

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Meeting October 13, 2009

I. CALL TO ORDER

Mayor Rick Owen called the Regular Meeting for 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, Tax Administrator Missy Norwood, Water/Wastewater Supervisor Robert Heaton, Recreational Director Eric Jelinski, Assistant Code Enforcement Officer/Planner Jes Scott and Dempsey Wilcox, temporary bookkeeper from Bryce Holder, CPA. There were a number of interested parties in the audience.

II. Invocation – Charlie Burleson opened the meeting with a prayer.

III. Adoption of Agenda – Councilman Corn requested that an update on the radio upgrade be added to the Agenda. The Radio discussion was added to VIII Old Business item #8. The Agenda was adopted as amended.

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

V. Approval of the Minutes August 11, 2009 and September 8, 2009 Regular Meeting – Councilman Corn moved to approve the August 11, 2009 minutes as submitted. Councilman Chamberlin seconded the motion and it passed unanimously. Mayor Owen noted that in the September 8, 2009 minutes under public comment ‘has’ should be ‘was’ in the 2nd sentence, under new business expansion of the playground should be deleted, under old business, item 2, line 4 should indicate that the driver operator position could be funded in the current budget. Item 4 moving forward with repairs on the sewer line was added. In staff reports Mayor Owen asked that X, line one, have that changed to ‘if’. Councilman Chamberlin moved to approve the September 8, 2009 minutes as amended. Mayor Owen seconded the motion. The motion passed unanimously.

VI. Public Comment – Michelle Gibson, 360 Locust Ridge Road, indicated that she was opposed to the harvest of deer, noting that it would be inconsistent in living on Beech Mountain. Ms. Gibson quoted some regulations from Pittsboro, NC, one of which would have the deer harvest taking place during the height of ski season. Lee Wittmann, 104 Rainbow End, stated that he felt there was plenty of space for deer. If it was necessary to control the population, the Town should have professionals deal with the deer; however nature did take care of itself. Leslie Hayhurst, Director of Genesis, felt it would be an embarrassment for the Town to allow any hunting. Eve Skelton, 109 Overbrook Knoll, indicated that a solution should be considered because there would be problems in the future, noting that the food supply for smaller animals was being destroyed by the deer. Mrs. Skelton recommended that the Town ask people not to feed the deer. Paul O’Connell, 132 Grassy Gap Loop Road, stated that hunting was necessary to control the population

and feeding corn and using a salt lick bring the deer into the Town. Missy Norwood indicated that she knew hunters and they used the deer as food and needy families were helped by hunting.

VII. New Business –

1. **Urban Harvest – Deer Population** – Mr. Christopher Kreh, Wildlife Biologist for the NC Wildlife Resources Commission, gave an overview of problems from deer overpopulation and the options available. Mr. Kreh noted that the NC Wildlife Resources Commission used a controlled hunt with bowhunters from The NC Bowhunters Association to deal with over population. Mr. Kreh noted that a bow was considered the safest option for the hunter, residents, pets and livestock in an area of high human population. A request for a controlled had to be submitted before the end of April, 2010 to be included in the January 2011 urban season. Mr. James Ennis, Wildlife Officer, indicated that he would be available to assist the Town in the enforcement of the rules and regulations. Mayor Owen asked that Mr. Feierabend set a public forum to further discuss the issue.
2. **Water and Sewer Ordinance – Proposed Amendment** – Mayor Owen reported that the proposed amendment to Section 12-4, Suspension of Service, would allow removal of water service for failure to pay Occupancy Tax to the Town. Mr. Paletta noted that the State enables the Town to collect Occupancy Tax. Ms. Norwood indicated that the Town did not have an Ordinance for Occupancy Tax collection, the collection was directed by the State Legislature. After much discussion, Councilman Holcombe moved to adopt the Water and Sewer Use Ordinance amendments, with the following revisions; 12-5 to g, j, k and 12-7 g, l, m and remove the word ‘Ordinance’. Councilman Adams seconded the motion and it passed unanimously.
3. **Paving Proposal – Dr. Ron Shane, Lower Snowbird Trail** – Mr. Feierabend reported that Dr. Ron Shane, 104 Lower Snowbird Trail, had requested permission to pave 300’ of Lower Snow Bird Trail. Dr. Shane had indicated that he would pay for all expenses. Mr. Hatch indicated that the Town would have to camera the water line to verify that a 4” line was in the road. After a brief discussion, Councilman Chamberlin moved to allow the paving of 300’ of Lower Snowbird Trail with all expenses, including engineering and raising of manholes, to be covered by Dr. Shane. Mayor Owen seconded the motion. Councilman Adams voted nay, the motion passed 4 to 1 with Mayor Owen, Councilman Chamberlin, Councilman Corn and Councilman Holcombe voting yea and Councilman Adams voting nay.
4. **Recreation Center – Committee Appointment** – Mayor Owen reported that Mikey O’Neil was stepping down from the Recreation Committee. Councilman Holcombe moved to accept Mrs. O’Neal’s resignation. Councilman Corn seconded the motion and it passed unanimously. Mayor Owen indicated that the Recreation Committee recommended that John Troxler be appointed to replace Mrs. O’Neil. After a brief discussion, the Council tabled the nomination until the November 10, 2009 meeting.

5. ***NCDOT – Bridge Inspection Resolution 09-10-02*** – Councilman Chamberlin moved to adopt Resolution 09-10-02 Authorizing the Town of Beech Mountain to enter into an agreement with the State of North Carolina for Bridge Inspection. Councilman Holcombe seconded the motion and it passed unanimously.

6. ***Utility Reduction Request – Maria Miller*** – Mayor Owen reported that Maria Miller, Mariah Condominium #B 11, had a water leak in excess of 100,000 gallons. The staff had reduced the water bill by 15%, as allowed in the Water Ordinance. Ms. Allison Blythe, speaking on behalf of the condo owner, stated that the pressure reducing valve had tested over 100 pounds, thus not working properly. Councilman Holcombe asked if Ms. Miller’s unit had a pressure reducing valve to which Ms. Blythe indicated that she did not. Councilman Corn indicated that the amount of pressure that had been noted should not cause a leak. Mr. Hatch noted that the homeowner was required by ordinance to have a pressure reducing valve; the Town’s valve was to protect the Town meter. It was further noted that 7 days after the leak had been found, the water was still running. Ms. Blythe asked that the Council consider a reduction in the water bill to avoid Ms. Miller retaining an attorney to pursue the matter. Councilman Holcombe moved to reject the appeal. Councilman Chamberlin seconded the motion and it passed unanimously.

VIII. *Old Business* –

1. ***Missy Norwood – 2008 Annual Tax Settlement*** – Ms. Norwood reported that every month in the fiscal year had balanced except December '08, noting a software issue. Ms. Norwood assured the Council that all monies had been accounted for. The provider was working closely with the tax department to resolve the issue. Ms. Norwood also noted the 2009 bills would be sent out the first part of November.

2. ***Fire Department Driver/Operator – Job description and grade approval*** – Mayor Owen indicated that the Council had not approved the job description for the fire department position of driver/operator. Councilman Holcombe indicated that he had some questions regarding the hiring of a driver/operator noting, Mr. Pudney, the previously hired employee for the department should be working prior to hiring another employee. Councilman Corn noted that Mr. Pudney was still working in Florida due to complications with his retirement. Councilman Chamberlin indicated that Mr. Pudney had let his EMP certification expire and had to become certified in North Carolina. Councilman Holcombe moved to table the job description and grade approval until the next Council meeting, November 10, 2009. Councilman Adams seconded the motion. Councilman Adams questioned the hiring of Mr. Putney without his EMT credentials. The motion passed 4 to 1 with Councilman Corn voting nay. Mayor Owen, Councilman Adams, Councilman Chamberlin and Councilman Holcombe noted yea.

3. ***Set Public Hearing*** – Councilman Chamberlin moved to set a Public Hearing on the proposed Tree Ordinance amendments for 2:00 p.m. on November 10, 2009 in the Town

Hall Council Chambers. Councilman Holcombe seconded the motion and it passed unanimously.

4. ***Sign Ordinance*** – Proposed Amendments - Jes Scott presented a brief overview of the proposed amendments to the Sign Ordinance sections 1903(g), 1910, 1906(e), 1905, 1905(b)(2)(c), and a color chart. After a brief discussion, the Council agreed that a list should be made of the signs that were considered ‘in compliance’. Councilman Chamberlin moved to approve the Sign Ordinance Amendments. Councilman Holcombe seconded the motion and it passed unanimously. Councilman Chamberlin thanked Mr. O’Connell and the Planning Board for all their work as well as the staff.

5. ***Water Sewer – Rate Schedule Proposal*** – Mr. Feierabend reported that he had worked with a committee consisting of Riley Hatch, Dempsey Wilcox and Urs Gsteiger on the proposed utility rates. Mr. Feierabend indicated that the utility department would be operating in the red using general funds to balance, for the fiscal year 2009/10. The committee felt that rates would not be ready to adopt until the beginning of 2010. The Town has 1,950 single and 400 to 500 condominium customers. Mr. Wilcox presented a comparison of the Towns’ utilities in comparison to that of Maggie Valley, NC. Mr. Wilcox indicated that Maggie Valley has a newer water system, thus their water loss is much less than the Towns. Mr. Wilcox also pointed out that the utility company gives Maggie Valley a discounted rate for off peak power usage, giving them an even greater saving on the cost of production of water. Mr. Gsteiger gave a review of the utility rate projections with a proposed zone billing structure; the consumers who are furthest away from the water supply would pay a higher amount. Councilman Corn asked about grants to make the necessary repairs to the infrastructure to which Mr. Lacy indicated that Hobbs, Upchurch & Associates, PA was currently looking into the availability and guidelines for applying for grants. Rick Miller noted that the residents would not be happy with a large increase in their utility bills. David Conrad indicated that the larger increase for commercial businesses would hurt an already struggling economy. Councilman Chamberlin expressed his concern over the multiple units with a 2” water line, noting that he was an owner in 2 condominium units and would have to recuse himself from voting. The rate schedule will be discussed further at the November 10, 2009 meeting.

6. ***Rural Center Grant Requirements – Mark Lacy of Hobbs, Upchurch & Associates –***
 - a. ***Ten Year Capital Improvement Program*** – Mr. Feierabend reported that the Council had approved for the staff to work with Mark Lacy of HUA to apply for a NC Rural Center Grant for a sewer lift station and treatment plant upgrade. One of the requirements for grant application was for the Town to have a 10 year Capital Improvement Program. Councilman Holcombe moved to approve the 10 year CIP as submitted. Councilman Corn seconded the motion and it passed unanimously.

 - b. ***Resolution 09-10-01 Household Water/Sewer Rate*** – Councilman Holcombe moved to approve Resolution 09-10-01, Resolution Authorizing the Clean Water Partners’ Supplemental Program. Councilman Corn seconded the motion and it passed unanimously.

7. **Phase II Water and Sewer Improvements** – Mr. Lacy presented the cost estimates for the Phase II water and sewer improvements projects. Mr. Lacy explained that the project was divided into sections for sewer, water and storm drainage. Councilman Chamberlin moved to put the Phase II project out for bid. Mr. Feierabend indicated that Marion Rothrock, the engineer doing a review of the Town projects, would have a report soon. Mr. Lacy indicated that HUA was applying for a grant for the lift station. Mr. Hatch noted that the staff had been working with Mike Hill of the Rural Water Association to identify leaks in the system. After much discussion, Mayor Owen stated that he felt the project would need more time, as suggested by Councilman Corn. Councilman Chamberlin's motion was tabled until further study results were available.
8. **Radio Upgrade – Randy Corn** – Councilman Corn reported that the VFD had received a state grant for the radio system upgrades that the Council had voted to pay ½ of the cost. After a brief discussion, Councilman Holcombe moved to pay ¼ on the cost of the upgrades. Councilman Adams seconded the motion and it passed unanimously. Councilman Corn moved to have the check in the amount \$1,939 written for the Town's portion. Councilman Holcombe seconded the motion and it passed unanimously.

IX. Town Manager's Report – Mr. Feierabend reported: (1) Dr. Ron Shane who owns the property that the Town leases for the marshaling yard, was working with the Recreation Department on additional parking; (2) The state 911 board would be updating the aerial photos and would make the information available for the Town's GIS program. (3) The Town was in discussion with the ski resort for a shuttle system. Estimated cost of the project was between \$25,000 and \$35,000. Mr. Feierabend noted that the code books had been received. Mr. Paletta indicated that the new amendments would be added to the code book and recommended that the Council adopt the codified codes. Councilman Chamberlin moved to adopt the code book. Councilman Corn seconded the motion and it passed unanimously.

X. Staff Reports –

1. **Public Works** – Report accepted as submitted.
2. **Police Department** – Councilman Chamberlin congratulated Captain Dana Crawford on his new post as Police Chief for the Town of Boone and recommended that the Town hold off on filling the position. Councilman Chamberlin noted that he did feel the full staff was necessary. Councilman Adams recommended that the discussion not be held without Chief Hefner present, Mayor Owen agreed. Councilman Holcombe indicated he had observed on many occasions, the Police Chief and Captain Crawford helping with dispatching and patrol and therefore felt that the full staff was necessary. Barry Schorr asked why the State Police did not patrol the Town, as they did in Banner Elk.
3. **Inspections** – Report accepted as submitted.
4. **Recreation** – Mr. Jelinski reported that the sledding hill would be open by November 15th. Councilman Chamberlin noted that he was pleased with the Employee Appreciation Day and felt it was a way to improve employee moral.

5. Water Treatment Report – Report accepted as submitted.

6. Waste Water Report – Report accepted as submitted.

VI. Closed Session – There were no items to discuss in Closed Session.

XII. Adjourned – Councilman Holcombe moved to adjourn the meeting at 6:10 p.m. Councilman Adams seconded the motion and it passed unanimously.

Minutes approved by Town Council on November 10, 2009.

Mayor

ATTEST:

Town Clerk