

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – November 9, 2010

I. CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:05 p.m., Tuesday November 9, 2010 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller and Alan Holcombe. Councilwoman Cindy Keller was not present at the meeting. Town Attorney Stacy C. Eggers, IV was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Fire Chief Robert Pudney, Town Planner James Scott and Parks and Recreation Director Eric Jelinski. There were a number of interested parties in the audience.

II. Invocation – John Troxler presented the invocation.

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

IV. Adoption of Agenda – Mayor Owen stated the agenda would stand as presented.

V. Approval of the Minutes – October 12, 2010 Regular Meeting – Attorney Eggers requested that § VIII. c. Cross Bow Ordinance include ‘if allowed by resolution’ to his statement regarding the urban hunt. Vice Mayor Piquet motioned to approve the minutes as amended. Councilman Miller seconded the motion and the vote passed unanimously.

VI. Public Comment – Mayor Owen asked if there was any public comment. There was none.

VII. New Business –

- a. Resolution of Appreciation for Jim Brooks – Rick Owen** – Mayor Owen read aloud the Resolution of Appreciation to Fire Chief Jim Brooks. The resolution formally thanked Mr. Brooks for the many contributions he has made to the Town of Beech Mountain; specifically recognizing the important role Mr. Brooks played as one of the founding members of the Beech Mountain Volunteer Fire Department in 1972. There was a standing ovation for Mr. Brooks. Mr. Brooks expressed his appreciation for all of Councils support throughout the years and looked forward to the Town’s continued support of the Beech Mountain Fire Department. Mayor Owen sincerely thanked Mr. Brooks for his dedicated service to the community. The resolution passed by unanimous consent
- b. Water/Sewer Fund Budget Amendment – Randy Feierabend** – Councilman Miller motioned to approve the amendment. Councilman Holcombe seconded the motion and the vote passed unanimously.
- c. Ordinance Amending Title XV Land Usage – James Scott** – Town Planner James Scott stated that this would amend the ordinance so that appeals would first be brought before the Board of Adjustment prior to going to Superior Court. Currently the appeals section

of the tree ordinance has appeals going directly to Superior Court. Councilman Holcombe motioned to adopt the ordinance. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

- d. Ordinance Omitting Title V Public Works “Appendix A: Rates Water/Sewer Rates” – Randy Feierabend** – Vice Mayor Piquet motioned to adopt the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously.
- e. Ordinance Amending Title XV Land Usage § 154.070 “General Use Districts” and Title XV Land Usage § 154.071 “Overlay District” – James Scott** – Councilman Holcombe motioned to adopt the ordinance. Councilman Miller seconded the motion and the vote passed unanimously.
- f. An Ordinance Amending Title XV Land Usage § 154.091 “Permitted Use Table to Permit Mobile Homes in the Mobile Home General Use District” – James Scott** – Attorney Eggers stated that a public hearing would need to be held before Council could vote on this matter. Staff was instructed to schedule a public hearing for the Council meeting in December.
- g. An Ordinance Omitting Title XV Land Usage § 154.144 “Cutting and Trimming of Trees” as a Result of the Passage of New Legislation Entitled Title XV Land Usage Tree Regulations § 154.355 Through § 154.367 – James Scott** – Vice Mayor Piquet motioned to adopt the ordinance. Councilman Miller seconded the motion and the vote passed unanimously.
- h. Tax Releases – Randy Feierabend** – Councilman Holcombe motioned to release the taxes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

IX. Old Business –

- a. Genesis Draft Lease – Attorney Stacy C. Eggers IV.** – Mayor Owen stated that the intention was for Council and Leslie Hayhurst to look over the draft lease that Attorney Eggers had provided. Once the draft lease had been reviewed individual feedback was to be given to Attorney Eggers. Mayor Owen asked Mrs. Hayhurst if she had any other input at this time. Mrs. Hayhurst indicated that she did not at the moment. Mrs. Hayhurst would have her attorney review the draft lease and submit feedback to Attorney Eggers.

X. Town Manager and Staff Reports –

Genesis Contribution Budget Amendment – Manager Feierabend stated that this budget transfer to the General Fund in the amount of \$1,000 from the Fund Reserve was being requested in order to appropriate funds to assist Genesis. Councilman Holcombe motioned to approve the budget transfer. Councilman Miller seconded and the motion and the vote passed unanimously.

Bulletproof Vests Budget Amendment – Manager Feierabend stated that this would amend the General Fund in the amount of \$1,109.83; thus increasing revenue received as reimbursement for the bulletproof vests purchased. Vice Mayor Piquet motioned to approve the amendment. Councilman Holcombe seconded the motion the vote passed unanimously.

Committee Appointments, Terms and Rules – Manager Feierabend stated that staff and Council would discuss the selection of new committee appointments during the December Council meeting as well as review the governing rules that are currently in place for the various committees.

Buckeye Recreation Center Heater – Manager Feierabend stated that Buckeye Recreation Center had 5 to 6 different air conditioners and that for cooling purposes the building had been spit into different zones. However for heating purposes the building has only been equipped with one heater for the whole building. As a result the temperature in the building has to be maintained the same for all rooms which is causing complaints. In addition a lot of money has been spent towards repairs when the system fails because the same temperature is not being kept in all rooms. Manager Feierabend requested that Council allow staff to purchase another heating unit. Vice Mayor Piquet stated that \$30,000 was already budgeted for facility maintenance and that these funds should be used for the purchase. Manager Feierabend stated that the expense may exceed this budget line and he needed to know if Council would be willing to complete a budget amendment if this happened. Councilman Miller stated that staff should first look into prices and then Council would be able to make a decision. Mayor Owen instructed staff to get price quotes.

Town Speed Limits – Manager Feierabend stated that staff was working on identifying the streets within the Town that had been set below 25 mph to make sure that these streets with their corresponding speed limits were in the Town's Code Book. Mayor Owen stated that Emerald Mountain was the only other reduction in speed within the Town. Attorney Eggers stated that lower speed limits would be unenforceable if they were not in the Town's Code Book. Staff was instructed to look at all speed limits that have been adopted by Council and to follow up at the next Council meeting.

Sedimentation and Erosion Control Local Program Review – Manager Feierabend stated that the Town received a letter of approval from the North Carolina Department of Environment and Natural Resources Division of Land Resources Land Quality Section to continue to operate the program. Manager Feierabend proposed that in the future an engineer needs to be used on all developments in conjunction with storm water planning. Manager Feierabend maintained that this expense should borne by the developer.

Water/Sewer Short and Long Term Needs – Manager Feierabend stated that the Town is still in Stage II and that it was critical that the Town continue to be diligent with their water use. Until the water makes it over the spillway the Town will remain in Stage II of the North Carolina Division of Water Quality Drought Response Procedures.

Water Conservation – Still in Stage II. Manager Feierabend stated that the Town was still in Stage II. Manager Feierabend indicated that staff would need to perform another reverse 911. Councilman Miller asked how much water was currently being used during this off

season. Utilities Director Robert Heaton stated that the Town was still using over 400,000 gallons daily.

BB&T Checking Funds Transferred to Highland Union Savings - Manager Feierabend requested that Council transfer \$200,000 to Highlands Union Bank. The transfer of funds was being requested because the Town could earn a quarter percent of interest. Vice Mayor Piquet motioned to approve the transfer. Councilman Miller seconded the motion and the vote passed unanimously.

Streetscape Update – Manager Feierabend stated that the budget for the streetscape is looking fabulous. Council had budgeted \$20,000 for the project and so far the Town has only spent \$5,000. Costs have stayed lower because of the amount of volunteer work. Manager Feierabend proposed that at next month’s regular Council meeting he would like to formally thank members of the community that have supported the project through a resolution of appreciation. Council assented to this gesture of gratitude.

EnviRemed Road - Councilman Holcombe inquired about the EnviRemed Road Company who was supposed to demonstrate their product on a portion of Greenbriar this past fall. Manager Feierabend stated that Tripp Sloane of EnviRemed keeps pushing the project back two weeks every time the Town speaks with him.

Sewer Resleeving Visit - Councilman Holcombe wanted to know if a demonstration had been set up yet at the sewer resleeving plant. Manager Feierabend stated that staff is still in the process of setting up a date. Manager Feierabend stated that this process of resleeving that is currently being used has been approved for water lines as well.

Fire Inspection Safety Program - Mayor Owen asked Fire Chief Robert Pudney how his fire inspection safety program had gone on November 3, 2010. Mr. Pudney stated that approximately 10 businesses showed up for the program and that he still has two more to conduct.

Mayor Owen had Council take a short break at 3:01 p.m. Council reconvened at 3:11 p.m.

212 Greenbriar Road - Manager Feierabend reported to Council that the building located at 212 Greenbriar Road was being taken down. Mr. Russomanno had determined that he no longer wished to complete the project.

XI. Closed Session – Pursuant to NC GS 143-318.11(a) (3) Attorney Client Matters and NC GS 143-318.11(a) (6) Personnel Matters – Councilman Miller motioned to go into closed session at 3:14 p.m. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned for Council to come out of closed session at 4:20 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

XII. Other Business –

Personnel Policy Amendment - Councilman Holcombe moved to adopt the amended personnel policy. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

Residency & Term Requirements - Councilman Holcombe instructed staff to gather information pertaining to residency requirements as well as term requirements for all committees.

XIII. Adjourn – Vice Mayor Piquet motioned to adjourn the meeting at 4:28 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

Minutes approved by Town Council on December 14, 2010.

Mayor

ATTEST:

Town Clerk