

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting - March 16, 2010**

**I. CALL TO ORDER**

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:02 p.m. in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller, Alan Holcombe and Cindy Keller. Also present were Town Manager Randy Feierabend, Town Attorney David Paletta, Planning Director James Scott, Fire Captain Bob Pudney and Fire Chief Jim Brooks. There were a number of interested parties in the audience.

**II. Invocation** – Mayor Owen indicated that Sheriff Kevin Frye was supposed to be present to do the invocation but had been detained. Manager Feierabend stepped in and proceeded with the invocation.

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

**IV. Adoption of Agenda** – Mayor Owen added item ‘b’ under Old Business. The agenda was accepted as amended.

**V. Approval of the Minutes – January 12, 2010, February 3, 2010 Special Meeting, February 9, 2010 Regular Meeting** – Vice Mayor Piquet moved to approve the minutes of January 12, 2010 as presented. Councilman Holcombe seconded the motion and it passed unanimously. Vice Mayor Piquet moved to approve the minutes of February 3, 2010 Special Meeting as presented. Councilman Holcombe seconded the motion and it passed unanimously. Vice Mayor Piquet moved to approve the minutes of February 9, 2010 Regular Meeting. Councilman Holcombe seconded the motion and it passed unanimously.

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

**VII. New Business** –

**a. Resolution – NC Division of Emergency Management** – Manager Feierabend stated that the Town qualified for Class A and Class B Emergency Assistance. Class A, being debris and Class B, being actual damage to something. Manager Feierabend indicated that the Town had damage to Buckeye as well as to the Town’s Water System. Manager Feierabend stated that the Town will soon get money for the Class A portion of damage, debris removal, and that the check was in the process of being cut. Manager Feierabend pointed out that once the Town receive the Federal check then the state would pay an additional 25%. The estimated damage for total debris removal is under \$10,000. Manager Feierabend confirmed that the Town has identified a company that will take away all of the wood chips for free. Regarding Class B, and more specifically Buckeye, the Town will be redoing the walkway from the entrance to the building to the sidewalk that leads up to the front of the building. In addition to this damage the Town also had a pump that froze and burst. Both of these projects will be approximately \$7,000. The Town is looking to recoup \$15,000 - \$20,000 as a result of the December 18, 2009 and December 2, 2009 storms. Manager Feierabend further declared that he was

disappointed with the debris portion because the original estimate had been between \$30,000 and \$40,000. Since the Town does not have manicured lawns the Town did not qualify for much assistance in debris removal. This requirement for manicured lawns eliminated about 85% – 90% of our homes. Therefore the estimate went from \$30,000 to \$9,000. Manager Feierabend requested that Council pass the resolution. Councilman Holcombe motioned to pass the resolution. Councilman Miller seconded the motion and it passed unanimously.

- b. Request PH for Group Home Zoning amendment – Set Public Hearing** – Mayor Owen inquired if any discussion on this topic was necessary. There was no indication from Council that discussion was needed. Mayor Owen stated that Council was ready to move forward with a public hearing. Mr. Paletta concurred with Mayor Owen. Mayor Owen provided a brief history indicating that this matter had been under discussion for over a year and a half. This particular situation came to light when the Town had a group home move into the community thus bringing to the Council's attention that the Town needed a way to regulate the activities of group homes within the Town's jurisdiction. Under direction of Council the Planning Board has been working on creating new regulations and at this point in time has indicated that they are ready to present their ideas to Council and the public. Vice Mayor Piquet moved to set the public hearing for the next upcoming Council meeting in April. Town Manager, Mr. Feierabend, questioned as to whether or not we would meet the legal requirements for public notification since the March meeting was being held later than usual. Mr. Feierabend questioned the Town Planner, Mr. Scott, as to the urgency in this matter. Mr. Scott replied that May would be an appropriate time for the public hearing. Vice Mayor Piquet withdrew his earlier motion and motioned that the public hearing be scheduled for the regular council meeting in May. Councilman Holcombe seconded the motion and it passed unanimously.
- c. Tree removal request – Pfaff** – Town Manager, Mr. Feierabend reviewed the written request provided in the agenda packet. He stated that the tree in question was located in the right of way next to Mrs. Pfaff's driveway. Manager Feierabend stated that Tony Hunter had gone there to assess the situation. Mr. Hunter has reported that there is rot at the bottom but it is a healthy tree and did survive the storms of the winter. Manager Feierabend recommended to Council that if Mountain Electric severely cut the tree back then the Town could look into completing the rest of the removal. However, our Town Ordinance does not allow us to remove a healthy tree. Councilman Miller agreed that there are some branches over the power line, but not that many. Manager Feierabend interjected that the Town should let Mountain Electric trim the tree and then a final decision could be made at that point in time. Manager Feierabend recommended that Mrs. Pfaff be given, for the second time, the procedure of how to make a request to remove a tree from public right of way. Thus the appropriate committee that handles these decisions would be able to review the situation and decide whether or not to accept this removal. Manager Feierabend did not feel that this was the Town's financial responsibility. Mayor Owen asked if anyone wanted the manager to do anything different than what he was proposing. There was no disagreement from Council.

### **VIII. Old Business –**

- a. Garbage Bin Ordinance Modifications** – Mayor Owen stated that this was discussed in the last meeting with the end result being a request for additional revisions. Town Planner, Mr. Scott, stated that he had made the requested changes. He had changed the date to November 1, 2010 at the end of paragraph C and then on Appendix A where it says that all wood is to be pressure treated Mr. Scott had added the words; other suitable exterior material is acceptable. Councilman Miller wanted to reaffirm that November 1<sup>st</sup> is the last collection for underground receptacles. Mr. Scott confirmed the date. Councilman Miller wanted to make sure that this information was made available on Channel 2 for the public so that everyone could be properly notified. Mayor Owen motioned to approve, Councilman Holcombe seconded the motion and the motion passed unanimously.
- b. Board of Adjustments – Alternate** – Vice Mayor Piquet moved to nominate Mike Chase as the third alternate for the board of adjustment. Councilman Holcombe seconded this motion and it passed unanimously.

**IX. Town Manager and Staff Reports** – Manager Feierabend updated the Council on the progress with the roof on both the Town Hall and the Chamber building stating that the check had come in from the insurance company and that the Town had received five estimates to do the job. Of those five estimates Manager Feierabend recommended that the Town go with the fifty year roof, his rationale being that the roof the Town currently had on both buildings is a thirty year roof that has only managed to last nineteen years. Currently the plan is to stick with the same type of roof that the Town already has. Manager Feierabend recommended the Council approve the estimate for \$29,500 from Tony Parker, which he noted was \$230.00 more than the Town received from the insurance company. The Town did receive one lower bid from Haggy Drywall, Manager Feierabend felt that since the project was a roofing project it should be taken care of by a professional roofer. The bid range was from 25,000 – 35,000. Mr. Parker's bid was the next lowest bid and the lowest bid made by a roof expert.

Mr. Feierabend continued onto his next topic to discuss with Council which was the TDA, specifically with regards to Occupancy Tax collection. Councilman Miller expressed concern over the amount of revenue that the Town was pulling in through their Occupancy Tax collection. Councilman Miller wanted the Tax Administrator to pursue those people that were not paying in the harshest way possible and that it is obvious that some of the homeowners were not contributing. Manager Feierabend said that staff would work on this.

Manager Feierabend then moved on to discuss that several people from the community had gotten together and decided upon doing a luncheon for the Town's Police Department and Public Works department in order to recognize all of their hard work during this extremely long winter. The date that this event will take place is Wednesday April 14<sup>th</sup>, 11:30 – 1:00 at Buckeye Recreation Center. Councilman Piquet confirmed that this information was correct.

Manager Feierabend stated that the personnel study for the Town being completed by MAPS was right on schedule. The job descriptions had been brought up to date with all personnel filling out

their respective job descriptions as well as their supervisors reviewing them. In addition to this the flow charts had also been put together.

Moving forward, Manager Feierabend mentioned that the Draft Audit had come in on Friday. Manager Feierabend stated that the report was not ready for Councils review as of yet. Manager Feierabend acknowledged that nothing in the report looked horrible, though there were some things that were disappointing.

Additionally Manager Feierabend informed Council that the Avery Historical Commission had sent an e-mail requesting that the Town send a representative to participate in a meeting, which is going to be held April 23 at the Morrison Library in Newland, to begin the planning and coordinating of events to celebrate the centennial year of Avery County. Manger Feierabend asked Council if they had any recommendations. Vice Mayor Piquet recommended that the Town of Beech Mountain's Historical Committee be contacted. Councilman Holcombe concurred that this was a good idea.

Next, Manager Feierabend showed a picture of a chair that was currently on sale at Sam's. Manager Feierabend recommended the chair to the Council to not only replace, but add to the number of chairs that were available for the community to use should they decide to attend a Council Meeting. The chairs come in a pack of twenty-four and cost less than \$50.00 a piece. Manager Feierabend felt that twenty-four seats was a good number for the audience seats in the Council Room. In addition, Manager Feierabend pointed out to Council that they were in fact sitting in new chairs today, if they hadn't noticed already. Councilwoman Keller inquired as to where the other chairs had gone. Manager Feierabend let Council know that the old chairs had been dispersed amongst departments to replace aging chairs.

Then Manager Feierabend introduced Bob Pudney, the Town's new Fire Captain, to Council to provide an oral briefing on the fire that had occurred at 704 Beech Mountain Parkway, Kat's Overlook. Captain Pudney first stated thank you to the Council for having the honor of serving as the Town's Fire Captain, furthermore stating that he as well as his family were quite happy to be living on Beech Mountain. With regards to the fire, Captain Pudney acknowledged that this was a substantial fire on Beech Mountain with this building being a prominent structure within the community. First, Captain Pudney noted, that this was a very successful operation for a number of reasons most of which was cooperation between all surrounding departments; fire, police, public works, utilities and the communications center. Captain Pudney stated that this truly was a team effort. There were a total of 49 responders to the scene from various entities. Avery and Wauuga County Fire Marshalls as well as Banner Elk Police responded to assist Beech Mountain. The system was tested and the system worked very well. The building in question was occupied at the time by a single occupant, a lady who was on the top floor reportedly doing laundry and heard the smoke detector. Captain Pudney stated that the smoke detector probably saved her life. The fire was behind her and the smoke detector was in the exit stairwell. She was on the fourth floor. Captain Pudney pointed out that because she heard the smoke detector and went to investigate she was able to see the actual fire that had started in a utility closet that housed a gas water heater. If that smoke detector had not gone off everything could have turned out completely different. She made an immediate call to our dispatch center reporting the fire. Fire Captain Pudney also reported that in addition to this call dispatch received a number of calls from people on the ski slope and people driving by. The Beech Mountain Volunteer Fire Department had a very excellent response. There were twelve firemen on site within about eight minutes. The Fire Department provided two major fire engines quickly. The initial attack was from the front of the building. Initially there had

been some difficulty with the fire hydrant which was covered by snow. However, there was a secondary hydrant which had been preplanned for this particular structure. With that plan in action water was pumped uphill to the fire engine that was in front of the building and then water was applied externally to the building. Of note, the Avery County Ladder Truck, responded on an automatic aid request. Fire Captain Pudney stated that he was very proud to say that where the fire began, where the fire was located and where the fire was burning was where it was stopped. The remainder of the building was untouched by fire. Captain Pudney noted that there was substantial damage to the building however, 80% of the building was untouched by fire. That, Captain Pudney stated, is considered a successful operation. There were no injuries at the site. With that many responders on the scene this fact is of paramount importance. The Fire Marshall, insurance company, Town Building Department and Town Fire Department have been conducting an investigation. Currently the water heater is being targeted as where the fire began. That water heater, if it is a late model within twelve years, may become an issue with the manufacturer from a liability standpoint. The insurance company is handling that right now. The building has been posted and taped off so the public doesn't have easy access to it. Fire Captain Pudney concluded that he was leaving a detailed briefing report with Council to review at their leisure. Mayor Owen stated that he was glad Fire Captain Pudney was working for Beech Mountain and that he appreciated the oral report and that it was very informative. Councilman Holcombe concurred with Mayor Owens sentiments. Mayor Owen inquired if anyone had taken any pictures stating that in the future it would be useful and productive for the Fire Department to be able to show what they were doing when the people weren't around to see for themselves. Fire Captain Pudney stated that they had a number of pictures from this fire. Councilman Holcombe stated that Dave Garris was looking for a picture of the building before it burned.

Mayor Owen asked if the Council had any questions regarding the staff reports that were submitted or any variances to the way the information was being submitted. Manager Feierabend indicated that the staff had made the requested changes to their report formats as recommended by Council. He further stated that water had all good marks as well as the sewer with the exception of one pumping station, but that the Town was already addressing that area through a capital facilities study being conducted by Marion Rothrock. Manager Feierabend pointed out that with the melt off and rain the system simply took in too much water to the treatment plant. Manager Feierabend revealed that Marion Rothrock would have the bid specifications for Coffey Lake as well as the bid specifications for the water meters ready for presentation to the Council at the next meeting. On a personal note Manger Feierabend explained that there had been a delay in these reports due to Mr. Rothrock's double bypass surgery. Councilwoman Keller questioned the Public Works report that was submitted to Council and the pertinence of some of the information that was seasonal. An example that Councilwoman Keller used was the Roads graded as zero. In the future during winter months Councilwoman Keller recommended that this report show miles plowed instead. Councilwoman Keller felt that the reports should be relevant to the time of year and should fluctuate as so. Councilwoman Keller said that Inspector Hanna's reports were very thorough. Moving on to the police report Councilwoman Keller stated that there needed to be a broader range of comparison for the statistics other than being given a report that just pertained to one month. This report, Councilwoman Keller stipulated, had been oversimplified. Councilman Piquet interjected that he would prefer to get the report that the Council used to get from the Police Department. Manager Feierabend asked Council to allow his staff to work on these reports a little more. In addition to the other reports Councilwoman Keller had concern regarding the Recreation report as well. Councilwoman Keller wanted more detailed information given on their report as well. Manager Feierabend stated that if Council preferred for the Department heads to attend the

meeting then he would be more than happy to oblige, however he thought that unless there was a special need for a particular department head to be at a meeting they should be out in their field of expertise being productive.

Councilman Miller mentioned the Katz building and when some sort of visible improvement was going to take place to the exterior of the building. Manager Feierabend said that the Town Inspector, Mr. Hanna, was dealing with this situation. The owner would have a certain time period to make a decision to move forward with repairing the building or tearing it down and would be granted the shortest legal time period to make this decision. Mr. Hanna had already spoken to the owner. Manager Feierabend stated that the Town was not going to be tolerant and just let the building sit there in that condition. Mayor Owen inquired into the 80% of damage that Fire Captain Pudney had referred to in his report. Fire Captain Pudney stated that all the pertinent information was in his written report and that this report showed that eighty percent of the building was undamaged by fire, however 100% of the building was damaged by smoke and about 50% of the building was damaged by water. Fire Chief Jim Brooks stated that when he spoke with Mr. Kielbania, he felt that Mr. Kielbania's intentions were to further protect the building versus leaving it in its current condition. Councilman Holcombe inquired about the Northridge units that had fire damage as well earlier in the year. Councilman Miller stated that the insurance company had finally given the homeowners a report and that the money was not there. The homeowners are proceeding with this project in the next two or three weeks one way or the other. Councilman Miller said that everything would have to be done by building code.

**X. Closed Session – Pursuant to NC GS 143-318.11(a) (3) Attorney Client Matters and NC GS 143-318.11(a) (6) Personnel Matters** – Mayor Owen moved to go into Closed Session at 2:41 p.m. Councilman Holcombe seconded the motion. The motion passed unanimously. Council came out of closed session at 4:23.

**XI. Other Business** – There was no other business brought to the attention of the Council.

**XII. Adjourn** – Mayor Owen moved to adjourn the meeting at 4:23 p.m. Councilman Holcombe seconded the motion and it passed unanimously.

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

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Mayor

ATTEST:

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Town Clerk