A Regular Meeting of the
VILLAGE COUNCIL OF SUGAR MOUNTAIN
MINUTES
Tuesday, January 22, 2019
5:00 P.M.

1. Call to Order of Regular Meeting – Mayor, Dennis Lacey called the January 22, 2019 Regular Meeting of Council to order at 5:00 p.m. with a quorum present as follows:

   Council Members Present:
   Mayor Dennis lacey; Mayor Pro Tem Gunther Jochl; Council Member David Ammann; and Council Member Scott Brown.

   Council Members Absent:

   Village Hall Staff Present:
   Village Attorney Stacy C. Eggers IV; Police Chief David Henson; Patrol Officer Casey Turbyfill; Public Works Director Bill Daniels; Village Manager Susan Phillips; and Municipal Clerk Tammy Floyd who recorded official meeting

   Approximately seven (7) members of the public were in attendance.

2. Pledge of Allegiance – Police Chief, David Henson led the Pledge of Allegiance.

3. Invocation - Mayor, Dennis Lacey delivered the invocation

4. Adoption of Regular Meeting Agenda – Mayor, Dennis Lacey requested to add Council Vacancy to the agenda. Council Member, Scott Brown motioned to adopt the agenda with the addition. Council Member, David Ammann seconded the motion and the motion carried three (3) votes to zero (0).

5. Approval of Minutes
   a. December 18, 2018 Regular Meeting – Mayor Pro Tem, Gunther Jochl made a motion to approve the minutes with a second from Council Member, Scott Brown. All were in favor and the motion carried three (3) votes to zero (0).

6. Public Hearings
   a) Mayor, Dennis Lacey opened the public hearing to hear public comments on the proposed amendment to the Village Noise Ordinance Chapter 7; Section 705. Discharge of Firearms. No public comments were made. Council Member, David Ammann motioned to close this public hearing with a second from Mayor Pro Tem, Gunther Jochl. All were in favor and the public hearing was closed.

   b) Mayor, Dennis Lacey opened the public hearing to hear public comments on the proposed amendment to the Village Zoning Ordinance Chapter 1; Article IX; Establishing Section 911. Culverts and Driveways. No public comments were made. Council Member, David Ammann motioned to close the public hearing with a second from Council Member, Scott Brown. All were in favor and the public hearing was closed.

   c) Mayor, Dennis Lacey opened the public hearing to hear public comments on the proposed amendment to the Village Zoning Ordinance Chapter 1; Article X; Section 1002. Travel Trailers. No public comments were made. Mayor Pro Tem, Gunther Jochl motioned to close this public hearing with a second from Council Member, David Ammann. All were in favor and the public hearing was closed.

   d) Mayor, Dennis Lacey opened the public hearing to hear public comments on the proposed amendment to the Village Nuisance Ordinance Chapter 10; Article 2; Section 1. Solid Waste. No public comments were made. Council Member, Scott Brown motioned to close this public hearing with a second from Mayor Pro Tem, Gunther Jochl. All were in favor and the public hearing was closed.
7. Council Vacancy
Mayor, Dennis Lacey suggested Sugar Mountain Resident, Jonathan Green to fill a vacancy created by Norris Clifton’s resignation. Mayor Pro Tem, Gunther Jochl motioned to appoint Jonathan Green as Council Member. Council Member, David Ammann seconded the motion. All were in favor and the motion carried three (3) votes to zero (0).

* *Council Member, Jonathan D. Green was sworn in by Municipal Clerk, Tammy Floyd.

8. Presentations
a. Avery County’s Strategic Plan Template
   Avery County Manager, Phillip Barrier presented his template for receiving public input on three goals for Avery County Government. A copy of the template can be printed from the County’s website: www.averycountync.gov.

b. Citizen Request for Amendment to the Architectural Design Standards
   Principle Engineer, Patrick Beville for Sugar Ski and Country Club presented the current design for the new clubhouse that was burned down during the winter of 2017. The current roof design does not meet the new architectural design standards adopted December 18, 2018. After discussion, it was the consensus of Council that Sugar Ski and County Club would have to comply with the current architectural design standards or apply for a variance with the board of adjustments.

9. New Business
a. Consider Adoption of Amendment to Village Noise Ordinance Chapter 7, Section 705 Discharge of Firearms.
   Council Member, Scott Brown made a motion to adopt the amendment. Mayor Pro Tem, Gunther Jochl seconded the motion. All were in favor and the motion carried four (4) votes to zero (0).

b. Consider Adoption of Amendment to Village Zoning Ordinance, Chapter 1, Article IX; Establishing Section 911 Culverts and Driveways.
   Mayor Pro Tem, Gunther Jochl made a motion to adopt the amendment. Council Member, Jonathan Green seconded the motion. All were in favor and the motion carried four (4) votes to zero (0).

c. Consider Adoption of Amendment to the Village Zoning Ordinance Chapter 1, Article X; Section 1002 Travel Trailers.
   Mayor Pro Tem, Gunther Jochl made a motion to adopt the amendment. Council Member, Scott Brown seconded the motion. All were in favor and the motion carried four (4) votes to zero (0).

d. Consider Adoption of Amendment to the Nuisance Ordinance Chapter 10, Article 2; Section 1 Solid Waste.
   Mayor Pro Tem Gunther Jochl made a motion to adopt the amendment. Council Member, Scott Brown seconded the motion. All were in favor and the motion carried four (4) votes to zero (0).

e. Consider Re-Appointments to the Board of Adjustments.
   After discussion, Council Member, Scott Brown made a motion to re-appoint David Ammann and David Johnson to the Board of Adjustments. Mayor Pro Tem, Gunther Jochl seconded. Motion Carried with three (3) votes and one (1) abstained.

f. Consider FY 2018-19 Budget Amendment #2 for Pay Plan Adjustment.
   Council Member, David Ammann motioned to adopt the budget amendment with a second from Mayor Pro Tem, Gunther Jochl. All were in favor and the motion carried four (4) votes to zero (0).
g. **2018 Tax Levy Adjustment and Refund Request**
The tax levy adjustment reported to council was due to a tax imposed from a clerical error. Council Member, Scott Brown motioned to approve the request with a second from Council Member, Jonathan Green. All were in favor and the motion carried four (4) votes to zero (0).

h. **Consider Adoption of Fee Schedule adding a $25.00 Driveway/Culvert Permit**
Council Member, Scott Brown made a motion to adopt the addition to the fee schedule. Council Member, David Ammann seconded the motion. The motion carried four (4) votes to zero (0).

i. **Consider FY 2018-19 Budget Amendment #1 for the Purchase of Police Vehicle.**
This budget amendment will appropriate funds to the Police department budget of the General Fund for the purchase of a vehicle and related equipment. After discussion, Council Member, Norris Clifton made a motion to adopt the budget amendment with a second from Mayor Pro Tem, Gunther Jochl. All were in favor and the motion carried four (4) votes to zero (0).

10. **Old Business**

11. **Departmental Reports**

a. **Village Manager’s Report – Susan Phillips**
Plans have been submitted to rebuild the administrative office and recreation center at Sugar Ski & Country Club. Public Works has completed installing the last two of eight decorative street lights. The replacement police vehicle has been ordered. A pre-bid meeting was held for the Mountain Electric Substation on January 14th. The Tourism Development Authority approved funds to support race events for the Sugar Mountain Ski and Snowboard Foundation. Occupancy tax collections are currently down 2.08% from last year.

b. **Police Chief’s Monthly Report – Chief David Henson**
Additional officers will be employed for the Martin Luther King Jr. Holiday. Monthly Call Report: 994 Business Checks, 760 Residence Checks, and 3,313 Patrol Miles.

c. **Public Works Director’s Monthly Report – Bill Daniels**
January so far has been uneventful in the weather department. Trash pickup was much lighter this holiday period compared to last year. Remodeling of the Police Department will begin this week. The crew is also in the process of the refurbishment of all of the cutting units for the golf course. Road signs that have been damaged will be replaced with a more durable material. All of our signs are beginning to show their age as they have been in place now for over 20 years. Replacing the signs is a project that we will need to prepare for over the next 2 or 3 years.

d. **Monthly Permits Issuance Log – Tammy Floyd**
2-Tree Removal; 0-Building; 0-Road Cut; 0-sign and 0-unmanned aircraft

e. **Tax Collection Report – Tammy Floyd**
2018 Tax collection rate 93.57% as of January 18, 2019

f. **Finance Officer’s Financial Report – Susan Phillips**
Financial reports through December 31, 2018 were provided.

12. **Public Comments**
Dedy Traver of Highland Cir “When will the Billboards be removed?” Mayor, Dennis Lacey advised that North Carolina has passed Legislation that prevents them being removed without compensation.
13. **Closed Session: Personnel GS. 143-318.11(a)(6) and Attorney Client Privilege NC G.S. 143-318.11(a)(3).**
   At 5:45 p.m. Council Member, Scott Brown made the motion to go into closed session with a second from Mayor Pro Tem, Gunther Jochl. All were in favor and the motion carried four (4) votes to zero (0). At 6:18 p.m. Council returned to open session. Council Member, Scott Brown motioned the Council to adopt a budget amendment in the amount of $52,593.23 from the fund balance reserve to settle the claim of Sugar Mountain Resort, Inc. arising from the Round Boys, LLC litigation and to authorize the Mayor and Finance Officer to execute all necessary documents to effectuate this settlement. Council Member, Jonathan Green seconded the motion. All were in favor and the motion carried three (3) votes to zero (0). Mayor Pro Tem, Gunther Jochl was excused from the meeting while in closed session.

14. **Mayor/Council Comments**
   No comments

15. **Adjournment**
   Council Member, David Ammann motioned to adjourn the meeting with a second from Council Member, Scott Brown. All were in favor and the motion carried three (3) votes to zero (0).

   **Meeting adjourned at 6:20 p.m.**

   ____________________________
   Dennis M. Lacey, Mayor

   ATTEST:________________________
   Tammy W. Floyd, Clerk

   SEAL