

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – June 10, 2014

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:05 p.m., Tuesday June 10, 2014 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, Cindy Keller and E. 'Rick' Miller. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Town Planner James Scott, Public Works Director Riley Hatch, Public Utilities Director Robert Heaton, Fire Chief Robert Pudney, Finance Officer Nancy Johnson, Parks and Recreation Director Sandy Carr and Police Chief Jerry Turbyfill.

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 the agenda would stand as presented.

V. Approval of the Minutes

a. May 13, 2014 Regular Meeting – Councilman Miller motioned to approve the May 13, 2014 Regular Meeting Minutes as amended. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

b. May 13, 2014 Closed Session – Vice Mayor Piquet motioned to approve the May 13, 2014 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

c. May 20, 2014 Budget Meeting – Vice Mayor Piquet motioned to approve the May 20, 2014 Budget Meeting Minutes. Councilman Miller seconded the motion and the vote passed unanimously.

d. May 27, 2014 Budget Meeting – Councilman Holcombe motioned to approve the May 27, 2014 Budget Meeting Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing for the proposed Fiscal Year 2014 – 2015 Budget – Mayor Owen stated that the purpose of the public hearing was to hear input from the public on the proposed fiscal year 2014 – 2015 budget. Councilman Miller motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Urs Gsteiger of 115 W. Shamrock stated that, having worked with staff, he believes that staff has prepared a budget that considers both current and

future issues for the Town. Mr. Gsteiger noted that some communities wait too long before making changes in their revenue streams and recommended that the Town not go this route, instead Mr. Gsteiger stated that making small incremental increases is more palatable. Mr. Gsteiger stated that he was suggesting that Council not just do a revenue neutral tax increase but to do a 2 cent increase and for this revenue to go towards taxes. Mr. Gsteiger stated that he would recommend paving Buckeye Creek Road. Mr. Gsteiger stated that this would make for a better alternate route into Beech Mountain and that he also felt that it was a good time to partnership with Eagles Nest. Mayor Owen asked if there were any other individuals who wished to comment. Hearing none Vice Mayor Piquet motioned to close the public hearing. Councilman Miller seconded the motion and the vote passed unanimously.

VII. Public Comment – There was no public comment.

VIII. New Business

- a. Water Plant Project Update** – Public Utilities Director Robert Heaton stated that the United States Department of Agriculture and Rural Development requested that the engineering contract be replaced with the latest standard format. Attorney Eggers stated that they have a more recent version for contracting with engineering services. The Town is in the process of taking the new documents and revising those to satisfy the United States Department of Agriculture. Attorney Eggers stated that the language allowed the United States Department of Agriculture to track how the Town spends the money as well as to be included in all stages. Attorney Eggers pointed out that a couple of the changes are more favorable for the Town. Councilman Miller asked if this was going to push the date back for loan approval. Manager Feierabend stated that the Town should still be on tract for approval for July 2014. Mr. Heaton stated that the United States Department of Agriculture still needs to approve the Preliminary Engineering Report and Environmental Report submitted in November. They will also have to approve the plan specs prior to allowing for bidding. The engineering report was submitted to North Carolina Department of Environment and Natural Resources in April and the Town has received written comments. Mr. Heaton stated that the North Carolina Department of Environment and Natural resources did not indicate any major issues that would prevent approval. Mr. Heaton stated that construction drawings are in progress. Mr. Heaton stated that other aspects of the plans, such as electrical, and plumbing will be drawn a little later. Mayor Owen asked about the drawings. Mr. Heaton stated that Benjie Thomas would have this for Council at their next regular meeting.
- b. Resolution No. 2014-04: A Resolution of Appreciation to Scott Nelson of Blood, Sweat and Gears and Members of this Organization in Conjunction with the Community of Beech Mountain for their Work on the Beech Mountain Metric** – Mayor Owen stated that the resolution is thanking all that were involved in making the Beech Mountain Metric a successful event. Vice Mayor Piquet read the resolution into the minutes. Vice Mayor Piquet motioned to adopt the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously.

Resolution No. 2014-04 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

- c. *Budget amendment for Water and Sewer*** – Mayor Owen clarified that this is not an amendment for a capital project ordinance. Councilman Miller motioned to approve the budget amendment. Councilman Holcombe seconded the motion and the vote passed unanimously.
- d. *Budget Discussion*** – Mayor Owen stated that the Town Council has a budget workshop tomorrow at 4:00 p.m. at Town Hall in the Council Chamber room. Mayor Owen stated that this item was placed on the agenda to respond to any public comments. Councilwoman Keller asked if there was going to be an insurance presentation tomorrow. Mayor Owen stated that this was correct. Manager Feierabend stated that Tucker Administrators would be here to present.
- e. *Tourism Development Authority Job Classification*** – Mayor Owen stated that Council made the determination that they did not want to continue to have an employee that was run by the Tourism Development Authority Board and run through the Town for benefit purposes only. Mayor Owen stated that there have been further discussion with the Tourism Development Authority to see what would need to happen for this relationship to continue. Mayor Owen stated that what is prepared and before Council is a job description which has the proposed Tourism Development Authority Coordinator position answering to the Town Manager. Manager Feierabend stated that the pay grade is the same at where the Tourism Development Authority salary had been. The job description before Council gives them something to consider. Town Clerk Jennifer Broderick informed Council that the Tourism Development Authority was holding a special meeting at Town Hall at 1:00 p.m. to discuss this position. After discussion Council determined that having two Council Members present at the Tourism Development Authority special meeting would be a good idea. Councilman Miller stated that it would also be a good idea to have the whole Council meet with the Tourism Development Authority Board. Council determined that Vice Mayor Piquet and Councilman Holcombe would attend the meeting. Councilwoman Keller wanted recreation to be supported more by the Tourism Development Authority Coordinator position. Mayor Owen stated that with this being a proposed Town employee they should be working with other departments. Mayor Owen recommended not adopting the job description and gathering the Tourism Development Authority Boards input. Councilman Miller stated that it would be a good idea to meet board to board. Mayor Owen asked that the two Council Members attending the meeting see if the Tourism Development Authority was interested in pursuing this discussion and meeting.
- f. *Planning Board Vacancy*** – Mayor Owen stated James True has resigned from the Planning Board and asked if there were nominations. Councilman Holcombe motioned to nominate Brian Riley. Vice Mayor Piquet seconded the nomination. Councilwoman Keller stated that Mr. Riley is out of Town a lot. Councilman Holcombe stated that he has spoken with him twice and that Mr. Riley has stated that he can do it. Mayor Owen called the vote and the vote passed unanimously.

IX. Town Manager, Staff Reports and Council Concerns

Condemnation, Pre-Condemnation and Repair Properties – Manager Feierabend stated that Council had the Condemnation, Pre-Condemnation and Repair Properties report in front of them which identified properties that were showing a state of disrepair. Manager Feierabend stated that it is the goal of staff to clean up properties and get them back to how they should be.

Public Works Report – Manager Feierabend stated that the report from the Public Works Department was in front of Council.

Watauga River Intake Meeting – Manager Feierabend stated that staff met with the State for about three hours regarding their 609 program. The program authorizes the State to work with the Town to identify water needs and sources. Manager Feierabend stated that this was the process that was recommended to assist with getting the intake approved. Councilman Miller asked about the visit to the river. Public Utilities Director Robert Heaton stated that it went well.

Approve Watauga County to Issue Motor Vehicle Tax Refunds for the Town – Manager Feierabend stated that Watauga County has indicated that they need Council approval to perform the refunds for the Town. Manager Feierabend advised that refunded amounts would be deducted from the next payment the Town receives from Watauga County. Vice Mayor Piquet motioned to allow Watauga County to refund vehicle taxes and take it out of future payments to the Town. Councilman Holcombe seconded and the motion passed unanimously.

Ethics Training – Manager Feierabend informed Council that the on demand ethics webinar for city elected officials was available June 2014 thru October 2014. Registration opens June 2014. Manager Feierabend asked that Council Members notify staff of the date and time that they would like to receive this training.

North Carolina Grant – Councilwoman Keller said congratulations to the Fire Department for the \$29,998 grant.

Parks and Recreation Report – Councilwoman Keller thanked the Parks and Recreation Department for including last year's numbers in the report. Councilwoman Keller asked Parks and Recreation Director Sandy Carr to explain a portion of the report. Mrs. Carr stated that the numbers that are in parenthesis are the number of individuals that showed up to class and that the first number represents the number of classes that were held that month. Mrs. Carr stated that the department's numbers in June and July would show increases.

Avery Municipal Drug Task Force – Mayor Owen stated that the Town participates in the multi-municipal Avery Drug Task Force and that a report has been included in the packet.

Jim Cary – Councilman Miller stated that the Town lost Jim Cary.

Mayor Owen stated that Council would take a short break at 4:47 p.m.

- X. *Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters*** – Upon motion by Vice Mayor Piquet at 4:58 p.m., seconded by Councilman Holcombe 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. Councilman Miller motioned to exit closed session at 5:11 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously.

XI. *Other Business*

Water Plant Project Bond Counsel – Attorney Eggers informed Council that the United States Department of Agriculture will want the Town to hire a bond counsel for the Water Plant Project. Attorney Eggers stated that several months ago a group which included Council Members, staff and members of the Water Committee interviewed two bond counsel, of whom Attorney Eggers stated he felt that either candidate interviewed would do a good job. Manager Feierabend stated that Council had indicated that they would like to use Scott Leo. Mayor Owen stated that the Town is just using the bond counsel for the purpose of getting through the loan process. Councilman Miller motioned to approve Scott Leo as bond counsel. Councilman Holcombe seconded and the motion passed unanimously. Attorney Eggers stated that he would communicate with Scott Leo.

Gunshots – Police Chief Jerry Turbyfill informed Council that gunshots were fired last night on Beech Mountain resulting in a call to the Police Department. Police Chief Turbyfill stated that when Police Sergeant Tim Barnett arrived the inhabitant would not open the door and claimed to not be firing a weapon. Sergeant Barnett took the individuals information. The individual was Brian Berger. Police Chief Turbyfill reported that a New Hanover County Probation Officer notified the system that Brian Berger had absconded. Police Chief Turbyfill stated that the Police Department returned to the house and discovered Mr. Berger on the couch with several guns. The Police Department was able to gain entrance into the house. Inside the home there was a grenade launcher and heavy duty rounds. The gentleman in question is Brian Berger, a Commissioner of New Hanover County. Police Chief Turbyfill stated that the Police Department is trying to get in touch with the gentleman who has the extended lease with the homeowners. Attorney Eggers asked if the Town has notified the Bureau of Alcohol, Tobacco, Firearms and Explosives. Police Chief Turbyfill stated that they were in the process and that Bann Elk's Police Department had participated on the call. Police Chief Turbyfill stated that the Police Department would be doing a press release. Sergeant Barnett stated that the long time renter of the house is on his way up here and that this individual has a class 3 firearms license.

Police Department Study Proposal – Manager Feierabend stated he has started the process to find a private consultant. Manager Feierabend stated that he has communicated with Springsted Consulting who is the same firm that did the Town's Fire Department study. Manager Feierabend stated that Council has before them a description

of the services, such as an efficiency study, organization study, and salary study that Springsted Consulting can perform. Mayor Owen stated that Council would take time to review this information and asked that Manager Feierabend discuss this with Police Chief Jerry Turbyfill. Vice Mayor Piquet instructed Manager Feierabend to provide the information before Council to Police Chief Turbyfill. Councilman Miller asked how long the turnaround for these services were. Manager Feierabend stated that the process would be two to three months. Manager Feierabend stated that they were the only private firm that had no government background that he has found so far.

- XII. Adjourn** – Councilman Holcombe motioned to adjourn the meeting at 5:35 p.m., which was seconded by Councilman Miller. The motion passed unanimously. The meeting was adjourned 5:35 p.m.

Minutes approved by Town Council on July 8, 2014.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

**ATTACHMENT(S)
TO
MINUTES**

EXHIBIT A – Resolution No. 2014-04: Resolution of Appreciation to Scott Nelson of Blood, Sweat and Gears and Members of this Organization in Conjunction with the Community of Beech Mountain for their Work on the Beech Mountain Metric

RESOLUTION No. 2014-04

A RESOLUTION OF APPRECIATION TO SCOTT NELSON OF BLOOD SWEAT AND GEARS AND MEMBERS OF THIS ORGANIZATION IN CONJUNCTION WITH THE COMMUNITY OF BEECH MOUNTAIN FOR THEIR WORK ON THE BEECH MOUNTAIN METRIC

WHEREAS, the Town of Beech Mountain recognizes that it took the extraordinary vision of Scott Nelson of Blood Sweat and Gears and members of this organization countless work hours to bring the Beech Mountain Metric cycling event to fruition; and

WHEREAS, the Town of Beech Mountain is encouraged by the energy, effort and turnout of the first Beech Mountain Metric cycling event held on Saturday, May 17, 2014 and looks forward to its continued partnership with Scott Nelson and Blood Sweat and Gears in hosting the Beech Mountain Metric; and

WHEREAS, the Beech Mountain Metric was comprised of two races; the Century Course with 8,000 feet of climbing and the 43-Mile Course with 5,600 feet of climbing; and

WHEREAS, the Beech Mountain Metric had 780 individuals register for the event with nothing but praise for both the hospitality and organization of the cycling event; and

WHEREAS, it was with the helping hands of numerous individual volunteers including the members of the Beech Mountain Metric Committee which consisted of; Gil Adams, Brian Barnes, Sandy Carr, Pete Chamberlin, Rory Ellington, Talia Freeman, Tim Holland, Amy Morrison, Fred Pfohl and David Wagner who assisted in steering this event into a success; and

WHEREAS, numerous emergency services were on site to ensure the safety of participants and the community alike which comprised the Fire Department services of Banner Elk, Beaver Dam, Beech Mountain, Cove Creek, Fall Creek and Shawneehaw; the Emergency Medical Services of Linville Central Rescue and Watauga Rescue Squad; and the Police services of Avery County Sheriff, Banner Elk Police, Beech Mountain Police and Watauga County Sheriff; and

WHEREAS, the Beech Mountain Metric was also an opportunity for the Beech Mountain Resort, the Beech Mountain Club, the Town of Beech Mountain, the Tourism Development Authority, the Chamber of Commerce, local merchants and local residents alike to come together and showcase their support of this great mountain; and

WHEREAS, the Town of Beech Mountain recognizes that these bicycling activities and attractions have great potential to have a positive impact on Beech Mountain's economy and tourism industry and to stimulate economic development by making the municipality attractive to businesses, citizens and tourists who enjoy the out of doors and healthy lifestyles; and

WHEREAS, the Town of Beech Mountain looks to continue to build upon the success of the Beech Mountain Metric in the years to come, strengthening the growth of its relationships and the vision of the event;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Beech Mountain, North Carolina, expresses its deepest gratitude to Scott Nelson of Blood Sweat and Gears and members of this organization for their great visionary efforts in making the Beech Mountain Metric a successful reality for the Town of Beech Mountain, as well as the broad efforts of the Beech Mountain Metric Committee, the Beech Mountain Resort, the Beech Mountain Club, community and neighboring Fire Departments, Emergency Medical Services, Police and Sheriff Departments, local merchants and local residents.

Adopted this the 10th day of June, 2014.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, Clerk