

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – August 13, 2013

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 5:00 p.m., Tuesday August 13, 2013 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, E. 'Rick' Miller and Cindy Keller. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Town Planner James Scott, Tourism Development Authority Coordinator Amy Morrison, Public Works Director Riley Hatch, Fire Chief Robert Pudney and Public Utilities Director Robert Heaton.

II. Invocation – Dewey 'Cyclone' Brett 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 § VII. New Business would be amended to add item k. 'Resolution to Request Conventional Financing Proposals from Banks for the Water Treatment Plant Project.' Mayor Owen stated that the agenda would stand as amended.

V. Approval of the Minutes

a. July 9, 2013 Regular Meeting – Councilman Miller motioned to approve the July 9, 2013 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. July 9, 2013 Closed Session – Vice Mayor Piquet motioned to approve the July 9, 2013 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

VI. Public Comment

a. Proposed Town Comprehensive Plan – Town Planner James Scott stated that the Town is still soliciting feedback from the public over the course of the next several weeks. Larry Miller of 235 Lakeledge Road stated that he read the entire Town Comprehensive Plan and felt that this was the best document the Town has ever produced; it is a cliff note on how to do planning right. Mr. Scott and the supporting committees should be applauded. That said Mr. Miller stated that he did not know if this was the right plan for Council to be adopting; believing that the two surveys that were used were statistically flawed. Mr. Miller recommended that a professional company be brought in by the Town to perform surveys.

b. General Comment Period

Mr. Halliburton of 132 Skiway Circle presented items to Council from a \$2,000 water filtration system installed at his residence on Beech Mountain. Mr. Halliburton stated that he had sent the water off for testing and that it had contained high levels of bacteria in it. Mr. Halliburton questioned the necessity of acquiring more source water stating that the Town should be focusing on the infrastructure. Mayor Owen asked if Mr. Halliburton had contacted staff. Mr. Halliburton stated yes. Public Utilities Director Robert Heaton stated that he would contact Mr. Halliburton.

Frank Steele of 107 Christie Way stated that he had two issues and that he had witnessed Mr. Halliburton installing the water filtration system at his residence. Mr. Steele stated that in June 2012 Mayor Owen responded to an email that he had sent. Mr. Steele stated that he has not received any further feedback as requested. Mr. Steele stated that the agenda had a lot of water items on it and that getting water from the Watauga River did not seem very logical. Mr. Steele stated that the Watauga River Project should not be a priority and would like to know the reasons why the Town was making it a priority.

VII. *New Business*

a. *Water Plant Project Update* – Benjamin Thomas, P.E. West Consultants stated that at this point West Consultants along with an informal committee of staff and some members of Council have met and gone over the main components of the Water Plant. Mr. Thomas stated that the next step was to move forward with the planning and funding portion of the project. Mr. Thomas stated that the existing Water Plant has leaked and that a temporary fix had been completed. Mr. Thomas also stated that the Water Plant is undersized in terms of its ability to treat water to today's standards. The current plant is designed to treat 1.0 million gallons per day. Mr. Thomas recommended that the new Water Plant be designed with the ability to treat 1.5 million gallons per day with the option to expand to a 2 million gallon per day plant. Mr. Thomas stated that due to current source water availability the Town will only be able to apply for a 1.0 million gallon per day Water Plant. Council has decided, in order to keep costs down, that the new Water Plant will go on the east side of the current Water Plant and that the Water Plant will use a sand filtration system. Mr. Thomas stated that his professional opinion for the cost of the new Water Plant was \$6,000,000 and that this was the amount being recommended to staff to move forward with for loan funds. Mr. Thomas stated that it is being recommended that staff apply for funding through the State Revolving Fund and United States Department of Agriculture. Mr. Thomas stated that the State Revolving Fund is capped at \$3,000,000 and is very competitive. The Town will not have the necessary approvals in place to be shovel ready, as the State Revolving Fund prefers you to be, by September 30, 2013. Therefore, the best fit for the Town will be funding through the United States Department of Agriculture. West Consultants is recommending that Council move forward with approving the resolution to permit staff to apply for the State Revolving Fund because of the 0% interest rate. Mr. Thomas stated that the Town will need some cash financing because both of these loans are reimbursement loans; so for that purpose the Town will need interim financing. Lastly, the plan is to work on final specifications this fall and start construction in the spring. Spring of 2014 will be the earliest that digging will start with the spring of 2015 being the latest start construction time. Construction can be finished as early as within 1 year, if the weather cooperates, to extending up to 2 years. Mr. Thomas stated that the additional resolution added to the agenda will allow the Town the opportunity to cover a small amount of funding, if there was any, left over. Vice Mayor

Piquet asked if it would be better for the Town to hold off on applying for the State Revolving Fund since the Town was not going to be shovel ready. Vice Mayor Piquet also asked if the Town could use a combination of funds. Mr. Thomas stated that the Town can use a combination of funds. Mr. Thomas stated that the State Revolving Fund loans are heavily requested because of the lower interest rate. Mr. Thomas stated that if the Town was approved for funding through the State Revolving Fund that State Revolving Fund will only fund up to \$3,000,000 of the project. Mr. Thomas stated that the recommendation is to go ahead and apply now because interest rates next year may not be where they are now. Mr. Thomas stated that it would be nice to wait but the 0% financing may not be there. Councilwoman Keller asked Mr. Thomas to explain what the \$6,000,000 project was for to the public. Mr. Thomas stated that the \$6,000,000 is strictly for the construction of a new Water Plant and treatment plant process. Mr. Thomas stated that none of the funds for this project go towards the future intake project nor the distribution system. Councilwoman Keller asked Mr. Thomas if the Town would have cleaner water. Mr. Thomas stated yes, that the filters in the new system would make a substantial change. Mayor Owen thanked Mr. Thomas.

b. Resolution to Arrange Financing for the Water Treatment Plant Replacement Project through North Carolina State – Mayor Owen stated that this resolution was to approve staff to seek financing for the Water Treatment Plant Project through the State Revolving Fund. Vice Mayor Piquet motioned to adopt the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2013-09 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

c. Resolution to Arrange Financing for the Water Treatment Plant Replacement Project through the United States Department of Agriculture – Mayor Owen stated that this resolution was to approve staff to seek financing for the Water Treatment Plant Project through the United States Department of Agriculture. Councilman Miller motioned to adopt the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2013-10 is attached as Exhibit B and incorporated by reference as if fully set out within these minutes.

d. Resolution to Request Financing Proposals from Banks for the Water Treatment Plant Project – Mayor Owen stated that this resolution was to approve staff to seek financing for the Water Treatment Plant Project through interim financing. Councilman Holcombe motioned to adopt the resolution. Vice Mayor Piquet seconded and the vote passed unanimously. Resolution No. 2013-11 is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.

e. Recreation Committee Request for Parkway Path Improvements – Rory Ellington, of the Recreation Committee, stated that the parkway path is receiving some funds to improve the path from the Tourism Development Authority in order to cover the path with a hard surface. The Tourism Development Authority has also made a commitment that they will assist with future funding of this hard surface project on the parkway path. Mayor Owen stated that the Tourism Development Authority has a list of capital projects on Councils agenda that they are seeking Council approval on. The Tourism Development Authority has requested that Council approve them spending \$16,000 on this hard surfacing project. The Recreation Committee is requesting that Council match the Tourism Development Authority's funding

of this project. Vice Mayor Piquet stated that when the meeting was held to discuss potential capital projects that everyone was pretty much in agreement that part of the money that was coming from the Tourism Development Authority would be used for that purpose. Manager Feierabend stated that the Recreation Committee is asking that Council consider matching the \$16,000 with their own \$16,000. The belief is that if Council matches this money this year then next year the project will cost under \$30,000 to finish making it a 2 year project versus a 3 to 4 year project. Vice Mayor Piquet stated that he had also requested a quote for color asphalt but that staff has not had enough time to provide this information. Councilman Miller stated that what he would like to see incorporated along the pathway every 8' to 12' a 6" x 6" piece of treated lumber to break the long 5' wide sidewalk. Councilman Miller believed that this would be a lot more attractive. The price for the ties would be about another \$5,000. Fred Pfohl, Chairman of the Recreation Committee, stated that when this project first started the funds were not available to put down a hard surface. The upkeep of the pathway has been horrendous because of washouts. Mr. Ellington stated that it was a good idea to get immediate relief for this project and that by providing a hard surface it would solve a lot of the problems that chat and gravel and runoff cause. Mr. Pfohl stated that the Tourism Development Authority has honored the Recreation Committee's request and that the Recreation Committee was asking Council to do the same thing. Mayor Owen asked about the distance. Mr. Ellington stated that they would probably concentrate on the areas where the washout is occurring, for instance around the tree by the parking area and from the Dog Park down to the Town. Mr. Ellington stated that it was hoped that the hard surface would help spur more easement opportunities. Town Planner James Scott stated that from the Dog Park down the hill is the worse wash out area. Councilman Miller asked about the \$10,000 that Council had budgeted for Streetscape maintenance. Manager Feierabend stated that this was mostly for maintenance such as shrubbery and flowers. Councilman Miller asked if the Town had any solid quotes yet. Manager Feierabend stated that the Town has quotes but that they need to have solid parameters so that the quotes are more fair. Manager Feierabend stated that the companies are saying that it is cheaper for them to do an 8' wide section than a 5' wide section. Manager Feierabend stated that the current pathway is 5' to 5.5' in width. Manager Feierabend stated that if Council choose to match funding then the project could get around 60% finished this year. Councilman Miller stated that they needed hard figures. Mayor Owen stated that \$32,000 is not going to pay for all of it. Councilman Miller asked how much was put into the budget for maintenance of the path. Mr. Scott stated that these funds included money for plants and landscaping. Councilman Miller stated that some of the funds that were used for maintenance should be used towards this project. Vice Mayor Piquet stated that Council could take the Tourism Development Authority's recommendations for capital improvements and bump something down on their priority list. Councilman Holcombe stated that he wanted to see something on paper. Mr. Pfohl stated that Mr. Ellington and himself are asking for matching funds on behalf of the Recreation Committee and that they are asking for Council to also allow staff to make the decisions on the best solutions on how to spend the money on the hard surfacing project. Mayor Owen asked if Council was willing to spend any money on this project and how involved Council wished to be in the project. Councilman Holcombe motioned to amend the budget to spend \$16,000 on the paving project. Vice Mayor Piquet seconded the motion. Councilwoman Keller asked if the Recreation Committee was going to ask for more money next year. Mayor Owen called the question and the vote passed unanimously. Mayor Owen asked how involved Council wished to be in the project. Councilman Miller stated that he wanted Council to have final approval. Manager Feierabend stated that September 10, 2013 was the

next Council meeting date and that this date would be pushing it for the paving season. Mayor Owen asked for Councils opinion. Councilwoman Keller asked if an engineer had looked at this project. Manager Feierabend stated that Public Works Director Riley Hatch and Rory Ellington had built the pathway. Councilwoman Keller stated that she is questioning the drainage issues and whether, when the asphalt is put down, proper drainage is going to be put in. Mr. Ellington stated there has been work to divert water and to channel some water into a catch basin. Councilwoman Keller asked if Town Engineer Marion Rothrock could look at the project. Manager Feierabend stated he would have Mr. Rothrock look at the project. Mayor Owen stated that he would like to see the money that was appropriated for this project done through transfers within the current budget with staff coming back to ask for an amendment if needed. Councilman Miller and Vice Mayor Piquet will work with staff to oversee the hard surfacing project.

f. Tourism Development Authority Capital Project Recommendations for Fiscal Year

2013/2014 – Brian Barnes, Tourism Development Authority Chairperson, stated that Calder Smoot is the Capital Committee Chairman and that this committee is the committee that worked on the capital project proposal before Council. Mr. Barnes stated that prior to this budget year it did not appear clear that the Tourism Development Authority was meeting the requirement for capital project funding. Mr. Barnes stated that the Tourism Development Authority wished to make this a priority and wanted to take the money and spread it as far as they could in order to improve the image of the Town to get heads in beds. Mr. Barnes reviewed the Tourism Development Authorities capital project recommendations with Council. Mr. Barnes stated that the Tourism Development Authority supported the hard surfacing parkway path project because it was a thoroughfare that was being utilized and believed it would be even more utilized once it had a hard surface. Mr. Barnes stated that it was going to be a nice thoroughfare during winter plus add safety. Mr. Barnes stated that three different projects were looked into at Buckeye Recreation Center but that they could not fund all three of the projects. The kitchen equipment and appliances at Buckeye Recreation Center was one of those projects that was looked at and was recommended by Parks and Recreation Director Tim Fox. Mr. Barnes stated that a lot of flags and banners around town are torn and/or faded and that these needed to be replaced. Mr. Barnes stated that the Tourism Development Authority would also like to match 20% of the grant money that can be spent on existing trails in the amount of \$15,000. This would mean that \$30,000 could be spent on the existing Emerald Outback. Mr. Barnes stated that a portable stage and tent cover would help promote weekend activity themes which will encourage overnight visits. Mr. Barnes stated that the visitor kiosk at Kat's Overlook is one of the top spots where people stop and take pictures and that improving this kiosk would be a great way to tell visitors about what is going on in the Town. Mr. Barnes stated that the updates for the Visitor Center included shelving, a flat screen television, framed prints, etc. Mr. Barnes stated that Facebook Spots would be good social media signs along with quick response codes being implemented at photo opportunity locations around the mountain. Mr. Barnes stated that the last item being requested was stackable event chairs. Mr. Barnes requested that the Council consider the items on the list as well as how they were prioritized. Councilwoman Keller asked what happened to the discussion of funds going towards the mortgage at Buckeye Recreation Center. Mr. Barnes stated that since 1/3 of funds need to go towards advertising the Tourism Development Authority felt like all their remaining funds needed to go towards promoting Beech Mountain. Councilwoman Keller asked if there was anything in the Tourism Development Authority's budget that helps to promote Buckeye Recreation Center.

Mr. Barnes stated that any of the activities that the Town does or the Tourism Development Authority does are promoted by both. Fred Pfohl, Parks and Recreation Chairman, stated that the main banner that was put up at Buckeye Recreation Center has finally gone due to weathering. Mr. Pfohl stated that all of these types of events should be shared and pretty much are. Mayor Owen asked what else was discussed in the meetings. Vice Mayor Piquet stated that he did not recall discussing the Facebook Spots nor the stackable chairs and that they did discuss \$10,000 to \$15,000 going towards the Buckeye Recreation Center. Manager Feierabend stated that West Consultant Engineer Benjie Thomas has looked at the major issue at Buckeye Recreation Center and believes that by spending between \$10,000 and \$15,000 and using the staff at Public Works the Town could remedy the situation. Mayor Owen stated that sometimes the Tourism Development Authority starts projects and then they become Town projects. Mayor Owen stated that all of the flowers in the town used to be handled by the Tourism Development Authority just like the Christmas lights. Mayor Owen pointed out that the sledding hill was another thing that the Tourism Development Authority started. Mayor Owen stated that the sledding hill was clearly a tourism driven thing but yet there is no money coming from the Tourism Development Authority for funding. Mayor Owen stated that looking at this capital funds recommendation list makes him feel better about where the funds are going but that ultimately the Tourism Development Authority is not taking anything off Towns hands. Councilman Holcombe was in favor of these projects, stating that sometimes you have to spend money to make money, and that this was the first thing that they had made sense in years. Manager Feierabend stated that the Tourism Development Authority and staff have discussed final approval of the capital project recommendations and determined that the final decision is made by Council. Manager Feierabend stated that this upcoming year a procedure will be established that both boards will be requested to review and adopt. Mr. Barnes stated that early in the process Council was asked for their opinions and should have weighed in. Mayor Owen stated that he appreciated the work that everyone had done. Mayor Owen wanted to know where the stage was going to be used. Mr. Barnes stated that the sledding hill was one area and that Saturday and Friday night might be good options with a theater group, comedian or a solo artist to create a little natural amphitheater. Mr. Barnes stated that the trailer creates a stage with is approximately 24' by 16'. Councilman Miller stated that he has been pushing the kiosk at Katz curve but that he was really interested in seeing the parkway path paved. Manager Feierabend stated that the Cool 5 funds, which has turned into the Climbmax, have been earmarked by the Recreation Committee for this paving project. Councilman Holcombe requested that the Climbmax results be reported. Councilman Holcombe motioned to approve the capital funds recommendation. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

g. Speed Limit on Lakeledge Road – Brian Barnes, General Manager/COO Beech Mountain Club, stated that the Beech Mountain Club has held several conversations with Police Chief Jerry Turbyfill regarding the speed limit in the area on Lakelege Road where there is a lot of Beech Mountain Club activity. Mr. Barnes stated that most motorists have been monitored going 5 miles per hour over the speed limit which means their vehicle is traveling at 30 miles per hour. Speed bumps had been purchased in the past and put down but there were complaints because of the excessive size of the speed bump. Mr. Barnes stated that the Beech Mountain Club is requesting that the Town lower the speed limit 15 miles per hour for general safety purposes. Councilman Holcombe was in favor. Vice Mayor Piquet motioned to approve the reduced speed limit for the portion of Lakeledge road between the intersection

of Chestnut Way and Coffey Lake. Councilman Miller seconded the motion. Councilman Miller recommended that staff look into lowering the speed limit on gravel roads. Mayor Owen called the question and the vote passed unanimously. Ordinance No. 2013-09 is attached as Exhibit D and incorporated by reference as if fully set out within these minutes.

h. Request Public Hearing for Town Comprehensive Plan – Councilman Holcombe motioned to schedule the public hearing for Councils next regularly scheduled meeting. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott provided Council with an overview of the plan.

Note: Manager Feierabend and Mayor Owen exited the meeting at 6:33 p.m. Manger Feierabend returned to the meeting at 6:34 p.m. Mayor Owen returned to the meeting at 6:35 p.m.

Sandy Carr of 107 Ash Lane asked about the public response to the Comprehensive Plan. Mr. Scott stated that he has gotten some good feedback and that the Planning Board has been discussing the feedback. Manager Feierabend stated that the most disappointing part of every plan that he has been a part of creating is the amount of feedback you get from the public once the draft plan is complete. Mr. Scott stated that there were about 500 responses to the initial survey process which he felt really good about. Mr. Scott stated that next month after the public hearing he will be asking that Council adopt the Comprehensive Plan through resolution. Mr. Scott stated that in the future the goal of staff would be to ensure that future ordinances are in coherence with the Comprehensive Plan. The Comprehensive Plan is meant to drive changes in the Town; not changes driving the plan. Mayor Owen thanked Mr. Scott for all of the work that he has put in to the creation of this Comprehensive Plan. Councilwoman Keller requested staff perform a reverse 911 call to announce the public hearing for the Comprehensive Plan. Councilman Miller asked if this Comprehensive Plan was available online. Mr. Scott confirmed that it was available online.

i. Annual Tax Settlement – Vice Mayor Piquet motioned to approve the annual tax settlement. Councilman Holcombe seconded the motion and the vote passed unanimously.

j. Order to Collect Taxes – Vice Mayor Piquet motioned to approve the order to collect taxes. Councilman Holcombe seconded the motion and the vote passed unanimously.

k. Resolution to Request Conventional Financing Proposals from Banks for the Water Treatment Plant Project – Mayor Owen stated that this resolution was to approve staff to seek financing for the Water Treatment Plant Project through conventional financing. Councilman Miller motioned to adopt the resolution. Vice Mayor Piquet seconded the motion. Councilwoman Keller asked if one lending institution cared that other financing was in place. Benjamin Thomas, P.E. West Consultants stated that this resolution is being put in place to open up all types of financing options. Mr. Thomas stated that the Town could not get United States Department of Agriculture funds or State Revolving Loan fund money when you go to construction unless it is already in place. Manager Feierabend stated that this is for long term financing and that the prior resolution was for interim financing. The project could potentially end up with a shortfall. If the Town does then this will allow staff to get the money in a short term period versus going back through the process with the United States Department of Agriculture. Councilwoman Keller looked for more clarity. Mayor Owen stated that the Town would be the collateral against this versus the project for the

conventional loan with the bank. Mr. Thomas stated that this starts the process for soliciting and applying for all funding options that are feasible. Mayor Owen called the vote and the vote passed unanimously. Resolution No. 2013-12 is attached as Exhibit E and incorporated by reference as if fully set out within these minutes.

VIII. *Town Manager and Staff Reports*

Hazardous Waste Days – Manager Feierabend stated that staff has looked into this with the County to see if it was plausible to do a joint recycling day. Manager Feierabend stated that in order to meet the letter of the law and in order to have a hazardous waste day you have to have a hazardous waste site which the Town currently does not. Manager Feierabend stated that the Town could heavily advertise both Counties hazardous waste dates. Vice Mayor Piquet stated that what he was looking at doing was only taking certain hazardous materials, such as paint, on certain days instead of permitting them all of the time. Manager Feierabend stated that staff was looking into how the Town could better manage this situation since the Town can potentially get fined for hazardous products being mixed with regular garbage. Public Works Director Riley Hatch stated that Watauga County is having a hazardous waste day on October 19, 2013. Attorney Eggers stated that the Town could not advertise for paint days because this was a hazardous material.

High Country Municipal Association Meeting – Manager Feierabend announced that the High Country Municipal Association meeting would be held this Thursday at 6:30 p.m. and was being hosted by Beech Mountain in the Council Chamber room.

Habitat for Humanity – Manager Feierabend stated that Fred Abernathy with Habitat for Humanity had asked that the Town donate \$250 to sponsor a hole at an upcoming local golf tournament. Vice Mayor Piquet motioned to approve the \$250 donation to Habitat for Humanity. Councilman Holcombe seconded the motion. Councilwoman Keller suggested that the Town not get the banner for donating. Mayor Owen stated that unfortunately the Town cannot give all nonprofit organizations money. Mayor Owen called the vote and the motion passed 4 to 1 with Mayor Owen, Vice Mayor Piquet, Councilman Holcombe and Councilwoman Keller voting yes and Councilman Miller voting nay.

Recycling Report – Councilwoman Keller asked what this report from Ron Nichols showed. Manager Feierabend stated that Mr. Nicolas pulls out recyclables at the Town's Recycling Center and submits a recycling report quarterly to the Town.

Climbmax – Mayor Owen requested a staff report on the Climbmax.

Mayor Owen stated that Council would take a short break at 7:02 p.m.

IX. *Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143.318.11(a)(1) Personnel Matters* – Upon motion by Vice Mayor Piquet at 7:11 p.m., seconded by Councilman Miller the Council voted unanimously to go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters, including Beech Mountain v. Genesis Wildlife Sanctuary; NC GS 143.318.11(a)(1) Personnel Matters. Vice Mayor Piquet motioned to exit closed session at 7:43 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

X. Other Business

Archers Inn & Jackalopes – Manager Feierabend stated that he has discussed with Candi Catoe her past due utility and tax accounts with the Town. Manager Feierabend stated that he has received an email from Mrs. Catoe stating that she has mailed in payment for 1/3 of her utility bill. Manager Feierabend stated that Mrs. Catoe understands that this account is the priority. Manager Feierabend informed Council that Mrs. Catoe was going to be making a payment on her taxes soon. Manager Feierabend stated that he had explained to Mrs. Catoe that her accounts with the Town were the highest utility debt and the highest tax delinquency. Councilman Miller asked how much she owes for utilities now. Manager Feierabend stated that with payment approximately \$2,400. Manager Feierabend stated that the fee in the lease agreement that Mrs. Catoe has in place will increase in January.

Tourism Development Authority – Vice Mayor Piquet asked where Mrs. Catoe was residing. Manager Feierabend stated that he did not really get an answer from Mrs. Catoe. Vice Mayor Piquet stated that he has been told that she lives in Atlanta, Georgia. Councilwoman Keller stated that Council had already ascertained that you do not have to live in Town to be on the Tourism Development Authority board. Manager Feierabend stated that Mrs. Catoe has indicated that she would still like to serve on this board.

Planning Board – Manager Feierabend informed Council that James True has put it in writing that he considers Beech Mountain his residency. Attorney Eggers stated that residency has to do with the intent of where someone wants to reside.

Chamber of Commerce – Manager Feierabend informed Council that Gina Phenneger is resigning from the Chamber of Commerce at the end of the concert.

Tourism Development Authority – Manager Feierabend informed Council that Dottie Moretz had resigned as the Tourism Development Authority Assistant.

- XI. Adjourn** – Vice Mayor Piquet motioned to adjourn the meeting at 7:51 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned at 7:51 p.m.

Minutes approved by Town Council on September 10, 2013.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

**ATTACHMENT(S)
TO
MINUTES**

EXHIBIT A – Resolution No. 2013-09: Resolution to Arrange Financing for the Water Treatment Plant Replacement Project through North Carolina State

EXHIBIT B – Resolution No. 2013-10: Resolution to Arrange Financing for the Water Treatment Plant Replacement Project through the United States Department of Agriculture

EXHIBIT C – Resolution No. 2013-11: Resolution to Request Financing Proposals from Banks for the Water Treatment Plant Project

EXHIBIT D – Ordinance No. 2013-09: An Ordinance Amending Schedule IV of the Beech Mountain Traffic Code by Specifying a 15 MPH Speed Limit for Lakeledge Road Between the intersection of Chestnut Way and Coffey Lake

EXHIBIT E – Resolution No. 2013-12: Resolution to Request Conventional Financing Proposals from Banks for the Water Treatment Plant Project

RESOLUTION No. 2013-09

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The Town of Beech Mountain has need for and intends to construct a drinking water system project described as the **Water Treatment Plant Replacement Project**, and

WHEREAS, The Town of Beech Mountain intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN:

That Town of Beech Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Beech Mountain to make scheduled repayment of the loan, to withhold from the Town of Beech Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Richard H. Owen, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August 2013 at Town Hall 403 Beech Mountain Parkway Beech Mountain, North Carolina.

Richard H. Owen

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Beech Mountain does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Beech Mountain Town Council duly held on the 13th day of August, 2013; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, 2013.

(Signature of Recording Officer)

(Title of Recording Officer)

RESOLUTION No. 2013-10

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The United States Department of Agriculture – Rural Development (USDA-RD) Water and Environmental Programs (WEP) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The Town of Beech Mountain has need for and intends to construct a drinking water system project described as the **Water Treatment Plant Replacement Project**, and

WHEREAS, The Town of Beech Mountain intends to request USDA-RD WEP loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN:

That Town of Beech Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a USDA-RD WEP loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Beech Mountain to make scheduled repayment of the loan, to withhold from the Town of Beech Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the USDA-RD as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Richard H. Owen, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the USDA-RD for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate USDA-RD agent may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August 2013 at Town Hall 403 Beech Mountain Parkway Beech Mountain, North Carolina.

Richard H. Owen

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Beech Mountain does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the United States Department of Agriculture – Rural Development (USDA-RD) Water and Environmental Programs (WEP), as regularly adopted at a legally convened meeting of the Beech Mountain Town Council duly held on the 13th day of August, 2013; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, 2013.

(Signature of Recording Officer)

(Title of Recording Officer)

RESOLUTION No. 2013-11

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Beech Mountain has need for and intends to construct a drinking water system project described as the **Water Treatment Plant Replacement Project**, and

WHEREAS, The Town of Beech Mountain intends to request federal and/or state loan assistance for the project and will need interim bank financing,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN:

That Town of Beech Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a Federal and/or State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Beech Mountain to make scheduled repayment of the loan, to withhold from the Town of Beech Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Richard H. Owen, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August 2013 at Town Hall 403 Beech Mountain Parkway Beech Mountain, North Carolina.

Richard H. Owen

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Beech Mountain does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the request for proposals for interim financing with banks, as regularly adopted at a legally convened meeting of the Beech Mountain Town Council duly held on the 13th day of August, 2013; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, 2013.

(Signature of Recording Officer)

(Title of Recording Officer)

Ordinance NO. 2013-09

TOWN OF BEECH MOUNTAIN, NC

**AN ORDINANCE AMENDING SCHEDULE IV OF THE BEECH MOUNTAIN
TRAFFIC CODE BY SPECIFYING A 15 MPH SPEED LIMIT FOR
LAKELEDGE ROAD BETWEEN THE INTERSECTION OF CHESTNUT
WAY AND COFFEY LAKE**

WHEREAS, the Town of Beech Mountain is entrusted with the power by the State of North Carolina to provide for public safety; and

WHEREAS, the Town of Beech Mountain has received a request from The Beech Mountain Club that public safety has been questioned on the portion of Lakeledge Road between Chestnut Way and Lake Coffey at numerous Club Committee and Board meetings; and

WHEREAS, the Town of Beech Mountain believes that a reduction in the speed limit in the portion of Lakeledge Road between Chestnut Way and Lake Coffey to 15 MPH would provide a safer environment for pedestrians and motorist;

**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 73, Traffic Schedules, Schedule IV is hereby amended to read as follows:

SCHEDULE IV. SPEED LIMITS.

• • •

(B) (1) Whenever a speed limit has been established and appropriate traffic control devices have been installed in accordance with division (B)(2) below, no person may operate a vehicle on any street in excess of the posted speed.

(2) The following speed limits shall be applicable to the following streets as indicated and the Town Manager shall install appropriate traffic control devices clearly indicating the established speed limit.

Street/Location	Speed Limit
Emerald Mountain	maximum 20 mph
Fox Crest Lane	Maximum 15 mph
That portion of Beech Mountain Parkway maintained by the State Department of Transportation	Maximum 25 mph
The portion of Lakeledge Road that falls between the intersection of Chestnut Way and Lake Coffey	Maximum 15 mph
All other streets	Maximum 25 mph

. . .

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 13th day of August, 2013.

This ordinance adopted this the 13th day of August, 2013.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

RESOLUTION No. 2013-12

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Beech Mountain has need for and intends to construct a drinking water system project described as the **Water Treatment Plant Replacement Project**, and

WHEREAS, The Town of Beech Mountain intends to request federal and/or state loan assistance for the project and will need conventional bank financing,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN:

That Town of Beech Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a Federal and/or State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Beech Mountain to make scheduled repayment of the loan, to withhold from the Town of Beech Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Richard H. Owen, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August 2013 at Town Hall 403 Beech Mountain Parkway Beech Mountain, North Carolina.

Richard H. Owen

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Beech Mountain does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the request for proposals for conventional financing with banks, as regularly adopted at a legally convened meeting of the Beech Mountain Town Council duly held on the 13th day of August, 2013; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, 2013.

(Signature of Recording Officer)

(Title of Recording Officer)