

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – July 13, 2010**

***I. CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 6:02 p.m., Tuesday July 13, 2010 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller, Alan Holcombe and Cindy Keller. Town Attorney David Paletta was also present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Building Inspector Stan Hanna, Town Planner James Scott, Parks and Recreation Director Eric Jelinski. There were a number of interested parties in the audience.

***II. Invocation*** – Charlie Burtleson 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*** – Mayor Owen stated there were two changes to the agenda. Under § VIII. New Business a. Genesis Presentation – Relocation Plan – James True had requested that this be moved to next month's meeting. The second change to the agenda Mayor Owen stated was to move Section IX. Old Business c. Amending § 92.36 Wild Animal Control to Include Prohibiting Feeding of Deer; in Conjunction Amending § 92.99 Penalty moved to the Section VI. Public Comment. Councilman Holcombe requested that the appointment to the Recreation Committee vacancy be added to the agenda. Mayor Owen placed the request under Section VIII. New Business f. Mayor Owen stated that the agenda would stand as amended.

***V. Approval of the Minutes – June 3, 2010 Budget Meeting; June 8, 2010 Regular Meeting; June 17, 2010 Budget Meeting; June 24, 2010 Budget Meeting*** – Councilman Holcombe and Councilwoman Keller both indicated that the June 3, 2010 Budget Meeting, the June 17, 2010 Budget Meeting and the June 24, 2010 Budget Meeting minute line items should be itemized to denote what each individual line item represented so that the public would be able to easily understand the information. Councilman Miller motioned to approve the June 3, 2010 Budget Meeting as amended. Mayor Owen seconded the motion and the vote passed unanimously. Vice Mayor Piquet requested two changes to the June 8, 2010 Regular Meeting minutes; first the penalty fee should be \$1,000 for feeding the bears and not \$500, secondly his statement was in regards to the requirement to replace trees in addition to the fine. Councilwoman Keller stated that the minutes should reflect that she had been asked to provide a float for the parade but has yet to make a commitment. In addition Councilwoman Keller wanted the acronym DENR spelled out. Councilwoman Keller also requested that the word 'not' be removed from the third to last line on page five. Vice Mayor Piquet motioned to accept the June 8, 2010 Regular Meeting minutes as amended. Councilman Holcombe seconded the motion and the vote passed unanimously. Councilwoman Keller stated that in the June 17, 2010 Budget Meeting minutes the word should be console versus counsel on page four. Councilman Miller motioned to approve the June 17, 2010 Budget Meeting minutes as amended. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned to approve the June 24, 2010 Budget Meeting minutes as amended. Councilman Miller seconded the motion and the vote passed unanimously.

**VI. Public Comment** – Herb Werman, of 208 Overbrook Trail, stated that a year ago he had brought to Councils attention that the roads were unsafe because road striping had little visibility. Mr. Werman specifically pointed out that the yellow lines on Tamarack were not visible at all and that the white lines on Beech Mountain Parkway coming up the mountain are almost non-existent. Mr. Werman understood that this portion of the Parkway was the Department of Transportation's responsibility but felt the Town had the obligation to get in touch the Department of Transportation to fix the road in order to make it safe. Mr. Werman stated that roads without lines encouraged drivers to believe that passing other vehicles is legal and that this practice was very unsafe.

Suzanne Svejcar, of 605 Pine Ridge Road, requested that Council think about including a dog park within Town limits. Mrs. Svejcar stated that she had spoken to the Town's Recreation Committee about her idea and that the Town would only need to supply a fenced in area that is mowed and perhaps some chairs. Renee Castiglione, of 104 Hawthorne Road, stated that a number of homeowners of Beech Vilas have inquired about the Town having a dog park as well.

Virgil Dykes, of 179 Hornbeam Road, stated that the Town needs to let people that are dog owners know that if they are leaving their home for the day then they should keep their dog inside. Mr. Dykes stated that it was a noise nuisance for these dogs to be outside barking all day while their owners were away.

Nancy Raymond, of 519 Pine Ridge Road, stated that she was for the proposed deer ordinance which would ban feeding the deer within Town limits. The following homeowners voiced their opinion against the proposed deer ordinance which would ban feeding the deer within Town limits; David Layel of 108 Heather Lane, Lynn Frasier of 218 Pine Ridge Road, Renee Castiglione of 104 Hawthorne Road and Lee Wittman of 102 Rainbow End. With no further comment from the public regarding the proposed deer ordinance Councilman Miller motioned to deny the amending of § 92.36 Wild Animal Control to Include Prohibiting Feeding of Deer; in conjunction amending § 92.99 Penalty. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**VII. Public Hearing – Amending Tree Ordinance – Private and Public** – Vice Mayor Piquet motioned to open the public hearing on amending the Tree Ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously. Town Planner, James Scott, stated that permits would be required for view enhancement with this amendment. The amendment also provided for replacement of trees as a condition of the ordinance. Lee Wittman, of 102 Rainbow End, questioned if a property owner only wanted to grow hardwoods on their lot if they would be able to do so. Mr. Scott stated that the property owner would be able to do so as long as they obtained the proper permit from the Town. McNeil Baker, of 104 Raven Road, asked what size tree the property owner was able to remove without obtaining a permit. Mr. Scott replied that the standard is 6" in diameter, measured 4' above the ground at its highest point. With no further input from staff or audience Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and it passed unanimously.

#### **VIII. New Business**

- a. Paving Portion of Chestnut Way – James Klingerman** – Manager Feierabend stated that Mr. Klingerman is requesting to pave a portion of Chestnut Way. Manager Feierabend informed Council that Public Utilities Director, Robert Heaton,

states that there is adequate water and sewer lines on the 500' portion of Chestnut Way that Mr. Klingerman wishes to pave. Mayor Owen asked if video had been taken of the sewer line. Manager Feierabend stated he would double check with staff. Vice Mayor Piquet indicated that he was against paving any new roads because all of the water and sewer lines are over 40 years old and need to be replaced and that the Town would end up having to pay for new asphalt when these older lines had to be replaced. Secondly, Vice Mayor Piquet pointed out that the Town should not be trying to take on any more paved roads when it was his belief that the Town was having a difficult time keeping up with the resurfacing of the roads the Town already had. Manager Feierabend stated that in order to pave a portion of a road the portion paved must connect to another paved road. Manager Feierabend stated that the best case scenario was that the Town would want to have 15 to 20 years on a line without having to replace it and dig the road up. Councilman Holcombe asked if there were any manholes on that section of the road. Manager Feierabend stated that there were three. Pete Chamberlin, of 113 Christies Way, stated that the fire hydrant on the road was adequate. Mayor Owen recommended that staff get a little more information together for Council; specifically asking that staff video the sewer. Manager Feierabend stated that he would have that information available at the next regular Council meeting.

- b. *Falls Trail Extension – Eric Jelinski*** – Parks and Recreation Director, Eric Jelinski stated that this proposed project was the top priority of the Recreation Committee. \$5,000 of the proposed project would be funded by a grant from Watauga County. Mr. Jelinski was requesting that Council permit the Recreation Committee to approve the use of the \$5,000 that the Recreation Center had earned from the Cool 5 race for this project. Mr. Jelinski stated that the price quote from Jeremy Early Trailworks breaks down to \$5 per linear foot with the total cost being approximately \$10,000. Fred Pfohl, of 240 Sawmill Branch, stated that the Recreation Committee really wanted to move forward with this project. Mr. Pfohl stated that Jeremy Early Trailworks does really good work and that he hauls out all of the debris that the clearing creates. Vice Mayor Piquet stated that the only thing Council was being asked to approve was the \$5,000 that had been set aside from the Cool 5 race by Council to go towards a special project. Vice Mayor Piquet motioned to allow the Recreation Department to move forward with the project with the condition that the Town Attorney approve the contract. Councilman Holcombe seconded the motion and the vote passed unanimously. Mr. Jelinski stated that the maintenance workers would shadow the work being completed so that they could continue the rest of the trail on their own.
- c. *Tax Releases – Randy Feierabend*** – Councilman Miller motioned to approve four of the five tax releases excluding account 1413 for further review by Town Attorney David Paletta. Councilman Holcombe seconded the motion and it passed unanimously.
- d. *Building Height – James Scott*** – Town Planner, James Scott, requested Council hold a Public Hearing at next month's Council meeting. Councilman Holcombe

motioned to set the public hearing for next month's regular Council meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

- e. ***Sign Permit Fees – James Scott*** – Town Planner, James Scott, requested Council hold a Public Hearing on an amendment to the ordinance that would allow the sign permit to be good for one year versus six months. Councilman Holcombe motioned to set the public hearing for next month's regular Council meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- f. ***Recreation Committee Appointment*** – Councilman Holcombe motioned to appoint John Troxler from the Chamber to fill the vacancy on the Recreation Committee. Councilman Miller seconded the motion and the vote passed unanimously.

## ***IX. Old Business***

- a. ***Personnel Policy – Randy Feierabend*** – Manager Feierabend stated that Town Attorney, David Paletta, has approved the new personnel policy before Council with the exception of a minor change. Staff recommended that the longevity pay date be around the date of April 1. Councilman Holcombe motioned to adopt the new personnel policy with longevity pay being received around the date of April 1 by employees. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- b. ***Amending Tree Ordinance – Private and Public – Randy Feierabend*** – Mayor Owen asked Council to present their opinions on the amended tree ordinance that stood before them. Councilwoman Keller requested that the \$500 fine be increased to a \$1,000 fine. Vice Mayor Piquet agreed with Councilwoman Keller regarding the fine and also stated that he did not want to include § 154.365 Penalties. III. Violations on Private Property. (B) Replacement Trees. Councilwoman Keller stated that § 154.360 (C) Standards for granting permits (e) should not state 'average ground level' but should state 'the ground at its highest point'. In addition Councilwoman Keller pointed out that the same change needed to be made to § 154.362. Clear Cutting Prohibited as well as to § 154.364 Replacement Trees (B). Councilwoman Keller also stated that the acronym ANSI should not be used and recommended the complete spelling instead. Town Planner, James Scott, stated that this stood for American National Standard Institute. Councilwoman Keller also wished for this ordinance to apply to the Town as well. Town Attorney, David Paletta, stated that this was not legally possible. Vice Mayor Piquet motioned to pass the amended tree ordinance as presented with the following changes; the \$1,000 fine would replace \$500 fine; replacement trees were to be removed as part of the fine and all of Councilwoman Keller's changes with the exception of the rules applying to the Town would be part of the newly amended ordinance. Councilman Holcombe seconded the motion. The vote passed 5-0 on all changes with the exception of Councilman Miller voting nay to the \$1,000 fine.

**X. Town Manager and Staff Report** – Manager Feierabend presented to Council a resolution to have Hwy 184 resurfaced. Councilman Miller motioned to pass the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously.

Manager Feierabend informed Council that the Drug Task Force was going to run out of funds. Councilwoman Keller asked if the Town would get their money back. Councilman Miller stated that the Town would not get their money back and that the Drug Task Force would continue to function until they ran out of money.

Roberto A Godoy, of 114 Shagbark Road, stood up and questioned Council about his water bill. Mr. Godoy stated that he had sent a letter in on May . Mayor Owen moved Council into a break at 7:58 while staff handled Mr. Godoy's issue.

Mayor Owen reconvened the meeting at 8:14 p.m.

**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 Holcombe motioned to go into closed session at 8:15 p.m. Councilman Miller seconded and the motion and the vote passed unanimously. Councilman Holcombe motioned to come out of closed session at 11:14 p.m. Councilman Miller seconded the motion and the vote passed unanimously.

**XII. Other Business** – There was no other business to discuss.

**XIII. Adjourn** – Councilman Miller motioned to adjourn the meeting at 11:15 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

Minutes approved by Town Council on August 10, 2010.

ATTEST:

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Town Clerk

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Mayor