

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – December 14, 2010**

***I. CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:01 p.m., Tuesday December 14, 2010 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller, Cindy Keller and Alan Holcombe. 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, Code Inspector Stan Hanna, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch and Recreation Activities Coordinator Daniel Scagnelli.

***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 – November 9, 2010 Regular Meeting*** – Vice Mayor Piquet stated that there was a misspelling on page 4 that needed to be corrected. Mayor Owen instructed the clerk to remove the word ‘with’ from a sentence on page 4 as well. Councilman Miller motioned to approve the minutes as amended. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***VI. Public Hearing***

- a. An Ordinance Amending Title XV Land Usage § 154.091 “Permitted Use Table to Permit Mobile Homes in the Mobile Home General Use District”*** - Vice Mayor Piquet motioned to open the Public Hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Town Planner James Scott provided background information stating that in 2002 Council created a zoning district for mobile homes. The intent of Council was to allow mobile homes in that district. Currently however the ordinance book does not reflect that mobile homes are permitted in this area. The intent of the amendment is to correct this matter. Mayor Owen asked if there was any public input; with there being none Vice Mayor Piquet motioned to close the Public Hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

***VII. Public Comment*** - There was no public comment.

***VIII. New Business***

- a. Resolution Honoring the Beech Mountain Club, Brian Barnes, Rory Ellington, Fred Pfohl, Jim Accardi, Wilson King and the Elder Family in their Endeavors with the Streetscape Project – Mayor Owen*** – Mayor Owen stated the resolution

was to honor those that assisted with the Streetscape Project. Councilman Holcombe motioned to approve the resolution. Councilman Miller seconded the motion and the vote passed unanimously.

- b. Resolution for David Paletta – Mayor Owen** – Mayor Owen stated that David Paletta was unable to be present at this meeting but that Mr. Paletta did wish to come before Council to formally receive the award. Mayor Owen recommended that Council pass the resolution and then present it to him at a future meeting. Vice Mayor Piquet motioned to pass the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously.
- c. Set Public Hearing on the Zoning of 3363 Beech Mountain Parkway – James Scott** – Town Planner James Scott stated that the property located at 3363 Beech Mountain Parkway was annexed into the Town in 2008. Though this property was annexed there are no records indicating that there was a designation of zoning. The Town Planning Board is recommending that this property be zoned CS-1. Vice Mayor Piquet motioned to set a public hearing for the regularly scheduled Council meeting in February. Councilman Holcombe seconded the motion and it passed unanimously.
- d. Set Public Hearing on Amending Permitted use Table to Allow Mixed Use Residential/Commercial in the CS-1 Zoning District – James Scott** – Town Planner James Scott stated that there were properties in the CS-1 Zoning District that had and were being used as both mixed use residential and commercial property. Several businesses currently have residential units above their commercial space in the CS-1 District. In order to remedy this matter Mr. Scott proposed that the permitted use table be amended to enable the CS-1 District to allow for the mixed use of both residential and commercial. Councilman Miller asked if this corridor going towards Ski Beech which included such businesses as Fred’s, Brick Oven and the Alpine Inn were currently zoned CS-1. Mr. Scott confirmed, stating that the CS-1 District covers from the beginning of Town to approximately all the way down to Ski Beech. Vice Mayor Piquet motioned that the Public Hearing be set for Councils regularly scheduled meeting in January. Councilman Holcombe seconded the motion and the vote passed unanimously.
- e. Tax Refund Mark Rigsbee – Randy Feierabend** – Mayor Owen stated that the Avery County Tax Assessors office takes responsibility for the error. Vice Mayor Piquet motioned to permit the refund. Councilman Holcombe seconded the motion and the vote passed unanimously.
- f. Buckeye Recreation Center Heater – Stan Hanna** – Code Inspector Stan Hanna advised Council that the Recreation Center was segmented into 6 zones for cooling purposes. In addition to these 6 zones there is the space that houses the basketball and tennis court. Unlike the other zones the basketball and tennis court area does not have its own air conditioning unit. The heat in the building is set up much differently than the cooling system. The entire building is heated by a boiler. The problem with the heat that has been occurring is when the temperature fluctuates in

the different zones more than 5 degrees. This fluctuation in temperature has caused the system to overload. The control system that is in place is not the proper size. Mr. Hanna stated that his opinion on the matter was to start using the fans that had just been repaired. The fans will enable recirculation of the heat that collects in the ceiling in the basketball and tennis court area. In conjunction with the use of the fans the doors to all rooms should remain closed and not propped open. Mr. Hanna felt that this would take care of the heating issues that the building was having. If doors were kept shut then zones and/or areas would be able to have a temperature variance greater than 10 to 15 degrees. Councilman Miller asked whether or not the 6 zoned areas could be set up for heat as well. Manager Feierabend stated that the recommendation is that no more repairs be implemented. The belief is that now with the fans working these rooms should be properly heated if the doors are kept closed. The doors need to remain closed because the control system that was bought to control the heat in all of the zoned areas was not a sufficient size for the square footage of the building. Vice Mayor Piquet stated that last month Council had asked for prices for what he felt was the proper solution instead of the guidelines that were being presented to be implemented. Vice Mayor Piquet wanted to make sure that all of the recreation staff could control the temperature gauges thus ensuring that at any point in time a user of the facility would be able to have the temperature adjusted to their liking. Vice Mayor Piquet instructed staff to gather prices for the next Council meeting. Mr. Hanna assured Council that all of the recreation staff would have the ability to adjust the temperature in all of the rooms. Councilwoman Keller asked if the recreation staff could put a note on each door reminding everyone that the doors need to remain closed and not propped open. Councilwoman Keller stated that the fans should be used at all times. They were both an excellent means for recirculating heat as well as preventing mold. On a final note Councilwoman Keller asked about the noise level of the fans since their repair. Mr. Hanna assured Council that the decibel level was much improved and that they were no longer a nuisance.

- g. *Ordinance Amending Schedule IV by Specifying a 20 MPH Speed Limit for Emerald Mountain - Randy Feierabend*** – Mayor Owen stated that some time ago Council had passed this 20 mph speed limit for Emerald Mountain but that somehow this ordinance had not been included in the Code Book. Vice Mayor Piquet motioned to approve the ordinance. Councilwoman Keller seconded the motion and the vote passed unanimously.
- h. *Resolution Setting Future Council Meeting Time – Mayor Owen*** – Mayor Owen stated that a resolution had been prepared for Council to consider changing their regularly scheduled meeting time. Upon discussion it was determined that Council's new regular meeting time would be at 3:00 p.m. This would begin with the upcoming January meeting. Meetings would still be held on the second Tuesday of the month at Town Hall. Additionally the resolution included a policy requiring that any public input requests for items to be placed on the agenda be made through written request in accordance with established policy; procedures for individuals addressing Council during meetings and the approval of consent agendas for future use. Councilman Holcombe moved to adopt the resolution with the new scheduled

meeting time being set for 3:00 p.m. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

- i. 140 Mariah Circle – Carol Parent Property – Robert Heaton* – Attorney Eggers stated that the deed to the property that had been donated to the Town had been recorded. Public Utilities Director Robert Heaton recommended that Council adhere to the Town’s policy already in place. Councilman Miller motioned to reduce the water and sewer portion of the bill to \$995.69; thus lessening the bill by an additional \$128. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- j. 112 Overbrook Trail – Gary and Sharon Berthold - Robert Heaton* – Mayor Owen stated that Mr. and Mrs. Berthold had an issue with their water quality this past summer and believed that as a result they were due a reduction to their utility bill. Councilwoman Keller asked if the Town’s water had passed the mandated testing. Utilities Director Robert Heaton stated that the tests had been passed. With this being the case Councilwoman Keller instructed staff to send these test results to the homeowner. Council unanimously decided to take no action on the matter.
- k. Ordinance Amending Recreation Committee Bylaws – Randy Feierabend* – This ordinance amending the recreation committee bylaws would allow for members to serve 3 year staggered terms. To initiate the staggered terms 4 members shall be appointed to 3 year terms and 3 members shall be appointed to 2 year terms. Vice Mayor Piquet motioned to pass the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously.
- l. Resolution Amending Tourism Development Authority Bylaws - Randy Feierabend* – This resolution amending the Tourism Development Authority bylaws would remove the term limits in the current bylaws and also change the terms from 2 to 3 year terms. Councilman Holcombe motioned to approve the ordinance. Vice Mayor Piquet seconded the motion and the vote passed unanimously.
- m. Ordinance Amending Tree Board Bylaws – Randy Feierabend* – This ordinance amending the Tree Board bylaws would allow for members to serve 3 year staggered terms. To initiate the staggered terms 3 members shall be appointed to 3 year terms and 2 members shall be appointed to 2 year terms. In addition there shall be no residency requirements for members. Vice Mayor Piquet motioned to approve the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously.
- n. Committee and Board Appointments – Mayor Owen* – Vice Mayor Piquet wanted to hold off on all appointments until next months’ meeting. Councilman Holcombe concurred with Vice Mayor Piquet. Mayor Owen directed Council to get names of any potential candidates to Manager Feierabend so that they could then be dispersed to the rest of the Council members in order for Council to be ready to make an informed decision at the upcoming meeting.

Councilman Holcombe motioned that Council amend the agenda by including under §VIII. New Business item 'o. *Remove Residency Requirement for the Tree Board*'. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

*o. Remove Residency Requirement for the Tree Board* - Mayor Owen entertained a motion. Councilman Holcombe motioned to amend the ordinance amending the Tree Board bylaws by removing the residency requirement. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

## **IX. Old Business**

- a. Vote on Ordinance Amending Title XV Land Usage § 154.091 "Permitted Use Table to Permit Mobile Homes in the Mobile Home General Use District – James Scott** – Vice Mayor Piquet motioned to approve the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously. Mayor Owen thanked staff for looking out for these types of corrections.

## **X. Town Manager and Staff Reports**

- a. Staff Summer Progress Reports - All Department Heads**

**Recreation Department – Daniel Scagnelli** – Recreation Activities Coordinator Daniel Scagnelli began his presentation by sharing that the slogan 'Elevate Your Recreation' was a theme adopted in 2010 by the Recreation Department to promote continuity with branding for the Town. Mr. Scagnelli summarized the Recreation Departments many accomplishments from the previous summer. Substantial growth was seen with passes sold which increased by 87% over the figures from 2009. There was a 10.5% facility usage increase with a total of 13,028 visits from the month of May through September. The Recreation Department hosted and successfully executed over 85 programs and events this past summer. Some of those programs for included; Kaboomba Zumba, Teen Volunteer Adventure Core Group, Tour Du Life (Beech Mountain Hill Climb), XTERRA (Beech Mountain 10K trail race) and the Three Peaks Challenge (America's most brutal Cyclocross Race). The Cool 5 had a record 250 participants which was a 40% growth from 2009 and brought in \$12,718 in revenue. Outdoor Recreation project accomplishments included that of the Emerald Outback Trails. The Emerald Outback Trail encompasses 7 plus miles of trail and was built with the assistance of volunteers who logged over 300 hours. Additionally the Town hosted a collegiate mountain bike race featuring over 10 Division I schools. Another exciting highlight to the summers' accomplishments was the completion of the Falls Trail Loop. This loop is a 2 plus mile loop that directly connects Buckeye Recreation Center to the Falls Trail. The third major accomplishment for Outdoor Recreation was the creation of the Buckeye Lake Fishing Access Parking area.

**Public Works – Riley Hatch** – Public Works Director Riley Hatch stated that his department was able to provide improved quality of services to the property owners and residents. Mr. Hatch's Sanitation Department handled over 368 calls for special

pickups. The amounts of recycling reflected in tonnage was paper with 10.96, plastic with 4.63, glass with 10.025 and aluminum with 2.01. Over 592.59 tons of solid waste was taken off to the Watauga County Transfer Station. Mr. Hatch stated that Road Maintenance had completed right of way clearing on the following roads; Beadwood Lane, Hawthorne Road, Arrowwood Road, Lakeledge Road as well as collecting large logs left by Asplund and mowing all right of ways on town streets, around fire hydrants and intersections. Mr. Hatch stated that his department had also assisted in the Street Scape Project. Over 157 different street signs were either pressure washed, painted, repaired and/or replaced. In addition Mr. Hatch stated that 9,050 tons of gravel was put out on 15 different roads.

***Public Utilities – Robert Heaton*** – Public Utilities Director Robert Heaton stated that the meter replacement project had begun. Approximately 400 meters have been replaced and 150 homeowner cut-offs installed. The project has been put on hold for the winter and will restart in March or April with a completion date set for November 2011. The Utilities Department had completed hydrant repairs with a total of three 6” hydrants being repaired, two 6” hydrants installed, two 4” hydrants repaired and two 2” blow offs installed. The Utilities Department was constantly gathering data for the engineering study all while continuing with the normal every day duties such as service calls and repairing leaks. Mr. Heaton stated that the Town had to deal with a large water shortage since July but that the drought conditions had finally improved. The Town was back to Stage I Drought Response which was a large improvement in conditions. Mr. Heaton thanked everyone for conserving as much water as they could across the Town. Since the month of July a total of 21 leaks have been fixed.

***Planning Department – James Scott*** – Town Planner James Scott began his presentation by specifically thanking Barbara Piquet for her invaluable input in the creation of the new Town Road Map. The map is much more comprehensive and accurate than previous versions. Mr. Scott stated that another project that was successfully completed was the Fox Crest Subdivision. Staff was able to work with the developers to see to it that this subdivision was completed to acceptable standards. Additionally the Town broke ground on the Streetscape Project which had been a vision for a long time. Mr. Scott stated that the vision of an attractive, inviting and functional pedestrian streetscape was developed. After gathering community input, the project was initiated and showed great promise. Councilwoman Keller asked when Phase II was going to begin on the Streetscape Project. Mr. Scott stated he hoped to begin in the spring and that it was his hopes that Phase II would make it to Kats. Councilman Miller stated that he would like the sidewalk to continue on down the Beech Mountain Parkway eventually making it all the way to Ski Beech. Councilman Miller thought that a kiosk would be nice to have at Kats. Mr. Scott stated that he had been considering a panorama view that pointed out places of interest to visitors.

***Recreation Department (Revisited)*** - Councilwoman Keller inquired into the potential of having some retailing done at the Recreation Center. Councilwoman Keller stated that the Recreation Department should look into polling the public on

some items that they would like to see sold at Buckeye. Councilwoman Keller provided examples of potential items that could be sold such as; tennis balls, t-shirts, hats, soda's, health bars, etc.

**Code Inspection – Stan Hanna** – Code Inspector Stan Hanna stated that his department had been overseeing various repairs at the Recreation Center. The sidewalk at the Recreation Center had been fixed. Because of improper drainage the concrete had been cracking and raising up. This problem was caused by the lack of a french drain being installed even though it was called for in the original plans. This not only resulted in sidewalk issues but the lack of a french drain had been causing problems with the adjoining wall. Mr. Hanna stated that his department had also overseen the repairs to the pump house roof. Town Hall and the Chamber of Commerce building had new roofs installed as well. Both buildings now had 50 year architectural shingles. Mr. Hanna explained that the Town's picnic shelter by Buckeye Lake had a large tree fall on it and that his department oversaw the repairs and completion of the project. The new roof that was selected for the shelter was a green metal roof to match that of the Recreation Centers.

**Fire Department – Robert Pudney** – Fire Chief Robert Pudney stated that his departments' main goal was a fire safe community. All 342 fire hydrants had been tested, inspected and marked. Mr. Pudney stated that he had initiated a plan to bring in new members to the department. As a result of this goal his department had instituted and developed a recruitment program targeting individuals that the unit believed would be beneficial to the department. A minimum basic training program was implemented to train recruits. The Fire Department had hoped to receive federal grant monies to open up another position within the Fire Department but the grant did not get approved. However grant monies were allocated from the State and Division of Forestry to the sum of \$96,000 to be used toward equipment expenses. Mr. Pudney stated that his department responded to a total of 30 fire calls and 48 emergency medical calls. During his tenure Mr. Pudney has implemented better record keeping in order to maintain scheduled tasks in a timely fashion. A new fundraising committee has been formed to come up with innovative ideas for the department. Councilwoman Keller wanted to know if Mr. Pudney had been able to acquire any new recruits. Mr. Pudney stated that when he initialized the recruitment process the target was 10 and that thus far 8 new recruits have been acquired. Councilwoman Keller asked about cross training the Police Department. Manager Feierabend stated that this idea has been discussed with Mr. Pudney along with a pay increase incentive for employees who participated.

**b. Town Manager Report – Randy Feierabend**

**Sewer Resleeving Visit** – Manager Feierabend stated that he would like to have this meeting scheduled to take place during March. In addition to the sewer product there is also a product available for putting in water lines. The demonstration of this new product is supposed to be available to view this spring.

***Susie and Bernie Knepka*** – Manager Feierabend proposed that Council pass a resolution at their upcoming meeting thanking the Susie and Bernie Knepka for their efforts in putting up the lights and Christmas decorations in the Town.

***Report on Hill Climb*** – Manager Feierabend reported that the Tourism Development Authority and Chamber of Commerce have had the Hill Climb discussed with them. The general consensus of both boards was not to allow the event to be held past May 1<sup>st</sup>. Manager Feierabend stated that he did not believe that either of the boards was showing any support for this event. Vice Mayor Piquet stated that the event used to be held during April but that the weather was too iffy. Manager Feierabend stated that he had asked about the fall as well but that this idea had not been well received. Mayor Owen stated that either the Tourism and Development Authority or the Chamber of Commerce needed to want to include this event in the Town for 2011. Mayor Owen stated that since there appeared to be a lack of interest in the event from both boards Council would not move forward with the event.

***Clothing for Employees*** – Manager Feierabend informed Council that staff was doing a budget transfer to help ensure that Town employees that have to work outside in the cold are properly attired with bibs, jackets and gloves. The cost would be roughly \$3,900 to take care of all such employees.

***115 Skiloft – Water Leak*** – Manager Feierabend stated that staff discovered yesterday that the service address of 115 Skiloft had icicles coming out of their house. This is the second time in two years that this property has had busted pipes even though there is a homeowners cut off located just outside of the meter box. Manager Feierabend stated that he was going to issue the \$100 fine to the homeowner for not cutting off their water as the Town's Code Book requires. Councilman Miller asked in situations like this that occur if the property manager was responsible or if the homeowner was responsible. Attorney Eggers confirmed that it is always the homeowner's responsibility.

***Michael Boaz*** – Manager Feierabend explained to Council that staff had not been aware of the large amount of unemployment that former Town Manager Michael Boaz had been allowed to collect. The Town had only budgeted \$6,000 in the employment security commission line item. However the bill the Town just received was for \$12,505.54. Michael Boaz's part of the bill alone was \$9,386. Staff will need to do a budget amendment to cover the \$6,505.54 difference.

***Snow Total*** – Manager Feierabend reported that there had been a total accumulation of 39.3" which is 5" more than last year at this time.

***Budget Transfer*** – Manager Feierabend informed Council that he had signed off on an amendment which allowed money to be moved to the appropriate line item within the budget. The money had been in the correct department but placed on the wrong budget line.

**Mountain Electric** – Manager Feierabend stated that he was working on scheduling another meeting with Mountain Electric. Mountain Electric had to cancel the previous meeting.

Councilwoman Keller directed staff to place the summer reports and power points on the Town’s website and Channel 2.

Councilman Miller inquired into the Kats building situation wanting to know what kind of action was taking place. Manager Feierabend stated that he has spoken with Mr. Kabania and that Mr. Kabania has been informed that once a year is up the Town will be taking action.

Councilman Miller asked when the pump house was being torn down. Manager Feierabend stated that this would take place in the spring. Councilman Miller stated that he was very pleased with all of the directors.

**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 4:02 p.m. Councilman Miller seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned for Council to come out of closed session at 4:28 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

**XII. Other Business** – Councilwoman Keller brought up the subject of planning and wondered when Council would begin planning future projects. Vice Mayor Piquet stated that Council planning took place during the Planning Retreat.

**XIII. Adjourn** – Vice Mayor Piquet motioned to adjourn the meeting at 4:44 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

Minutes approved by Town Council on January 11, 2011.

ATTEST:

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Town Clerk

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Mayor