

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
July 14, 2009

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 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, Finance Officer Tabitha Estep, Planning Director James Scott and Special Projects Manager Joe Perry. 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 – The Agenda was adopted and would stand as presented.

V. Approval of the Minutes – Special Meeting May 19, 2009, Special Meeting May 26, 2009, Special Meeting June 2, 2009, June 9, 2009 Regular Meeting and June 16, 2009 Special Meeting – Councilman Corn disputed that the verbiage from the May 19th meeting under section 12 and the verbiage from the May 26th meeting under section 3 were very similar. After a brief discussion Councilman Chamberlin moved to approve the May 19, 2009 minutes. Councilman Corn seconded the motion and it passed unanimously. Mayor Owen indicated that the minutes from the Special Meeting on May 26, 2009 were to be tabled until after Council was able to discuss them with the town clerk. Mayor Owen presented the Special Meeting Minutes from June 2, 2009 for discussion. Councilman Chamberlin moved to approve the June 2, 2009 minutes. Councilman Adams seconded the motion and it passed unanimously. The Council moved on to the Regular Meeting June 9, 2009 minutes. Councilman Chamberlin stated that on page two under Staff Reports there is a typo. After the word exceeded should be expectations. Councilman Chamberlin moved to approve the June 9, 2009 minutes with this correction being made. Councilman Adams seconded the motion and it passed unanimously. Mayor Owen moved on to the Special Meeting June 16, 2009 minutes. Councilman Chamberlin moved to approve the June 16, 2009 minutes. Councilman Corn seconded the motion and it passed unanimously.

VI. Public Comment – Mayor Owen opened the floor to Public Comment. Mayor Owen stipulated that citizens had a three minute time period to address the Council. The Council does not respond to the questions, but instead makes note of the question and has someone address the issue if not immediately after the meeting then shortly thereafter. Gina Brumel, 179 Hornbeam, addressed the Council regarding the deer on Beech Mountain. Mrs. Brumel proposed that the Town do something to reduce the number of deer on the mountain stating that there were too many darlings on the mountain and that they were destructive to the natural habitat. Mrs. Brummel had a second issue that she also brought to the floor. Mrs. Brummel questioned the water bill and wanted an explanation as to why she was getting billed for water and garbage services for the portion of the time when she was not present on the mountain. Mayor Owen indicated that Town Manager Randy Feierabend would be happy to answer the question pertaining to the water bill for her. Virgil

Dykes, Charter Hills, wanted to discuss the dead trees that are visible on Beech Mountain. Mr. Dykes felt like the Town could suggest to property owner's that they cut down the dead trees on their properties. Mr. Dykes stated that the electric company, Mountain Electric, was not doing a good job of fully removing the trees that they were cutting down. Mr. Dykes also noted that there were about forty small dead trees on the left hand side as you entered the Recycling Center. Mr. Dykes stated that the Public Works Director Riley Hatch has done a great job throughout the years. David Conrad, 100 Emerald Forest Lane, addressed the Council regarding the Town's tax rate. Mr. Conrad felt like the tax rate was ridiculously high and would like to see a decrease. He felt like the Council was not maintaining any fiscal responsibility. Linda Smith, 301 Pinnacle Inn Road, expressed her concern over the proposed increase of the water rates. Another issue that Mrs. Smith wanted to mention was that a lot of homeowners at the Pinnacle Inn received nasty letters in June stating that their property was going to be auctioned off because they had not paid their taxes last year. Mrs. Smith stated that when she received this letter from the Town she came immediately over to Town Hall and discussed it with the Town Manager Randy Feierabend who provided her with a letter stating that she had paid her taxes. Mrs. Smith's issue is that there are still a lot of homeowners at the Pinnacle Inn whose taxes were paid and up to date who have yet to receive any kind of letter or notification from the Town stating that the notice sent out in June was a mistake on the Town's part. Mrs. Smith felt strongly that this issue needed to be addressed with regards to these property owners.

VII. Water & Sewer Budget 2009 – 2010 Update – Town Manager Randy Feierabend provided an update for Council on the progress that had been made. Mr. Feierabend stated that his staff as well as himself were doing a rate study which would include information from comparable communities regarding their staffing, water lines, procedures in place, etc. Mr. Feierabend felt like he would be able to make a good proposal available to the Council by the August meeting which would be a step in the right direction. He also indicated that he was looking internally into the Town's operation, looking specifically at current procedures for accomplishing tasks and how to streamline and improve these procedures.

VIII. Old Business –

1. **Board of Adjustment – Appointments** - Mayor Owen stated that the Board of Adjustment had a new Chairman, Paul Piquet. Town Manager Randy Feierabend stated that the first alternate Fred France had moved up to the Board and that the Board had accepted Council's new alternates. The three alternates to the Board are Bernie Kneпка, Cindy Giarruso, and Urs Gsteiger. On a personal note Mayor Owen congratulated Paul Piquet on his chairmanship.
2. **Sign Ordinance – Planning Board Recommendation** – Mayor Owen provided a brief history of all of the man hours associated with the creation of this new document specifically naming Paul O'Connell. Paul O'Connell spoke from the audience stating that all five members of the committee had worked very hard. Councilman Chamberlin recommended that a public hearing be set for August 11, 2009 at 2 p.m. Council voted that the public hearing be set for this date. Councilman Chamberlin instructed the Planning Board to look into Section 1906 B and compare it to Section 1909 F & G. Section 1906 B does not reference raised lettering however Section 1909 F & G does. Councilman Chamberlin believed that both of those sections should read the same and that he wanted to understand what the Sign Committee's intentions were with some of their rules pertaining to residential signs. Councilman Corn inquired into the specifications on raised letters on residential signs, stating that he wanted to protect our

Town from ugly signs. Councilman Corn concluded by congratulating the Planning Board for their extraordinary effort. Mayor Owen advised the Public that a copy of this proposal would be available with the Town Clerk.

3. ***Fire Department – Employment Position Update*** – Mayor Rick Owen recognized the committee that had been working to fill the position that was budgeted for in last years budget but was not filled and had been budgeted again in this years’ budget. Town Manager Randy Feierabend stated that the committee was comprised of five people including himself, Fire Chief Jim Brooks, Assistant Fire Chief Riley Hatch as well as Council members Pete Chamberlin and Randy Corn. Town Manager Randy Feierabend stated that there had been many applicants. The field had been narrowed to seven candidates who were interviewed over the phone. From those seven, three candidates were chosen for face to face interviews. After conducting these interviews the candidate that Mr. Feierabend and the Committee were recommending to Council was Robert Pudney III deriving from Plantation Florida. Councilman Corn further advised the Council that Mr. Pudney III was the Fire Chief of the Plantation Florida Fire Department which was comprised of two hundred twenty-five volunteer firefighters and seventy-five paid firefighters. He further stated that Mr. Pudney has owned a home on Beech Mountain for many years. The city that he is working for is offering an early retirement package that Mr. Pudney III will be taking in order to relocate to Beech Mountain permanently and begin working here if offered this position. Councilman Corn stated with regards to pay that Mr. Pudney III will be getting paid less than 1/3 by the Town of what he is currently earning. Council moved to accept the committee and Mr. Feierabends decision to hire Robert Pudney III.

IX. Town Manager’s Report – Mayor Owen indicated that a lot of communication between the Council and the Town’s Manager was taking place via detailed e-mails. Town Manager Randy Feierabend stated that he did have some new things to report to Council. Mr. Feierabend had been approached by the residents of Golfview Drive regarding an improved street improvement project from back in 2005. Mr. Feierabend had communicated with the engineer that had worked on this project and stated that all of the conditions had been satisfied. There had been concern with a 4” water line which is adequate to serve the street. The street currently has seven houses and six condos with an operating flush valve on the end. There is also a water hydrant within the correct distance. The engineer, Ed Powell, did not like the idea of an 18’ wide road for a short cul-de-sac but from a design point, fits in better for that environment. A 16’ wide road would still qualify for him. Mr. Feierabend indicated that with Councils approval the Town was ready to move forward with the next step which was getting the citizen’s organized to pay for the road improvements. Mr. Feierabend acknowledged that there would be a very small expense for the Town for this project. Mayor Owen asked the Town’s Attorney David Paletta how the Town should proceed legally with this matter. Mr. Paletta stated that it depended on which procedure the Town was pursuing. As he understood the project to date the property owners were going to pay one hundred percent. Mr. Paletta asked if this money was paid up front. Councilman Chamberlin responded that to the best of his recollection the Town had never collected the money up front. Mr. Paletta said that the other procedure is the assessment procedure and inquired as to which of the two procedures is to be used. Mayor Owen stated that the assessment procedure would be the direction that the Town would go in. Mr. Feierabend stated that he had asked the property owners to have a whole new community meeting so that everyone that was in agreement could sign the agreement. Mr. Feierabend said that as of right now it had been verbalized by the community that if some of the owners didn’t want to help fund this project than those homeowners that are interested in getting this taken care of were

willing to pay for their portion as well so that the Town would not need to do a forced assessment. Councilman Chamberlin motioned to accept Mr. Feierabends proposal that he set up a meeting with the community. Councilman Adams seconded the motion. Mr. Feierabend indicated that should this project go forward it would be a Town project and that the only cash that would be coming from the Town would be for the engineer. Mr. Feierabend discussed the Town's reverse 911 system. He informed Council that the Town was now able to successfully operate this system and that it was used that morning. This morning there was a water main that was being repaired that was going to affect three to four roads on the mountain. Those residents were able to receive word, through the reverse 911 call, that their water would be off for a short period of time while the repair was under way. This system is housed with the dispatchers. Moving on to his final topic Mr. Feierabend stated that within twenty-four hours prior to the council meetings he will contact Council members to discuss the agenda in addition he will hold a staff meeting at nine a.m. the day of the Council meeting to discuss agenda items prior to the Council meeting.

X. Staff Reports – Mayor Owen informed the public that all reports are available to the public through the Town Clerk and that there were intentions of making these reports available on the Town's web site.

1. Public Works – Public Works Director Riley Hatch informed Council that currently Public Works was in the process of grading roads, cleaning ditch lines and getting right of ways cleared. The generator system did get tested. The one located at the Water Plant is working at 100%. There are a few issues with the portable generator that still need to be cleared up. Councilman Chamberlin asked what the frequency would be for testing these generators. Mr. Hatch stated that a quarterly load test would be done on both generators. In addition to this the generator located at the Water Plant starts up every Tuesday at 6:30 in the morning. Councilman Chamberlin commended Mr. Hatch on thinking ahead with the idea of using a portable generator to take care of the tanks during power outages. Councilman Chamberlin noted that this saved the Town a lot of money. Councilman Corn questioned the water report in the agenda packet and wanted it explained. Mr. Hatch directed Councilman Corn to speak with the Assistant Director of Public Utilities Robert Heaton. Mayor Owen interjected that it would be a good idea for Mr. Heaton to be at the next meeting. Mr. Feierabend pointed out the inorganic compounds in our water on the report and noted that everything was well within limit. Councilman Corn stated that he read an article that stated there were extreme standards put on municipal water systems. Most bottled water does not meet municipal water standards for cleanliness or being chemical free.

2. Police – Mayor Owen stated that the Police Report was in the Councils' packet.

3. Inspections – Mayor Owen indicated that the Inspections Report was in the Councils packet and that we still only have two new houses to date. There is lots of remodeling occurring but not new home construction.

4. Recreation – Mayor Owen said the Recreation Report indicated that there had been very large increases in the number of users down at the Recreation Center.

5. Recycling Report – Mayor Owen stated that this was a new report in the packet.

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 – Mayor Owen moved to go into closed session at 2:47. Council came out of closed session at 4:15.

XII. Other Business – Council had vigorous discussion concerning the Tree Ordinance. A consensus was made that the Town’s Attorney David Paletta and the Town Manager Randy Feierabend should review the Council’s current positions, thoughts, and suggestions on the proposed tree ordinance(s)) then begin working on a final document for presentation. In order to facilitate this Town Mr. Feierabend was directed by Council to immediately provide the Council with a new packet containing the staff tree ordinance, the committee’s last draft, and an earlier draft along with Mr. Paletta’s legal comments.

XIII. Adjourned – Councilman Chamberlin motioned to adjourn which was seconded by Councilman Holcombe.

Minutes approved by Town Council on August 11, 2009.

Mayor

ATTEST:

Jennifer Broderick