

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – February 8, 2011**

***I. CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 3:02 p.m., Tuesday February 8, 2011 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 and Recreation Director Eric Jelinski, Recreation Activities Coordinator Daniel Scagnelli, Fire Chief Robert Pudney and Town Planner James Scott. Also present was Kathy Brown from Bryce Holder and Associates.

***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 – January 11, 2010 Regular Meeting*** – Vice Mayor Piquet motioned to approve the minutes. Councilman Miller 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 Allow Mixed Use Residential/Commercial in the CS-1 Zoning District*** – Councilman Holcombe motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott presented the amended ordinance to Council stating that a definition had been added to the proposed ordinance which would stipulate that residential use of the building could not occupy more than 45% of the building and that commercial usage must be otherwise permitted. Residential usage may be rental or condominium. This proposed amendment protects against abuses but allows flexibility. Pete Chamberlin of 113 Christie Way questioned how the ordinance would affect existing commercial and residential units. Mr. Scott stated that these buildings are grandfathered in and that the intention of the amended ordinance is to look at things coming up in the future rather than things that already exist. Councilman Holcombe motioned to close the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***b. Proposed Zoning of 3363 Beech Mountain Parkway to a CS-1 Designation*** – Vice Mayor Piquet motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Town Planner James Scott stated that when this property was annexed no zoning had been designated. Cliff Surrency spoke representing LifeStore Financial Group who currently owns the building stating that they were in favor of the proposed amended CS-1 zoning designation. Mr. Surrency asked whether a bar would be permissible with this zoning designation. Mr. Scott stated that information would be provided to Mr. Surrency as to what was permissible in CS-1 zoning. Mayor Owen asked if

the adjoining neighbors to this lot had been contacted. Mr. Scott informed Council that they had and that there had been no feedback. Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

**c. Ordinance Creating Conditional Use Standards for Campgrounds** – Councilman Holcombe motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott stated that the intent of the ordinance was to create an environment that would foster a well run successful campground. The proposed ordinance would conditionally allow campgrounds in R-1 zoning districts containing lots over 5 acres in size. This conditional requirement would mandate that all proposed campgrounds go before the Planning Board. Mr. Scott provided a map which illustrated the R-1 areas in Beech Mountain's Town limits that met this conditional requirement. Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

**VII. Public Comment** – Jerry Hobbs of 123 Skiloft Road stated that plows are prone to push snow onto his property thus covering the homeowner cut-off valve for his water. As a result of the snow being pushed into the cut-off valve the valve has been turned on resulting in the water pipes busting. Mr. Hobbs proposed that some sort of shield be provided by the Town for homeowner cut-off valves. Manager Feierabend stated that he would personally come up tomorrow to look at the issue on Mr. Hobbs's property.

**VIII. New Business**

**a. Resolution Honoring the Service of David R. Paletta – Mayor Owen** – Mayor Owen read the resolution of appreciation to David Paletta which Council had passed during their December meeting. Mayor Owen personally thanked Mr. Paletta for the guidance that he had provided throughout the years. Mr. Paletta stated that he had deep gratitude for the Town of Beech Mountain who had shown confidence in a young aspiring attorney so many years ago; specifically thanking Wilson King, Fred Pfohl, Reuben Mooradian, Paul O'Connell, Alan Holcombe and Gil Adams. Mr. Paletta felt the Town had made an excellent decision in choosing Stacy Four Eggers IV as his replacement. Wilson King of 1525 Beech Mountain Parkway stated that Mr. Paletta had served the Town since 1981. The relationship had been both a long and mutually beneficial one. Mr. King stated that Mr. Paletta was the type of man who never breached a confidence. Mr. Paletta received a standing ovation from all present.

**b. Potential Hosting of National Bike Event Presentation – Talia Freeman** – Talia Freeman, Director of Marketing for Ski Beech stated that Ski Beech has been awarded the bid to host the Mountain Bike Nationals in October. The gravity event would take place on September 24<sup>th</sup> and 25<sup>th</sup> of this year. The contract for the event is yet to be finalized. A substantial investment needed to be made by Ski Beech in order for this event to take place. Ms. Freeman simply wanted to share with Council Ski Beech's hope to host this event as well as their vision of providing summer recreational opportunities. Councilman Holcombe asked what type of people would be coming to the mountain for such an event. Ms. Freeman responded that there would be 600 participants and that each of these participants would have their crew and families with them. The United States of America Cycling organization holds this national event. Ms. Freeman stated that if finalized the contract would be for 2 years.

Councilman Miller asked how much funding Ski Beech needed for this event to take place. Ms. Freeman stated that funds were needed to improve the lifts to enable them to carry bikes as well as to improve trails. Ms. Freeman stated that the Beech Mountain Tourism Development Authority and the Beech Mountain Chamber of Commerce are in full support of the event. Ms. Freeman stated that the only road that would be used was the summer road and that there would be media coverage for the event. Mayor Owen stated there was no reason for Council to not support summer operations for Ski Beech. Mayor Owen asked what kind of funding would be needed for this event to happen. Ms. Freeman stated that she could provide a better monetary figure at the end of the week and is working with United States of America Cycling organization to gather an exact figure. Right now the total figure would be approximately \$80,000. Mayor Owen asked how long Ski Beech had to sign a contract. Mrs. Freeman stated a month. Mayor Owen thanked Mrs. Freeman for her presentation.

**c. Audit Report from Bryce Holders Office – Kathy Brown** – Kathy Brown from Bryce Holder and Associates directed Council to look at the Management's Discussion and Analysis overview provided within the 2009/2010 Audit Report. Mrs. Brown provided an overview of the audit report stating that revenues were up and expenses were down. Mrs. Brown advised Council to contact her once they have had an opportunity to review the report should any questions arise.

**d. 222 Greenbriar – Request to Purchase – Randy Feierabend** – Mayor Owen stated that before them they had a letter of intent to purchase a parcel owned by the Town. Previous Councils have worked with buyers by receiving the full appraised value of the property as well as all costs being borne by the buyer. The offer price is \$10,000 which is the appraised value of the parcel. Attorney Eggers advised Council that there are three different means for the Town to sell property. One is private negotiation and sale; two is negotiated offer which would include advertisement and an upset bid; third there is the option of public auction. Mayor Owen stated the homeowner may have to be more specific about what types of deed restrictions are acceptable. Councilman Holcombe stated that the bidding process drives the price up and that the job of the Council is not to protect the potential buyer by placing restrictive covenants on a parcel but to dispose of any property they can at fair market value to receive the best price possible for the Town. Vice Mayor Piquet stated that the Town has tried to keep these parcels as green spaces. Attorney Eggers confirmed that the Town could not place restrictions upon a lot so that the intended buyer would be the only interested party. Councilman Holcombe felt that by following previous Councils actions they were not putting themselves in the position to achieve fair market value and that these assets should be liquidated for the top dollar. Councilman Holcombe stated that if the Town wished to preserve these lots as green spaces then they should just hold the lots. Councilwoman Keller respected the Towns goal of insuring that there were green spaces. Manager Feierabend stated that he had spoken with the buyer. The buyer was curious about whether or not they would be able to put a driveway, gazebo or fence on the property. Manager Feierabend stated that all department heads were asked if their departments had any use for the lot. The feedback received indicated that no department needed the parcel. Mayor Owen stated that he would be inclined to sell the parcel with restrictions versus selling the parcel with no restrictions. Vice Mayor Piquet was inclined not to sell the parcel. Councilman Miller stated that he was not opposed to selling the property with restrictions. Mayor Owen stated that Council would take no action right now as there was no consensus and directed fellow

Council members to think about what direction this Council would take with regards to selling Town owned land.

***e. Tax Release – Randy Feierabend*** - Councilman Miller motioned to release the tax. 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 Allow Mixed Use Residential/Commercial in the CS-1 Zoning District – Mayor Owen*** – Mayor Owen asked if Council had any other questions before they proceeded with the vote. Vice Mayor Piquet stated that a 50/50 split usage of the building for both residential and commercial use would be more ideal than the proposed maximum 45% for residential use. Planning Board member Andy Porter stated that he was in agreement with an equal square footage split. Vice Mayor Piquet motioned to approve the ordinance amendment with the provision that the maximum 45% residential usage be changed to allow residential use in up to 50% of the building. Councilman Holcombe seconded the motion. The vote passed 4-1 with Councilman Miller voting nay.

***b. Vote on Proposed Zoning of 3363 Beech Mountain Parkway to a CS-1 Designation – Mayor Owen*** – Vice Mayor Piquet motioned to approve. Councilman Miller seconded the motion and the vote passed unanimously.

***c. Vote on Ordinance Creating Conditional Use Standards for Campgrounds – Mayor Owen*** – Vice Mayor Piquet inquired why there was a requirement to connect to water if within 1,000 feet of a water line but the same rule did not apply to sewer lines. Manager Feierabend pointed out that the Towns utility ordinance already took care of this issue. Town Planner James Scott stated that the utility ordinance has a 500 foot requirement. Planning Board member Andy Porter stated the reason the proposed ordinance was set up this way was to prevent individuals for having to connect to sewer lines in situations where the sewer had to be pumped uphill. Vice Mayor Piquet stated that as the proposed ordinance was currently worded it read that if the Health Department states the owner can have a septic system then the owner would be able to put in a septic tank and would not be required to connect to the Towns sewer. Mayor Owen stated that it should be the Towns decision to have the owner connect to available sewer lines or to deny connection. Councilwoman Keller stated that a correction needed to be made under 4-Design Standards (d) to remove ‘street or road’ and replace it with ‘right of way’. Mayor Owen asked if Council wished to table the discussion for future review at their upcoming meeting. Councilman Holcombe motioned to table the discussion to Councils next regular meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***d. Committee and Board Appointments – Mayor Owen*** – Mayor Owen stated that Council would follow the chart within the agenda packet for the appointment process.

***Recreation Committee*** – Vice Mayor Piquet motioned to appoint Fred Pfohl, Jim Brooks and Barbara Piquet to 3 year terms and to appoint John Troxler, Gil Adams, Calder Smoot and Nancy Owen to 2 year terms. Councilman Miller seconded the motion and the vote passed unanimously.

***Tourism Development Authority*** – Councilman Holcombe motioned to appoint Judy Decker and Candi Catoe to the Tourism Development Authority. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned to appoint Caulder Smoot as the Chairman to the Tourism Development Authority. Councilman Holcombe seconded the motion and the vote passed unanimously.

***Tree Committee*** – Councilman Holcombe motioned to appoint Marge Bailey, Renee Castiglione, Peter Patton and Cindy Keller to the Tree Committee and to leave the final position vacant for the time being. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***Planning Board*** – Councilman Miller motioned to reappoint Paul O’Connell and Bill Watson to the Planning Board. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***Board of Adjustment*** – Councilman Holcombe motioned to reappoint Ron Nichols to the Board of Adjustment. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***Board of Adjustment Alternates*** – Vice Mayor Piquet motioned to reappoint Cindy Giarruso to the Board of Adjustment as the 1<sup>st</sup> Alternate and nominated Jan Miller to the Board of Adjustment as the 3<sup>rd</sup> Alternate. Councilwoman Keller seconded the motion and the vote passed unanimously.

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

***Website Information*** – Manager Feierabend stated that Town Planner James Scott is working with Kathy Khalifa of 102 Wild Daisy Lane on improving the Towns website. Mrs. Khalifa is working a test site up her own computer. Once this is finished the Town can determine if they wish to use the newly created site.

***Budget Amendment*** – Manager Feierabend stated this was for the E-911 fund balance for a storage server and four computers. Police Chief Jay Hefner has identified \$8,500 that needs to come from the fund balance. Vice Mayor Piquet motioned to pass the amendment. Councilman Holcombe seconded the motion and the motion passed unanimously.

***Council Chambers*** – Manager Feierabend informed Council there had been a substantial amount of use of the Council Chamber room on the weekends. It has been a policy that anyone that needs to use the room for a short period of time has been granted access for free. Manager Feierabend asked Council if a fee should be charged and if so how much. After much discussion Council instructed staff to charge the same fee as Buckeye Recreation Center. The hourly fee would be \$20.00 per hour with the group cleaning up after themselves. If the group did not clean up after themselves then a cleaning service would be hired and the renting party would be billed.

***Estimated Water Meter Savings Report*** – Manager Feierabend stated that the Town will save approximately \$33,819 per year. The report also indicates that there will be an estimated

savings of 3,553,991 gallons of water. Based on the cost in 2010 the savings will be \$217,051.40. The contracts for the project total \$826,706. This will yield a pay back in 3.3 years. The estimated useful life of the meters is 20 to 30 years.

**Homeowner Water Shutoff Valve-** Councilman Holcombe wanted to know how the installation process of the radio read meters; specifically pertaining to quality control was being accomplished. Councilman Holcombe wanted to insure that there was quality workmanship and that workers were using the correct fill when covering the holes back up. Vice Mayor Piquet wondered if the Town could not have an employee oversee the work. Manager Feierabend passed around the new waterproof tag for the homeowner shutoff valves. Councilwoman Keller stated that a better scenario needs to be created to protect these homeowner shutoffs. Staff was instructed to look into a solution.

**Fence Standards Issue** – Manager Feierabend reported that the Town ordinance currently states that the split rail fence is the only permissible type of fence on the mountain. The Planning Board is currently working on an amendment.

**Tax Collection** – Manager Feierabend reported to Council that the 2009 collection rate is now at 98.01% and that the 2010 collection rate is now at 91.67%.

- 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 5:11 p.m. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Councilman Holcombe motioned for Council to come out of closed session at 5:43 p.m. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**XII. Other Business**

**Bus Service** – Councilman Miller shared information from the High Country Council of Governments that there was now a bus service going from this area to Charlotte.

**Business Checks** - Manager Feierabend informed Council that the Police Department checks up on businesses with high frequency.

**Appreciation** – Councilman Miller commended Manager Feierabend on the efficiency of all of the staff that worked for the Town.

- XIII. Adjourn** – Councilman Miller motioned to adjourn the meeting at 5:49 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

Minutes approved by Town Council on March 8, 2011.

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Mayor

ATTEST:

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Town Clerk