

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – May 10, 2011

I. CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 3:03 p.m., Tuesday May 10, 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, Finance Officer Nancy Johnson, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch, Town Planner James Scott, Fire Chief Robert Pudney and Police Chief Jay Hefner.

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 – April 12, 2011 – Vice Mayor Piquet motioned to approve the minutes. Councilman Miller seconded the motion and the vote passed unanimously.

VI. Public Comment

Dr. Murray Miller spoke representing Mountain Ambulance. The organization did not request funds last year from Council because of the economy. However this year they would like to request that Council assist with funding for their program. Currently the organization is acquiring a new ambulance. Mountain Ambulance will also be encouraging people to get physical exams. The Mountain Alliance Heart Coach from Johnson City will be here the 27th of July. Heart Coaches do heart tests and physical assessments. The fee will only be \$45. Mountain Ambulance will be subsidizing the rest of the bill. The usual charge for this type of service is between \$150 and \$200. Dr. Miller has spoken with Tim Holland with the Beech Mountain Volunteer Fire Department who feels that this testing would be good for the whole department. Dr. Miller has also spoken with Manager Feierabend about employees participating which could potentially decrease insurance premiums. Mayor Owen asked what amount Dr. Miller was requesting. Dr. Miller stated that the goal was to raise a total of \$200,000 this year. Mayor Owen asked how much of a donation Dr. Miller was looking for. Dr. Miller stated that in the past Council has donated \$1,000. They were looking for that or more if possible in order to accommodate the needs of the people.

Jerry Hobbs of 123 Skiloft Road spoke requesting a reduction on his utility bill. Mayor Owen stated that in order to receive feedback from Council that this item needed to be requested to be placed on the agenda. Mayor Owen directed Mr. Hobbs to speak with the Town Manager in order to have this item placed on Councils upcoming agenda.

John Troxler from the Beech Mountain Chamber of Commerce introduced the new Tourism Development Authority Coordinator Amy Morrison to Council. Mr. Troxler also thanked Council for paying for the fireworks for the 4th of July celebration. Additionally Mr. Troxler

extended a special thanks to everyone that worked on planning the Towns birthday party that was held at the Recreation Center.

Councilman Holcombe extended a special welcome to Charlie Burleson who was seated in the audience. Mr. Burleson received an ovation from all present.

VII. New Business

a. Summer Meeting Schedule – Mayor Owen – Mayor Owen opened discussion amongst Council regarding the time that Council would meet during the months of June, July and August. Mayor Owen stated that historically the meetings have been changed to 6:00 p.m. to try to encourage the attendance of summer residents. After much discussion Councilman Miller motioned that the regular Council meetings held during the months of June, July and August be moved to 6:00 p.m. with the meeting place to remain in the Council Chamber Room. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. Presentation of Proposed Fiscal Year 2011 – 2012 Budget – Randy Feierabend – Manager Feierabend summarized the highlights of the proposed budget for Council. The fund balance at the end of this fiscal year is anticipated to be between \$3,100,000 to \$3,200,000. The actual budget is being set at on a 96.7% tax collection rate which has already been collected for the 2010 tax year. The total General Fund projected revenue is \$4,549,361. The water and sewer fund projected revenue is \$1,857,298. The E-911 projected revenue is \$92,216. The total capital outlay projected this year is \$646,300. The proposed budget includes \$90,500 to be paid in cash with financing for the remainder \$555,800 being paid off with a short term note of 4 years.

c. Schedule Budget Workshops - Mayor Owen – Mayor Owen opened the floor to Council to select dates for staff to prepare for budget workshops. After discussion Mayor Owen stated that Council would schedule two budget workshops, one for Wednesday, May 25th at Town Hall and the second one for Wednesday, June 1st at 3:00 p.m. at Town Hall.

d. Public Hearing Request for Proposed Fiscal Year 2011- 2012 Budget – Randy Feierabend – Vice Mayor Piquet motioned to schedule the public hearing for the June 14, 2011 regular Council meeting. Councilman Holcombe seconded the vote passed unanimously.

e. Public Hearing Request for Zoning of Town Property – James Scott – Town Planner James Scott stated that the distinction between what is allowed in a Public Service District and the other Districts was not that great however in the future this could change. This is the most appropriate zoning designation for Government Service Land Uses. There are 4 primary areas that the Town owns that are being put up for consideration; Fire Station II, Public Works area, Buckeye Recreation Center and Town Hall along with the adjacent Sledding Hill. Mr. Scott stated that staff was looking for approval to move forward in setting up the required public hearing. Should Council grant staff the authority then Mr. Scott stated he would also be contacting the property owners that are adjacent to these parcels. Councilman Holcombe motioned to schedule the public hearing for the next regular council meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

f. Public Hearing Request for Amending Fencing Ordinance – James Scott – Town Planner James Scott stated the current fence regulations mandate that all fencing be split rail, stone wall, or ornamental hedge. A review of the existing fencing on the mountain reveals that the current ordinance has not been upheld. Mr. Scott provided a slideshow which exhibited fencing on the mountain that did not meet the current standards. Mr. Scott stated that the Planning Board proposed that since the current regulations do not represent what has been permitted and what the community is composed of the ordinance should be amended. Councilman Miller wished to know whether all fencing will be grandfathered in. Mr. Scott stated that this had been included in the amended ordinance as nonconforming fences. As such they would not be able to be modified or added on to but will be able to continue as they are. Councilman Miller clarified that if such a fence was torn down then if a new fence was erected it would have to conform to the new standards. Mr. Scott concurred. Councilman Holcombe motioned to schedule the public hearing for the next regular Council meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

g. Trail from Kats Overlook to Perry Park – Town Planner James Scott stated that he has approached the owners of the proposed parcel for the trail extension that Council had in their agenda packet. This addition to the trail system would serve a key function with the Towns streetscape and the Towns trail system by providing some connectivity. The owner stated that he would be willing to trade for a lot, but would not consider an easement over the property. Mr. Scott was seeking Councils guidance. Mayor Owen confirmed that there were two owners of this property. After much discussion Vice Mayor Piquet stated Councils consensus that the Town should offer a selection of predetermined property that the Town would be willing to trade. Staff was instructed to select two or three lots that have an equal value to the proposed lot.

h. Budget Amendment for E-911 Fund for Upgrading the Town's VHF Radio Communications System – Randy Feierabend – Manager Feierabend informed Council that the proposed amendment would enable the Town to upgrade the radio system to enhance police, fire and emergency medical services which will greatly improve the dead spots on the mountain. Councilman Miller motioned to approve. Vice Mayor Piquet seconded the motion. Councilwoman Keller asked where the antennas were going to be placed. Manager Feierabend advised that one antenna would be placed on the Buckeye Recreation Center roof. Fire Chief Robert Pudney revealed that the other antenna was to be mounted at the Pond Creek Sewer Plant. Mayor Owen called the question. All of Council was in favor.

VIII. Old Business

a. Resolution Approving Financing Terms – Randy Feierabend – Manager Feierabend advised Council that this resolution was the final step necessary for the financing agreement with BB&T for the Towns Radio Read Meter Project. Vice Mayor Piquet motioned to approve. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. Resolution Amending Personnel Policy – Randy Feierabend – Manager Feierabend stated that Town Attorney Stacy Eggers had revised the wording as staff had been directed to during Councils previous meeting. Manager Feierabend read this wording aloud which more clearly defined exempt employees as defined by the Fair Labor Standards Act. Vice Mayor Piquet motioned to approve resolution No. 2011-04. Councilman Holcombe seconded the motion and the vote passed unanimously.

IX. Town Manager and Staff Reports

Resolution of Appreciation for Eric Jelinski – Manager Feierabend informed Council that Parks and Recreation Director Eric Jelinski's last day of employment would be May 17th. Mayor Owen read aloud the resolution of appreciation for Eric Jelinski. Vice Mayor Piquet motioned to pass the resolution. Councilman Miller seconded the motion and the vote passed unanimously.

Litter on the Beech Mountain Parkway – Manager Feierabend stated that the State cleaned up the Beech Mountain Parkway coming up the mountain. The Public Works Department is currently taking care of road sweeping and right of way clearing. Public Utilities Director Robert Heaton has indicated that the Perry Park Project should be started before the next regular Council meeting.

Budget Amendment – Manager Feierabend stated that this amendment was in the amount of \$2,067. Staff was proposing to move this amount from Recreation Utilities to Recreation Salaries and Federal Insurance Contributions in order to appropriate funds for one temporary full time position. These monies will be reimbursed by the North Carolina Department of Health and Human Resources Division of Vocational Rehabilitation Services. This program is a 4 month program. Councilman Holcombe motioned to approve. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

2011 S-2 Supplement – Manager Feierabend informed Council that the S-2 Supplement has arrived and Council has the new legislation before them to be inserted into their code books. The S-2 Supplement is available online. It contains Local legislation current through Ordinances passed February 8, 2011. Manager Feierabend asked for Council's approval to proceed with another supplement being prepared at the end of August and to continue with semi-annual codification. Staff was directed to do so.

Paving at End of Clubhouse Road – Manager Feierabend stated that he had spoken with Chief Operating Officer Brian Barnes of the Beech Mountain Club. Mr. Barnes has asked if the Town would consider splitting the cost of paving the end of Clubhouse Road. The approximate cost would be \$12,000 to \$14,000 and would become part of the Town's paving program. Mr. Barnes had only asked to have the paving go to the entrance to the parking lot but Manager Feierabend thought it would be best to carry this paving on to the dumpster. This additional footage would be approximately 120'. Vice Mayor Piquet wished to know if the gentleman that was going to bring up the test product from EnviRemed Road had ever gotten back in touch with the Town. Manager Feierabend stated that he had received an e-mail around 2 weeks ago saying that he had not forgotten about the Town. Vice Mayor Piquet felt that it would be prudent to find out if he still wanted to do the work thinking that this area may be a good test site. Manager Feierabend stated that the initial test area had been Greenbriar where it forks with Lakeledge. The reason for this test area was because there is a large culvert that would allow staff to see how the material handles the fluctuation in temperature as well as the moisture from the creek. Councilman Holcombe wished to know if there was any other company out there who had the same product in a neighboring state that staff could contact. Vice Mayor Piquet stated that the Town needed to know whether he was going to do the work. Manager Feierabend stated that the Town would be beginning their paving project in the next 2 to 3 weeks. Vice Mayor Piquet confirmed with staff that

these monies that would be used for the paving the end of Clubhouse Road would be coming from the funds already earmarked for paving. Manager Feierabend concurred. Mayor Owen asked if the cost to the Town would be \$6,000 of the Town's \$150,000 allotted for paving. Manager Feierabend stated that this was correct. Council advised staff to move forward with the paving of the end of Clubhouse Road.

212 Greenbriar: Location of Demolished Foundation & 213 Rhododendron: Road Work Progress – Manager Feierabend informed Council that he felt a 30 day extension should be granted to Mr. Russomanno; the property owner of 213 Rhododendron based on the fact that Mr. Russomanno had brought another property of his at 212 Greenbriar into compliance with Town standards. Manager Feierabend stated that the property is mostly in compliance with the house now being 75% in the dry.

Recreation Director Proposal for Filling Position – Manager Feierabend informed Council that the tentative cutoff date for accepting applications for the Parks and Recreation Director position was scheduled for Friday, May 20th. Manager Feierabend proposed the creation of a committee to screen those applicants composed of 2 Council members, 2 Recreation Committee Members, 2 or more citizens and the Town Manager. The goal of this committee would then be to select 6 to 8 applicants from all of the applications; set up interviews then select the top 2 to 3 candidates to invite back to meet with Town Council the Recreation Committee and staff. Vice Mayor Piquet and Councilwoman Keller were selected to represent the Council during the interview process. Council recommended asking Fay Mathews, Cindy Giarusso and Tim Fox to act as citizen representatives on the committee. Council decided that the Manager Feierabend would select the two members from the Recreation Committee that would participate.

Sewer Sleaving – Councilman Holcombe asked about the sewer sleaving on site visit that the Town was supposed to be planning with a company in Virginia. Manager Feierabend stated that this company had not gotten back in touch with the Town with a solid date yet.

Propane Gas – Councilwoman Keller asked if staff had heard about what the cost of propane was going to be for the Town for the upcoming fiscal year. Manager Feierabend stated that Freeman Gas had indicated that there would be no increase in cost.

Wastewater Report – Councilman Miller asked Public Utilities Director Robert Heaton to explain the staffs wastewater report. Mr. Heaton reviewed the information with Council.

Katz and Destiny's – Planning Board Vice-Chairman Andy Porter asked for the progress report at these two locations. Council confirmed that Katz was being renovated and that the building at Destiny's was going to be torn down.

At 4:18 p.m. Mayor Owen stated that Council would take a short break before closed session.

- X. **Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters and NC GS 143-318.11(a)(6) Personnel Matters** – Upon motion by Vice Mayor Piquet and seconded by Councilwoman Keller, the Council voted unanimously to go into closed session pursuant to N.C. Gen. Stat. 143-318.11(a)(3) for Attorney Client matters and N.C. Gen. Stat. 143-318.11(a)(6) for Personnel Matters at 4:35 p.m. Councilman Holcombe moved to exit closed

session at 5:22 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously.

XI. Other Business – There was no other business to discuss.

Closed Session – Staff was instructed to put a closed session on the upcoming budget meeting scheduled for May 25th pursuant to NC GS 143-318.11(a)(6) Personnel Matters.

XII. Adjourn – Upon motion to adjourn made by Vice Mayor Piquet and seconded by Councilman Holcombe, the meeting was adjourned at 5:24 p.m. The motion carried unanimously.

Minutes approved by Town Council on June 14, 2011.

Rick Owen, Mayor

ATTEST:

Jennifer Broderick, Town Clerk