

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – April 9, 2013

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 3:04 p.m., Tuesday April 9, 2013 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, Rick Miller and Cindy Keller. Attorney Austin Eggers was present to provide legal counsel to the Town in lieu of Town Attorney Stacy C. Eggers, IV. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Finance Officer Nancy Johnson, Town Planner James Scott, Fire Chief Robert Pudney, Building Inspector John Merritt, Public Utilities Director Robert Heaton, Police Chief Jay Hefner and Public Works Director Riley Hatch.

II. Invocation – Police Chief Jay Hefner 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 that item H. ‘*Resolution Referencing Sales Tax in Watauga County*’ would be added to Section VIII. New Business. Mayor Owen stated that the agenda would stand as amended.

V. Approval of the Minutes

a. March 12, 2013 Regular Meeting – Councilman Holcombe motioned to approve the March 12, 2013 Regular Meeting Minutes as amended. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

b. March 12, 2013 Closed Session – Councilwoman Keller motioned to approve the March 12, 2013 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing to Amend Regulations Regarding the Number of Kitchens in Single Family Dwellings – Councilman Miller motioned to open the public hearing. Councilman Holcombe seconded the motion and the motion passed unanimously. Town Planner James Scott stated that the Towns ordinances have provisions in them that prevent single family homes from having multiple kitchens. This provision had been included to prevent single family homes from being used as multi-family homes. The problem with this is that there are many homes that are bonafide single family homes that have multiple kitchens. The Planning Board feels like the number of kitchens is not a basis to determine if a home is a single family home. The Planning Board feels like a better provision to prevent single family residences from being used as multi-family homes would be to prevent single family residences from having more than one water meter or sewer line. Frank Steele of 107 Christie Way stated that he was a thousand percent in favor of this proposed ordinance.

Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Miller seconded the motion and the motion carried unanimously.

b. Public Hearing to Amend Regulations Regarding the Utility Reconnect Fee – Vice Mayor Piquet motioned to open the public hearing. Councilman Miller seconded the motion and the motion passed unanimously. Public Utilities Director Robert Heaton stated that the Towns current ordinance regarding the reconnect fee policy is not fair as it currently exists. The fine for the reconnect fee is a flat \$500. In order to provide a fee that was fair staff was proposing to Council that the ordinance be changed. The reconnect charge shall be the appropriate base charge times the number of months disconnected plus \$100. Mr. Heaton stated that there is a cap that only allows this fee to accrue for a year. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the motion carried unanimously.

c. Public Hearing on Watauga County Comprehensive Transportation Plan – Councilman Miller motioned to open the public hearing. Councilman Holcombe seconded the motion and the motion passed unanimously. David Graham of High Country Council of Government along with Cooper Sellers and Dean Ledbetter of the North Carolina Department of Transportation were present to provide information. Mr. Graham stated that the steering committee was formed to assist in the development of the High Country's Transportation Plan. Groups that were involved were county and municipal governments, AppalCART, representative from Appalachian State University, the North Carolina Department of Transportation, and the Blue Ridge Conservancy. The Watauga County Comprehensive Transportation Plan was developed to ensure that needs of the region will be met for the planning period ranging from 2010 to 2040. This plan includes accommodations for such items as bicyclists, transportation parking, and a bypass. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the motion carried unanimously.

d. Public Hearing on Cell Tower Application Fee – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the motion passed unanimously. Town Planner James Scott stated that fees in North Carolina should have a rational nexus in relationship to the amount of work a permit generates. In Beech Mountain the current cell tower application fee is set at \$150. Recently staff processed a cell tower application. Mr. Scott stated that based upon the amount of staff and engineering review time that went into this staff is asking that the application fee be increased to \$1,500. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Miller seconded the motion and the motion carried unanimously.

e. Public Hearing to Amend Regulations on Junk Cars – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the motion passed unanimously. Town Planner James Scott stated he has been approached about junked cars and because of this has researched the Town's policy. Mr. Scott stated that the proposed amendment before Council would permit the Town to take action on junked cars on any property as long as one of the following four criteria of definition were met; is partially dismantled or wrecked, cannot be self-propelled or moved in the manner in which it was originally intended to move, if more than 5 years old and appears to be worth less than \$100 and does not display a current license plate. Frank Steele of 107 Christie Way questioned the

requirement of a junk car having to be valued less than \$100 due to the scrap metal a junk car creates. Mayor Owen stated that if the car cannot be inspected nor tagged then it is considered a junk car. Manager Feierabend stated that the \$100 came from State Law. Denise Andrews of 300 St. Andrews Road stated it was a great idea and that there was a dismantled car at 170 Chestnut. Hank Cooper of 103 Lady Slipper's Lane asked if there was any charge to the owner of the vehicle or if the Town was going to end up paying for the removal of the vehicle. Mr. Scott stated that he would look this information up and get back to Mr. Cooper with a response. Leslie Hayhurst of 225 Upper Grouse Ridge asked if this ordinance was going to allow property owners up to one year to remove their vehicle. Mr. Scott stated that the window of opportunity went hand in hand with the vehicle owners inspection sticker. Amy Morrison of 170 Chestnut Way stated that sometimes cars that are unable to pass inspection can still run. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilwoman Keller seconded the motion and the motion carried unanimously.

VII. *Public Comment* –

Denise Andrews of 300 St. Andrews Road addressed Council about 109 Briarcliff and the large rental groups that frequently use this home. Mrs. Andrews stated that her primary concern was the garbage and trash that goes everywhere including the golf course. Mrs. Andrews commended staff for their assistance but feels like something more needs to be done. Manager Feierabend stated that staff sent a letter out this past March in which they have already violated. They have now been instructed to construct new garbage bins to accommodate their garbage.

Amy Morrison of the Tourism Development Authority stated that moving forward the Tourism Development Authority wished to provide Council with quarterly updates. Ms. Morrison provided Council with goals that had been set based from the SWOT analysis that had been conducted by the Tourism Development Authority. Some of those goals included utilizing Channel II, a more comprehensive labeling of trails, analyzing data more effectively, complying with enacted bylaws and resolution that established TDA, encouraging different kinds of transportation during winter months, embracing other areas of the high country when advertising such as Grandfather Mountain and Tweetsie and to promote cross seasonal advertising. Mayor Owen asked that the list be provided. Ms. Morrison stated she would pass this information on to the Council.

Frank Steele of 107 Christie way asked that Council put a public address system in the Council Chamber Room so that the public can hear what is being said better. Mr. Steele asked Council when there would be a cell tower for AT&T. Town Planner James Scott stated that AT&T currently has a valid building permit and that the last big snow pushed back their start date. Mr. Scott stated that the project from start to finish would take approximately 3 months once AT&T got started.

Leslie Hayhurst of 225 Upper Grouse Ridge Road asked when staff was going to work on enforcing the lids on garbage cans. Mayor Owen asked for Mrs. Hayhurst to bring this issue to staff. Mrs. Hayhurst asked about propane tanks being enclosed as well. Mayor Owen directed Mrs. Hayhurst to bring this issue to staff.

VIII. New Business

a. Watauga County Comprehensive Transportation Plan – Dean Ledbetter with the North Carolina Department of Transportation stated that Cooper Sellers was also present from the North Carolina Department of Transportation along with David Graham of the High Country Council of Government. Mayor Owen stated that the Town needs to adopt this Comprehensive Transportation Plan in order to have any road projects in the future considered for completion. Mayor Owen thanked all of the individuals who had worked on the Comprehensive Transportation Plan for all of their work. Councilman Miller asked if this plan included a bicycling lane up Highway 184 to the top of the mountain. Mr. Ledbetter stated that it did however this plan is looking 30 years into the future and is not an attempt to prioritize any projects or the funding. Once this plan is adopted then it is up to the Local Government, the High Country Council of Government and the North Carolina Department of Transportation to work together to set up schedules. Mr. Ledbetter stated that just because a project is identified as a need does not mean that there is any priority or funding scheduled. Councilwoman Keller questioned the curb and gutter sections of the proposed Comprehensive Transportation Plan and the length that was being designated for the proposed bicycle paths. Mr. Ledbetter stated that there are several ways to address bicycle needs. One is to do paths off the road and another is to add designated bicycling lanes to preexisting roads. Mr. Ledbetter stated that the amount of distance that is provided in the Comprehensive Transportation Plan is meeting a minimum State mandated requirement. David Graham of the High Country Council of Government stated that this Comprehensive Transportation Plan has been worked on since 2010. Mayor Owen thanked everyone.

b. West Consultants – Mayor Owen stated that Benjamin Thomas, P.E. of West Consultants was ill and as a result West Consultants back next month to update Council.

c. Discussion of Pond Creek Clarifiers – Public Utilities Director Robert Heaton stated that the Pond Creek Wastewater Plant was completed in 2008. The clarifier has had an issue with one of the concrete joints scaling out. In the process of getting this issue settled Mattern & Craig has provided the Town with the best fix. Seager Watering Company can complete the work the quickest. Mr. Heaton stated that this needs to be taken care of as soon as possible because the condition has set like this for two years. Mr. Heaton stated that they have a crew that should be able to have this project completed by the end of May.

d. Budget Amendment for Repairs of Pond Creek Clarifiers – Mayor Owen stated that this money is not new money and is a settlement for the repair work to be completed at the Wastewater Plant in the amount of \$30,000 from Capital Outlay. Councilman Miller motioned to approve the budget amendment. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

e. Presentation of the Draft Beech Mountain Comprehensive Plan – Town Planner James Scott stated that the Planning Board and staff have worked the past year and a half to provide this Comprehensive Plan for the Town's next 20 years of growth. Mr. Scott stated that staff conducted a public survey and had over 500 responses which helped to assist with goals and objectives of the Comprehensive Plan. The goals that were identified within the plan cover such items as land use, water and sewer, public safety and tourism and economy. Mr. Scott stated that stake owners in the Town need to take hold of this plan and assist with reviewing

it. Mr. Scott stated that staff is asking that Council consider holding a public discussion period over the course of the next couple of months to hear the public's input. Mr. Scott stated that staff also wishes to begin circulating the document for comment. Councilman Miller commended Mr. Scott and the Planning Board on putting the Comprehensive Plan together. Councilman Holcombe asked that staff prepare copies for the public's review. Councilwoman Keller stated concern that these next two months were a down period for the Town and would like to see this timeframe for discussion extended to include summer residents. Councilman Holcombe, Councilman Miller and Mayor Owen agreed that this should be left for open discussion until at least June. Vice Mayor Piquet stated that he had no problem extending the discussion period even further out. Councilman Miller asked about gathering input until the August meeting. Mayor Owen stated that for now staff would place draft Comprehensive Plan on the Towns website collect input through August 1, 2013.

f. Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund (PARTF) – Mayor Owen stated that this is a source of grant funding for recreation and that Beech Mountain has received money from this organization in the past. If adopted, the proposed resolution before Council would be sent to legislators to show support of the Parks and Recreation Trust Fund. Councilman Miller motioned to approve. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Resolution No. 2013-04 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

g. Property Tax Releases – Mayor Owen stated the first tax release before Council was for personal property which does not exist. Vice Mayor Piquet motioned to approve the tax release. Councilman Miller seconded the motion and the vote passed unanimously. Mayor Owen stated that the next tax release was for a mislisting and the individual was asking for a refund. Vice Mayor Piquet motioned to approve the refund. Councilman Miller seconded the motion and the vote passed unanimously.

h. Resolution Referencing Sales Tax Distribution in Watauga County – Mayor Owen stated that this is in support of changing the way Watauga County currently does the sales tax distribution. Councilman Miller stated that he attended a meeting and met with the County Commissioner Chair and the Mayor's of Blowing Rock and Seven Devils. Councilman Miller stated that the bottom line is that Watauga County wants to share in the portion of money that each municipality was looking to gain should Watauga County change the way the distribution was currently being handled. Councilman Miller stated that Watauga County was proposing a 40/60 split with the County receiving the 60%. Councilman Miller stated that by using the figures from last year the Town would increase their revenue gain by \$470,000. Mayor Owen stated that sales tax distribution is determined at the County level through one of two means; per capita or ad valorem. Mayor Owen stated that the County is also impacted by the choice that they make. Mayor Owen stated that whether or not Watauga County is having issues with another entity does not matter because this is good for Beech Mountain. Mayor Owen stated that this was a good move for the Town and shows a good working relationship with Watauga County. Mayor Owen stated that this resolution is not a legally binding obligation but it does show Watauga County that the Town is willing to work within these parameters. Councilman Holcombe moved that the Town adopt this resolution. Councilman Miller seconded the motion. Councilman Miller stated that Blowing Rock was looking to pass the same resolution today at their Town Council meeting and that Seven

Devils would be doing the same. Mayor Owen called the question and the vote passed unanimously. Resolution No. 2013-05 is attached as Exhibit B and incorporated by reference as if fully set out within these minutes.

IX. Old Business

a. Vote on Ordinance to Amend Regulations Regarding the Number of Kitchens in Single Family Dwellings – Councilman Holcombe moved to adopt the proposed changes. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Ordinance No. 2013-05 is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.

b. Vote on Ordinance to Amend Regulations Regarding the Utility Reconnect Fee – Vice Mayor Piquet moved to approve the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously. Ordinance No. 2013-06 is attached as Exhibit D and incorporated by reference as if fully set out within these minutes.

c. Vote on Resolution Adopting a Comprehensive Transportation Plan for the Town of Beech Mountain – Councilman Miller motioned to adopt the Comprehensive Transportation Plan. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2013-06 is attached as Exhibit E and incorporated by reference as if fully set out within these minutes.

d. Vote on Cell Tower Application Fee – Councilman Miller motioned to approve the new cell tower application fee. Councilman Holcombe seconded the motion and the vote passed unanimously.

e. Vote on Ordinance to Amend Regulations on Junk Cars – Vice Mayor Piquet stated that the current definition permitted the timeframe to be from one day to one year. Vice Mayor Piquet stated that this could be seen as unreasonable. Manager Feierabend stated that staff is quoting general statute and that the Town cannot go against State law. Attorney Eggers stated that he could make note of this and then get back to Council as he did not wish to see Council tie themselves to a definition where someone who hypothetically got into a wreck and was dealing with their insurance company would be in violation. Vice Mayor Piquet stated that he was in favor of having a good ordinance that dealt with issues fairly. Mayor Owen stated that Council would revisit this proposed ordinance next month.

X. Town Manager and Staff Reports – Manager Feierabend pointed out that the Building Inspection Report was not in the agenda packet but was in front of Council.

Historical Society and Location – Manager Feierabend stated that he has had communication with LifeStore Bank President Bob Washburn and is waiting to get an agreement in place for the Historical Society to use this bank owned space. The Historical Society has investigated getting insurance and will hopefully by May or June be in the building.

Credit Card Payments – Manager Feierabend reported that staff will no longer be accepting payments by credit card. Manager Feierabend informed Council that every time the Town accepted a credit card payment the Town was charged approximately \$5 per transaction.

Manager Feierabend stated that the public will still be able to pay by credit card. A public computer station has been set up for the public to get online at Town Hall to make their transaction. All credit card payments would go through Official Payments.

Parks and Recreation Department Report – Staff was asked to send this report to Council.

Mayor Owen stated that Council would take a short break at 4:24 p.m. Mayor Owen reconvened the meeting at 4:36 p.m.

XI. *Staff Presentation to Council of Budget Needs* – Manager Feierabend prefaced the budget presentation to Council stating that staff is looking for Council's guidance on what is important, what is not important, what staff hit and did not hit.

Administration Department – Manager Feierabend stated the Administration Department requests up for Council consideration were as follows: newsletter, generator for Town Hall (administration side), paint interior of Town Hall and the Chamber of Commerce, construct access to emergency landing zone at Buckeye, continue certification program and 4th of July fireworks. Councilman Holcombe asked if the Town could use E-911 funds for any of this. Manager Feierabend stated that the items being presented by staff were just suggestions from each department on what they could move forward with and not where funding was coming from. Councilman Miller asked about the frequency of the newsletter and stated that he would at minimum like to see the newsletter put out every other month. Mayor Owen stated that he was firmly committed to a quarterly newsletter and that ultimately the newsletter should contain good information. After much discussion Council was in support of a quarterly newsletter. Councilwoman Keller asked if staff had asked the Beech Mountain Club about doing emergency landings there. Fire Chief Robert Pudney stated that they do use the Beech Mountain Club to land but it is not a bad weather site. Fire Chief Pudney stated that due to erosion and use the area at Buckeye is not suitable. Pete Chamberlin of 113 Christie Way stated that to get to the ball park you have to have something solid enough for the heavy vehicles to drive on. Mr. Chamberlin stated that having an alternate site makes sense and could be used for alternative parking too. Councilman Holcombe asked about the insulation project for the ceiling. Manager Feierabend stated that staff had taken it out. Councilman Holcombe stated that he would like this looked into again. Councilman Miller felt the interior of Town Hall needed painting and wanted a price on the landing zone and that the 4th of July fireworks were a sore subject. Mayor Owen and Vice Mayor Piquet were not in favor of paying for fireworks. Mayor Owen asked how the public felt about fireworks. Frank Steele of 107 Christie Way stated that it is hard to compete with fireworks at Tweetsie and was not sure the Town should be jumping all over this. Mayor Owen stated that the fireworks are for the Pig Roast. Tim Fox, President of the Chamber of Commerce, stated that he was looking to try to expand the advertising area for this event to encourage more individuals from off the mountain to attend. Councilman Holcombe asked that staff also look into the electronic system for the Council Chamber Room. Mr. Steele stated that he had a good connection for this type of equipment that would be priced very affordably.

Planning Department – Manager Feierabend highlighted the Planning Department needs as; continuation of streetscape path to Parkway Overlook, hard surfacing for existing pathways, improvements at Parkway Overlook including construction of kiosk, paving and landscaping and a new plotter.

Recreation Department – Manager Feierabend highlighted the Recreation Department needs as; outdoor kitchen and appliances, upgrade current interior kitchen with commercial appliances, fill and secure erosion area along parking lot, enclose present roofed area off exercise room and gym and utilize as a cardio room, resurface tennis courts, roof repairs, replace kiosks throughout town and a rock wall at Perry Park. Vice Mayor Piquet stated that the tennis courts have to be resurfaced or the Town is going to lose a very expensive asset. Councilman Miller asked about the roof repair. Manager Feierabend stated that a roof cricket has been put in place but that this has not provided the total solution. Frank Steele of 107 Christie Way volunteered his services to look at the roof. Mayor Owen stated that Mr. Steele could contact Manager Feierabend about this possibility.

Police Department – Manager Feierabend highlighted the Police Department needs as; one patrol car and beginning a replacement program for the in-car cameras at 1 per year for 4 years.

E-911 – Manager Feierabend highlighted the E-911 needs as; utilize E-911 funds for required monitoring and maintenance of the Patriot E-911 System, utilize E-911 funds to replace the countertops in the dispatch office and utilize E-911 funds to make some upgrades to the old patrol office room as we change it over a 911 computer room with mainly involving adding additional air conditioning. Councilwoman Keller asked if the Viper Radios were a part of this E-911 funding and how they were working. Police Chief Jay Hefner stated that they are working better than anything that the Town has ever had.

Public Works Department – Manager Feierabend highlighted the Public Works Department needs as; replace snowplow for backhoe, replace 1994 International Dump Truck, begin excavation of 6 acre parcel for future Public Work site and replace gas pump. Mayor Owen asked about the swap loaders that were purchased. Public Works Director Riley Hatch stated that this proposed truck was 4 wheel drive where the swap loaders that were purchased were 2 wheel drive.

Utilities Department – Manager Feierabend highlighted the Utilities Department needs as; ‘standby generators’ for 4 water pump stations located at Ashwood, Millpond, Parkway and Emerald Mountain, and budget for new permit requirements at the Water Plant, continue to work on Water Treatment Plant Design, bid transmission line from Spruce Hollow tank to Parkway tank, continue permit process on water intake and continue fire hydrant improvements. Councilman Miller asked about the fire hydrant improvements. Fire Chief Robert Pudney stated that the biggest issue was the distribution lines and that there were roughly about 30 fire hydrants that did not work. Pete Chamberlin of 113 Christie Way stated that most of those hydrants are on lines that are 2” lines. Manager Feierabend stated that these hydrants have been prioritized. Public Utilities Director Robert Heaton stated that staff has been working on this but that staff has been trying to work on these hydrants when the weather is good enough and the summer residents are not up here. Mr. Heaton stated that staff does as many as they can in the spring and the fall.

Fire Department – Manager Feierabend stated that the Fire Department receives a North Carolina Volunteer Firefighting Grant in the amount of \$58,500 and uses these funds for an all terrain vehicle with rescue sled and equipment, automated external defibrillator

replacement, protective clothing, fire hose and self contained breathing apparatus air cylinders. Manager Feierabend asked if Council wished to bring a Fire Department on into the Town or remain a Volunteer Service District. Councilwoman Keller asked if the system was broken. Fire Chief Robert Pudney stated that the system is not broken but is also not as streamlined as it could be. Fire Chief Pudney stated that with the way the system is currently set up the Board of Directors of the Fire Department manages the grant funds and that Avery County and Watauga County taxpayer's pay differently for fire protection. Fire Chief Pudney stated that the system could be a lot better and would like to work with the Town and the Board of Directors of the Fire Department towards this goal. Manager Feierabend stated that staff does need Councils direction on this. Mayor Owen stated that the big concern is where the balance is with the paid staff, volunteers and Board of Directors. Mayor Owen stated that his concern was at what point would Fire Chief Pudney loose support. Fire Chief Pudney stated that he had been given direction that this department needs to be maintained and improved and believed that it has been doing so in the last few years. Fire Chief Pudney stated that the front of the house looks good with response time and service but feels like the back of the house could use a little sprucing up while also helping the tax payer. Fire Chief Pudney stated that he believed that funding could be more efficient. Mayor Owen asked if the Council should meet with the Beech Mountain Volunteer Fire Department to discuss goals. Fire Chief Pudney stated that this would be a great idea. Fire Chief Pudney stated that currently the Volunteer Fire Department has a 5 year goal in place and the town only has a 1 year goal in place. Mayor Owen instructed staff to work this out. Councilman Miller asked if this proposed meeting could take place during budget meetings. Mayor Owen questioned Chief Pudney if the Volunteer Fire Department Board would be available. Pete Chamberlin of 113 Christie Way stated that the Volunteer Fire Department Board could be available for this discussion. Manager Feierabend stated that the Town is a critical part of the Fire Departments budget and that this interaction is needed. Fire Chief Pudney stated that the Board of Directors has already set their budget for the upcoming fiscal year and that it was not imperative that this discussion happen immediately but that he was looking forward to it.

Tourism Development Authority and Town Capital Recreation Projects – Manager Feierabend stated that through resolution 1/3 of the Tourism Development Funds need to go towards Town Capital Recreation Projects. Manager Feierabend highlighted the Tourism Development Authority Capital Recreation Project needs as; streetscape walking path extension to Parkway Overlook, Parkway Overlook landscaping including kiosk and paving, lighting for the walking path, sledding hill improvements or relocation, future recreation grant matches, improve Parkway Overlook and Perry Park connector rail, resurface outdoor tennis courts, Buckeye Lake fishing pier and walkway, signage for golf cart route and banners along the Beech Mountain Parkway.

Tourism Development Authority Goals and Projects – Manager Feierabend highlighted the goals and projects for the Tourism Development Authority needs as; remodel visitor center courtyard and replace kiosk, attend marketing college in Dahlonega, Georgia, obtain Southeast Tourism Society membership, promotional materials such as shirts and hats, redesign website, web camera rotating ½ year at Buckeye and ½ year at the sledding hill and create Beech Mountain Comprehensive Visitor and Relocation Guide. Councilwoman Keller asked about the agreement between the Tourism Development Authority and the Town which went towards paying for the mortgage at Buckeye Recreation Center. Manager Feierabend stated that this agreement was over the past year. Councilwoman Keller thought that the 1/3

could be better spent on the mortgage for Buckeye Recreation Center versus spending money on new projects. Mayor Owen stated that these monies ultimately offset expenses. Mayor Owen stated that if the funds that the Town receives from the 1/3 or used to pay for things that the Town already pays for then ultimately you are just offsetting costs. Mayor Owen stated that if the Tourism Development Authority starts new projects then the Town would not be offsetting. Mayor Owen stated that he was all about offsetting costs. Councilwoman Keller stated that she was not in favor of new projects that would continue to require funding. Councilwoman Keller confirmed with Mayor Owen that they were on the same page. Manager Feierabend stated that the two boards need to come together so that common goals can be created. Mayor Owen asked who was ultimately responsible for writing the Tourism Development Authority bylaws. Tourism Authority Development Coordinator Amy Morrison stated that the Tourism Development Authority was seeking the advice of Town Attorney Stacey Eggers IV. Mayor Owen stated that if Council has any further feedback they need to be providing it to staff. Councilman Holcombe thanked staff of all of their hard work in putting the information together.

Mayor Owen stated that Council would take a short break at 6:01 p.m.

XII. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143.318.11(a)(5) Potential Acquisition of Real Property – Upon motion by Councilman Miller at 6:12 p.m., seconded by Vice Mayor Piquet the Council voted unanimously to go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters – Beech Mountain v. Genesis Wildlife Sanctuary; NC GS 143.318.11(a)(5) Potential Acquisition of Real Property. Vice Mayor Piquet motioned to exit closed session at 6:32 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XIII. Other Business

Buckeye Recreation Roof and Liability – Manager Feierabend stated that due to the potential of liability of getting on the roof at Buckeye that he would invite Frank Steele to walk through the building with him to see what was going on.

XIV. Adjourn – Vice Mayor Piquet motioned to adjourn the meeting at 6:35 p.m., which was seconded by Councilman Miller. The motion passed unanimously. The meeting was adjourned at 6:35 p.m.

Minutes approved by Town Council on May 14, 2013.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

**ATTACHMENT(S)
TO
MINUTES**

EXHIBIT A – Resolution No. 2013-04: A Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund (PARTF)

EXHIBIT B – Resolution No. 2013-05: A Resolution in Support of the Reallocation of Sales Tax within Watauga County

EXHIBIT C – Ordinance No. 2013-05: An Ordinance to Amend Regulations Regarding the Number of Kitchens in Single Family Dwellings

EXHIBIT D – Ordinance No. 2013-06: An Ordinance to Amend the Utility Reconnection Fee

EXHIBIT E – Resolution No. 2013-06: A Resolution Adopting a Comprehensive Transportation Plan for the Town of Beech Mountain, North Carolina

RESOLUTION No. 2013-04

TOWN OF BEECH MOUNTAIN

A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)

WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, The Parks and Recreation Trust Fund (PARTF) was established with bipartisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10th most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

WHEREAS, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Beech Mountain does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of the Town of Beech Mountain and the North Carolina Recreation and Park Association.

This the 9th day of April, 2013

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

RESOLUTION No. 2013-05

TOWN OF BEECH MOUNTAIN

**A RESOLUTION IN SUPPORT OF THE REALLOCATION OF SALES TAX
WITHIN WATAUGA COUNTY**

WHEREAS, the Town of Beech Mountain is a municipal subdivision and body politic of the State of North Carolina located in Watauga and Avery Counties; and

WHEREAS, N.C. Gen. Stat. §105-472 provides for the allocation of sales tax between cities and counties within North Carolina; and

WHEREAS, N.C. Gen. Stat. §105-472(b) allows a Board of County Commissioners to determine, on a yearly basis, whether such allocation is made on a *per capita* distribution or an *ad valorem* distribution; and

WHEREAS, for a number of years, Watauga County has distributed sales tax revenues on a *per capita* basis to the towns and cities within Watauga County; and

WHEREAS, the distribution of sales tax revenues on a *per capita* basis has resulted in an inequitable share of the sales tax revenues being distributed to one municipality to the disadvantage of the towns of Blowing Rock, Beech Mountain, and Seven Devils; and

WHEREAS, the Town of Beech Mountain acknowledges that Watauga County would potentially lose revenue under this change were it not assisted by the municipalities in supporting this change in the distribution of sales tax revenues; and

WHEREAS, the Town of Beech Mountain is willing to assist Watauga County in addressing its financial needs upon the reallocation of sales tax revenues to an *ad valorem* method from a *per capita* method; and

WHEREAS, the Town of Beech Mountain appreciates its good working relationship with Watauga County and the ability of the Town and County to address issues within the community to the mutual benefit of the citizens of both the Town of Beech Mountain and Watauga County.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA AS FOLLOWS:

1. That the Town of Beech Mountain supports and encourages the Watauga County Board of Commissioners to Adopt and Pass a Resolution altering the distribution of sales tax revenues between Watauga County and the municipalities from a *per capita* method to an *ad valorem* method.

2. That the Town of Beech Mountain is willing to commit to Watauga County that upon the reallocation of sales tax revenues to an *ad valorem* method that the Town of Beech Mountain will provide, as part of its budgetary process, an amount equal to sixty percent (60%) of the increase in gross revenues accruing to the Town over and above the amount which would have otherwise been realized under the *per capita* method, to costs and expenditures as requested by Watauga County.

Adopted this the 9th day of April, 2013.

Town of Beech Mountain
Rick Owen, Mayor

Attest:

Jennifer Broderick, Clerk
Town of Beech Mountain

Ordinance NO. 2013-05

TOWN OF BEECH MOUNTAIN, NC

**AN ORDINANCE TO AMEND REGULATIONS REGARDING THE
NUMBER OF KITCHENS IN SINGLE FAMILY DWELLINGS**

WHEREAS, the Town of Beech Mountain has enacted a zoning ordinance in order to protect the safety and welfare of its citizens and the character of its community; and;

WHEREAS, Beech Mountain's zoning ordinance currently prohibits more than one kitchen in single family dwellings; and;

WHEREAS, one purpose of these restrictions is to prevent the construction of multi-family structures in areas zoned for single family housing; and;

WHEREAS, many structures that truly function as single family dwellings have more than one kitchen; and;

WHEREAS, the Town of Beech Mountain does not find that the number of kitchens in a dwelling is a reasonable basis for making the distinction between single family housing and multi family housing; and;

WHEREAS, the objective of preventing the construction of multi-family structures in areas zoned for single family housing can better be accomplished through restricting the number of utility services;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:**

SECTION I. The Code of Ordinances, Chapter 154 (Zoning), Sections 154.137 and 154.141 are hereby amended to read as follows:

§ 154.137 ACCESSORY STRUCTURES AND BUILDINGS.

A small accessory building may be placed on a residential lot (provided set back requirements are met) which may include a garage and/or servants' quarters and/or guest suite ~~without kitchen~~. Such accessory building may not be constructed prior to the construction of the main dwelling and shall conform substantially with the style and design of the main dwelling. ~~Such accessory building shall not have separate water or sewer services from the primary structure on the lot.~~

(1989 Code, Title V, Ch. 51, Art. XI, § 1107) (Ord. passed 4-10-1983)

Editor's note:

¹ Amended April 10, 1983.

§ 154.141 KITCHENS AND GUEST SUITE.

~~Only one kitchen, being an area for complete food preparation, may be located in each single-family dwelling. A guest suite or like facility without kitchen may be included in a single family dwelling as part of the main dwelling or accessory building. Such facilities shall not have separate water or sewer services from the primary dwelling.~~

(1989 Code, Title V, Ch. 51, Art. XI, § 1111) (Ord. passed 4-10-1983)

Editor's note:

¹ Amended by amendment April 10, 1983.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the 9th day of April, 2013.

This ordinance adopted this the 9th day of April, 2013.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

Ordinance NO. 2013-06

TOWN OF BEECH MOUNTAIN, NC

AN ORDINANCE TO AMEND THE UTILITY RECONNECTION FEE

WHEREAS, the Town of Beech Mountain has enacted a water and sewer use ordinance; and

WHEREAS, the Town of Beech Mountain bases their utility rates upon the number of serviceable meters on the mountain; and

WHEREAS, in order to ensure accurate budgeting for the Towns Utility Department the Town recognizes the necessity to regulate the disconnection of meters through fining;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Chapter 51 (Water and Sewer Use), Section 51.134 is hereby amended to read as follows:

§ 51.134 DISCONNECTION OF METER.

(A) The town may disconnect the water meter of a customer after service has been discontinued due to reason in divisions (A), (B), (G), (H), (J), (K), (L) or (M) set forth in § 51.133 above.¹ Subject to the provisions of § 51.135 below, the meter will only be reconnected after the customer has:

(1) Corrected the conditions which were responsible for the disconnection of the meter.

(2) ~~Paid a reconnection fee of \$500, plus all other unpaid charges.~~ *Paid the appropriate reconnection fee as set forth herein, plus all other unpaid charges.*

~~(B) In the event that a property for which the meter has been disconnected is sold before service is reconnected, the new owner shall be required to pay a reconnection fee of \$500 before service will be restored to the property. If a owner requests disconnection or is cut off for good cause (e.g. non-payment of the bill) and then is reconnected at the same address within one year of disconnection, the reconnection charge shall be the appropriate base charge times the number of months disconnected plus \$100.00. If disconnection is for a period of longer than one year or is sold to a new owner during a period of disconnection, the fee for reconnection shall be in the amount required for a new connection.~~

(1989 Code, Title III, Ch. 30, § 12-5) (Ord. passed 7-10-1990; Ord. passed 6-12-2007; Ord. passed 2-10-2009; Ord. passed 10-13-2009)

Editor's note:

¹ Amended by the Council June 6, 2007

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the 9th day of April, 2013.

This ordinance adopted this the 9th day of April, 2013.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

RESOLUTION No. 2013-06

TOWN OF BEECH MOUNTAIN

**A RESOLUTION ADOPTING A
COMPREHENSIVE TRANSPORTATION PLAN
FOR THE TOWN OF
BEECH MOUNTAIN, NORTH CAROLINA**

The following resolution was offered by Councilperson E. 'Rick' Miller, seconded by Councilperson Alan Holcombe, and upon being put to a vote, was carried 5-0 on the 9th day of April, 2013.

WHEREAS, the Town of Beech Mountain and the Transportation Planning Branch North Carolina Department of Transportation actively worked to develop a transportation plan for Beech Mountain; and

WHEREAS, the Town and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a highway system that will serve present and anticipated volumes of vehicular traffic in and around the town; and

WHEREAS, it is recognized that the proper movement of traffic within and through the Town of Beech Mountain is highly desirable element of the comprehensive plan for the orderly growth and development of the town; and

WHEREAS, after full study of the plan, and following a public hearing, the Town Council Members of the Beech Mountain feel it to be in the best interests of the Town of Beech Mountain to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: That the Watauga County Comprehensive Transportation Plan as shown on the attached map dated August 2, 2012 be approved and adopted as a guide in the development of the highway system in the Town of Beech Mountain and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption:

I, Jennifer Broderick, Town Administrator of Beech Mountain, North Carolina, hereby certify that the above is a true and correct copy of the excerpts from the minutes of the town Councilmen meeting of said town. WITNESS my hand and the official seal of the Town of Beech Mountain this the 9th day of April, 2013.

ATTEST

(Seal)

Jennifer Broderick, CMC