

Town of Beech Mountain
Planning Board Meeting Minutes
July 7, 2009

Call to Order:

Chairman Paul O'Connell called the meeting to order at approximately 9:05 A.M. Other board members present in attendance were Bill Watson, Andy Porter, Brian Barnes, and John Hoffman.

Adoption of Agenda:

There was a motion that the agenda be adopted. The motion was seconded and carried with no opposition.

Approval of Minutes:

There was a motion that the minutes of the June 2nd meeting be approved. The motion was seconded and carried with no opposition.

Final Preparation and Review of Sign Ordinance:

Discussion proceeded involving final review of the Sign Ordinance, focusing on the latest comments of the Town Attorney.

The primary item of consideration was the use of the term "muted earth tones" to define the allowable sign colors within the ordinance (*Section 1909 (a)*). The Town Attorney had questioned the use of this term, because the interpretation of what exactly qualifies as a "muted earth tone" may differ among individuals. However, Paul O'Connell noted that the term "earth tones" had been in the previous sign ordinance for years, and that the proposed ordinance was merely trying to clarify its use by adding the term "muted." When it was suggested that a color chart may be used to define the colors considered to be "muted earth tones" and that the Town of Banner Elk referred to such a chart in their sign ordinance, Andy Porter among others noted that Beech Mountain had attempted to adopt such a chart many times previously and had failed for various reasons, including lack of support for such a measure from the Town Council. Andy Porter requested that a copy of the Banner Elk color chart be obtained and examined to see how that Town incorporated such a system. Brian Barnes suggested that the keys to the success of this provision are consistency and clear documentation, and that this may possibly be achieved as a matter of policy. John Hoffman suggested that a policy of using such a chart would aid in ensuring consistency and documentation, but that the chart itself need not be referenced in the ordinance. Therefore, John Hoffman made a motion that the wording of the proposed ordinance remain as it currently reads, and that the definition of "muted earth tones" evolve as a matter of policy. Said motion was seconded by Paul O'Connell, and carried with no objection.

The next item was the suggestion by the Town Staff of the insertion of a provision in the proposed ordinance that exempted Temporary government or civic sponsored events from the ordinance (*Section 1903 (e)*). Brian Barnes made a motion that this

change be approved, and said motion was seconded by Andy Porter. The motion was carried with no objection.

Next, the board considered the Town Attorney's recommendation that *Section 1904(d)* be amended to read "Portable signs are prohibited." As this was the intent, a motion was made by Paul O'Connell and seconded by John Hoffman. The motion was carried with no objection. Bill Watson noted that this provision may still be largely ineffective, due to the fact that many of these portable signs are used for weekend events on the mountain. Requiring that these signs be removed would not be dissuasive to their use, as they are intended to serve for only a short time period anyway.

Next, the board considered the Town Attorney's suggestion that *Section 1904(e)*, which prohibited banners, balloons, flags, etc. be re-instated. Although the board considered the possibility of these items being left in disrepair, it was decided that it was not contrary to public policy to allow these items. A motion was made by Paul O'Connell to leave 1904 (e) out of the ordinance. Said motion was seconded by Brian Barnes, and was carried with no objection.

Next, the Board considered *Section 1904(s)*, which prohibits information boxes from being visible from the roadway. The Town Attorney questioned the Constitutionality of this provision. However, it was noted that this provision technically does not prohibit people from using information boxes, it merely prohibits them from being visible from the roadway. Therefore, a motion was made by Brian Barnes to leave this provision in the proposed ordinance. The motion was seconded by Paul O'Connell and was carried

Finally, a motion for the final approval of the proposed sign ordinance was made by Andy Porter and seconded by Paul O'Connell. The motion was carried with no objection and the proposed sign ordinance will go before the Town Council for review.

Discuss Possible Changes to Solid Waste Ordinance:

The Planning Board next considered the prospect of making changes to the Solid Waste Ordinance's provision regarding garbage bins. The board's purpose in addressing this issue was threefold: 1) to amend the ordinance such that property owners are allowed to create garbage bins that exceed the minimum specifications as put forth in the article (i.e. those property owners who create bins that meet the intent of the ordinance, but have more aesthetically pleasing designs); 2) to allow those property owners who agree to waive their right to town garbage collection to be exempt from the requirement to have a bin; and 3) to improve the recommended garbage bin diagram and accompanying required specifications.

Bill Watson questioned the need for a waiver form, as those property owners who do not have the required garbage bin will not have their trash picked up. Andy Porter noted that the requirement for the waiver form would serve to ensure that property owners knew that they could not put out garbage receptacles without the required bin.

Andy Porter noted that the diagram would be improved by adding a chain that would prevent the lid from flopping back and breaking the hinges.

Paul O'Connell and Andy Porter noted that the requirement for mailbox flags would not be effective if renters of rental properties did not know to use them, but noted that a notice given in rental information packets would improve the situation.

The Board went on to discuss methods to enforce the ordinance, especially dealing with repeat offenders who pile garbage bags outside of their bin.

Finally, a motion was made to approve the amended Solid Waste Ordinance with the changes made. Paul O'Connell seconded the motion and it was carried with no objection. The proposed modifications to the Solid Waste Ordinance will go to the Town Attorney for revision.

Adjournment:

With no further business, it was moved that the meeting be adjourned. Said motion was seconded and carried with no opposition.

Respectfully Submitted,

**James Scott
Secretary to the Board**