not in compliance and it was higher than the 12' height requirement. Of the 50 signs on the list the Planning Board used, 72% were in compliance. Ilena Accardi, owner of the Pancake House, asked how a sign ordinance that no one could agree on could be enforced and mentioned that it is expensive to change a business sign. Councilman Holcombe expressed his concerns regarding where the height for signs should be measured from. He recommended that the highest point on the natural grade of the land be used for properties that lie on the high side of the road, and the road grade be used for properties on the low side of the road. The Council will review the proposed recommendations at the September 8, 2009 meeting.

3. ***Avery County Scattered Housing*** – Councilman Corn moved to approve signing the certificate showing that the Town declines to participate in the FY2009 Scattered Site Housing Program for Avery County. Councilman Holcombe seconded the motion and it passed unanimously.

***X. Town Manager's Report*** – Mr. Feierabend reported that the Town was using the reverse 911 calling system. Mr. Feierabend noted that property owners had to give the Town approval to call a cell phone or private number. The information has been put on channel 2 and would also be made available at the Recreation Center, Chamber of Commerce and the Beech Mtn. Club. Mr. Pfohl indicated that he would distribute information at his store notifying individuals of the service. Councilman Corn asked for an update on the web site to which Mr. Feierabend responded that he was looking into retaining a company to maintain the site. Councilman Corn asked for a report on the Maggie Valley trip to review their water and sewer operations. Mr. Feierabend reported that he had chosen Maggie Valley because it was similar in size and operation to the Town; however they do have 1,000 more utility customers and a total of 120 miles of road. Mr. Feierabend and a group of employees: Riley Hatch, Joe Perry, Jessica Heaton and Jennifer Broderick visited Maggie Valley for a review of their scheduling, billing and field operations as well as the general efficiency. Mr. Hatch noted that Maggie Valley's treatment plant could treat 3 million gallons a day, our system can do up to 1 million gallons a day, and they had been very aggressive in obtaining grant monies to help improve and maintain their system. They have manual read meters, which are read monthly and they have a continuous billing system. Mr. Hatch stated that the staff was working to improve efficiency and procedures.

***XI. Staff Reports*** – Mr. Feierabend indicated that the staff reports were in the packet, noting that the Waste and Waste Water reports were now included. Mr. Heaton reported on the water report noting that the State mandates that the public be notified of any overages in testing items such as Haloacetic Acids and Trihalomethanes. The test results were consistent over the past 5 to 6 years, with the majority of the test being well within the required limits.

Mr. Jelinski reported that the Recreation Center had brought in approximately \$18,000 for the month of July. Usage of the facility continues to grow.

**XII. Closed Session** – Councilman Holcombe moved to go into Closed Session at 5:40 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of Closed Session at 6:00 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. No action was taken.

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

**XIV. Adjourned** – Councilman Corn moved to adjourn the meeting at 6:10 p.m. Councilman Chamberlin seconded the motion and it passed unanimously.

Minutes approved by Town Council on September 8, 2009.

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Mayor

ATTEST:

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Town Clerk