

WORK SESSION MEETING MINUTES

Board Members Present

Mayor Jerry VeHaun
Commissioner Jackie Bryson
Commissioner Ronnie Lunsford

Vice Mayor Debbie Giezentanner
Commissioner Donald Hensley

Board Members Absent

Commissioner Jim Angel

Town Staff Present

Eric Hardy, Town Administrator
Sheri Powers, Finance Director
Luke Williams, Project & Facilities Manager

Michael Dykes, Chief of Police
Ryan Vinson, Town Clerk / HR Analyst

Mayor Vehaun called the meeting to order at 10:06 a.m. and asked Commissioner Bryson to lead the invocation.

- A. **Mayors Recitation** - *In accordance with the Code of Ethics adopted by the Board, all town commissioners have a duty to obey all applicable laws regarding official actions; to uphold the integrity and independence of the office; to avoid impropriety in the exercise of official duties; to faithfully perform the duties of the office; and to conduct the affairs of the governing board in an open and public manner.*

Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Board member? Also, does any Board member have a financial interest in any public contract coming before this Board today?

There being none all Board members have a duty and obligation to vote.

B. **Approval of the Agenda**

Mayor VeHaun asked to amend the agenda to add a resolution for financing terms for two new Town vehicles for Public Works.

Commissioner Lunsford made a motion to amend the agenda and add the resolution for financing terms for the two new vehicles. Commissioner Bryson seconded the motion, which passed unanimously, 4-0.

Commissioner Lunsford made a motion to approve the agenda. Commissioner Bryson seconded the motion, which passed unanimously, 4-0.

C. **New Business:**

1. **160-D Text Amendment Updates & Changes. (Presenter: Isenhower)**

- a. Planning Director Isenhower went through a PowerPoint presentation of the proposed changes, which is attached with the minutes.
- b. Vice Mayor Giezentanner asked about zoning for building height, and it was just the Fire Marshall (Fire Chief) that restrictions? One person should have all that responsibility on their shoulders.

- c. Planning Director Isenhower said that building height should be addressed, but a special (conditional) use permit is not the right vehicle to address building height.
 - i. Commissioner Hensley: Then how do we address it?
 - ii. Planning Director Isenhower: Not though special use, it would be best addressed through zoning district requirements, steep slope ordinance or zoning approval.
 - iii. Planning Director Isenhower: For special use the ordinance has to specify what the uses are that require a special use permit and what standards apply. Building height needs to be addressed by zoning district. If they meet standards for a special use permit, we have to issue permit. Better to do it per zoning district so it's a consistent approach and it is not a special use.
 - iv. Commissioner Hensley: I think there's a misconception on what power we have, and to clarify, we [Board of Commissioners] cannot intervene on height restriction, we do not have power to do so.
 - v. Vice Mayor Giezentanner: This is the issue that caused the uproar before with building height. I say we take it out and leave it as-is for now. In the meantime, see what other municipalities are doing with regard to building height – how are they regulating or zoning it?
 - vi. Planning Director Isenhower: Taking it out leaves it as conditional use but doesn't really fix anything either.
 - vii. Town Administrator Hardy: If we take it out for now, we are no better or no worse than we are right now, it's the same.
 - viii. Vice Mayor Giezentanner: I prefer taking the approval away from just being 1 person.
 - ix. Planning Director Isenhower: Just to clarify, by leaving it as-is, the Board of Adjustment has to approve the conditional use permit if they meet standards of the ordinance.
 - x. Commissioner Lunsford: I believe that here in North Carolina any building over 3 stories is required to be built to commercial code, regardless if the structure is commercial or residential.
 - xi. Town Administrator Hardy: Mountain Village is conditional zoning meaning it needs public input, public hearing, goes before the Planning Board then the Board of Commissioners and it could be denied.
- d. Discussion of length of time (lead time) property owner notification letter should be mailed out
 - i. Planning Director Isenhower: Per statute, the notice has to be mailed at least 10 days before the hearing, but not more than 25 days.
 - ii. Commissioner Hensley: Do we have any developmental agreements right now?
 - 1. Planning Director Isenhower: Not at this time.
 - iii. Commissioner Hensley: Do we currently have any parking restrictions? Front or back of house?
 - 1. Planning Director Isenhower: I will double check.
 - iv. Commissioner Hensley: For retail space parking it is standard to have 1 space for every 200 feet of store space?
 - 1. Planning Director Isenhower: Yes.

2. Resolution to Approve Financing Terms for Two Town Vehicles for Public Works (Presenter: Powers)

- a. Approve financing terms for 2 new Public Works vehicles to replace 2 that were surplus over the summer.

- i. Commissioner Angel made a motion to approve the resolution and financing terms for the new Town vehicles. Commissioner Honeycutt seconded the motion, which passed unanimously, 4-0.

D. Executive Session- The Board of Commissioners may adjourn to private chambers to discuss legal, personnel, contractual or similar matters protected by the NCGS § 143-318.11. *

1. NCGS § 143-318.11(a)(3): The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.

- a. Commissioner Lunsford made a motion to enter closed session. Commissioner Honeycutt seconded the motion, which passed unanimously, 4-0.

** Upon review of closed session minutes by the Board of Commissioners, it was identified that the following discussion should have occurred in open session. As a result, the minutes of that discussion are hereby included as follows:*

B. Commissioner Honeycutt's Resignation


Mayor VeHaun reported that Mr. McAllister was not interested in the vacancy. There was additional discussion amongst the Commissioners and Mayor about the vacancy and a resident to serve out the remainder of the term. Theresa Stoker was mentioned as a viable candidate for the vacancy as she was a longtime resident and has served on the Planning & Zoning Boards for many years and her insight could be of added value to the Board. Mayor VeHaun said he would approach Ms. Stoker about the vacancy.

Mayor VeHaun said he planned to have it on the agenda for the October 19th meeting about appointing a replacement to finish serving out the remainder of his term.

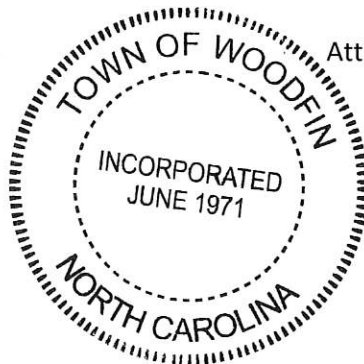
E. Adjournment

Commissioner Lunsford motioned to adjourn regular meeting. Commissioner Hensley seconded the motion, which passed unanimously, 4-0.

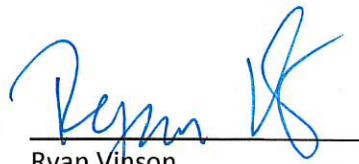
Mayor VeHaun adjourned the meeting at 11:37 am.



M. Jerry VeHaun
Mayor



Attest:



Ryan Vinson
Town Clerk