

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – July 8, 2014**

***I. CALL TO ORDER***

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:01 p.m., Tuesday July 8, 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 Utilities Director Robert Heaton, Fire Chief Robert Pudney, Finance Officer Nancy Johnson, Parks and Recreation Director Sandy Carr, and Building Inspector John Merritt.

***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 be amended to add to § VII. New Business g. 'Resolution to Create a Municipal Fire Department' and h. 'Water Plant Contract for Engineering Services with West Consultants.' Mayor Owen stated that the agenda would stand as amended.

***V. Approval of the Minutes***

***a. June 10, 2014 Regular Meeting*** – Councilman Miller motioned to approve the June 10, 2014 Regular Meeting Minutes as amended. Councilman Holcombe seconded the motion and the vote passed unanimously.

***b. June 10, 2014 Closed Session*** – Vice Mayor Piquet motioned to approve the June 10, 2014 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

***c. June 11, 2014 Budget Meeting*** – Councilman Miller motioned to approve the June 11, 2014 Budget Meeting Minutes. Councilwoman Keller seconded the motion and the vote passed unanimously.

***d. June 18, 2014 Special Meeting*** – Councilwoman Keller motioned to approve the June 18, 2014 Special Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

***VI. Public Comment*** – There was no public comment.

***VII. New Business***

- a. *Beech Mountain Metric Recognition*** – Mayor Owen stated that last month Council adopted a resolution recognizing Scott Nelson and his organization Blood Sweat and Gears for their work on the Beech Mountain Metric. Mayor Owen welcomed Mr. Nelson to the floor. Mr. Nelson of Blood Sweat and Gears spoke pointing out individuals in the room who assisted with the Beech Mountain Metric; JoLynn Mahoney of Blood Sweat and Gears, and Beech Mountain Metric Members Brian Barnes, Gil Adams, Pete Chamberlin, Fred Pfohl and Rory Ellington. Mr. Nelson stated that the Blood Sweat and Gears program has been running for sixteen years and was proud to say that the organization had just passed the ¼ million dollar mark in donations in the High Country. Mr. Nelson stated that Blood Sweat and Gears is helping the community one revolution at a time. Mr. Nelson thanked the Town of Beech Mountain for their support and called out the names of the recipients as well as their award with assistance from Mr. Barnes handing out the donations. The Beech Mountain Historical Society received \$500; Beech Mountain Fire Department received \$1,000, Wildcat Lake received \$500, Beech Mountain Community Center received \$1,000, Volunteer Avery County received \$1,000, and Friends of Beech Outreach received \$4,000. Mr. Barnes stated that the Friends of Beech Outreach is a new organization that has recently made application for their nonprofit status. Mr. Barnes stated that the Beech Mountain Metric Committee was going to use the money to assist a Town Employee who had suffered a terrible tragedy.
- b. *Water Plant Project Update*** – Benjamin Thomas, P.E. West Consultants presented a power point presentation to Council and provided a status update on the Water Plant Project. Mr. Thomas stated that it is his understanding that the loan is approved pending the engineer and Town contract. 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 plans/specs prior to allowing bidding. A revised engineering report was submitted to the North Carolina Department of Environment and Natural Resources on June 20, 2014 addressing comments received in May. Plans and specifications for the treatment process and site work along with an application for approval, were submitted to the North Carolina Department of Environment and Natural Resources Public Water Supply Section on June 20, 2014. Other aspects of the plans, such as electrical and plumbing, are now underway while the North Carolina Department of Environment and Natural Resources is reviewing the treatment process. The buildings exterior appearance now needs to be finalized in order to finish the structural design. Mr. Thomas demonstrated what a hip type roof would look like, a hip type roof with a cupola on top, and a two pitch roof that was similar to the existing building. Manager Feierabend informed Council that one of the angles that was shown was from the viewpoint of the walking path at Buckeye Recreation Center and the second viewpoint was from the porch. Vice Mayor Piquet stated that he was in favor of the hip roof but no cupola nor a point. Councilman Holcombe thought that because of the existing building the two pitch roof fit in better. Mayor Owen was in favor with the two pitch roof as well. Mr. Thomas stated that the engineers needed a decision on the shape so that they can move forward. Councilman Miller wanted the roof to be green so the buildings would match. Councilwoman Keller was concerned with the sides. Mayor Owen stated that Mr. Thomas could let Council

know when they need the exterior decision needed to be made. Mr. Thomas stated that he is recommending that the exterior material that is used be metal panels. Something smooth could be done with breaks. Mr. Thomas stated that the lower half of the building will be concrete. Mayor Owen stated that he is hearing now that Council wants the two buildings to look the same. Public Utilities Director Robert Heaton stated that he was not in favor of stucco on the buildings due to moisture issues. Building Inspector John Merritt stated that if stucco is not done correctly then it can be a disaster but, that if prepared properly, and applied correctly, including exterior expansion joints, it will be a good material and to not to rule it out. Lee O'Neil of 220 Birchwood Lane stated that a lot of Town's are having historical murals created to make buildings a point of attraction. Mayor Owen asked if Council was okay if Mr. Thomas proceeding with putting the project out to bid with a stucco and metal exterior finish with the potential of a change order. Mr. Thomas stated that this did not need to be decided tonight and was not in favor of change orders. Councilwoman Keller felt that it all needed to be homogenous. Councilman Miller stated that he has not had any issues with the stucco but that he did not like a sand finish. Councilwoman Keller discussed the option of hardy plank to tie it into Buckeye Recreation Center. Mayor Owen felt the price would be astronomical. Vice Mayor Piquet did not want to spend a fortune but did want the building to look good. Mr. Merritt stated the key would be to see what panel designs are available to see if any are acceptable. There are a large variety of metal panels available. Mr. Thomas pointed out, from a construction standpoint, the big issue was that if the Town chose to do the hardy plank then there is an assembly process that requires a lot of different materials that have to go up. On an industrial building like this there is a distinct financial advantage to going with prefabricated materials as the exterior skin. Mr. Thomas stated that he did not have to have this information today but does need to know the shape and the panel versus lap siding to complete his work. Mayor Owen advised Mr. Thomas to move forward with the panel and the stucco and to get back to Council next month. Mr. Thomas stated that they will proceed with concrete walls, stucco, metal panels and a simple roof. In the meantime better renderings of the options will be made available.

- c. ***Proclamation Honoring Korean Era Armed Services Veterans*** – Mayor Owen stated that the Proclamation before Council Honors Korean Era Service Veterans. The Town is holding an event at 3:00 p.m. on July 12, 2014 at Buckeye Recreation Center to honor these veterans. Vice Mayor Piquet read the proclamation into the minutes. Councilman Holcombe stated that over 30 individuals were going to be recognized and asked that if anyone knew of anyone that was not on the list to let him know. Council instructed staff to move forward with the proclamations. Parks and Recreation Director Sandy Carr stated that this event is being put on by great volunteers.
- d. ***Personnel Policy Clerical Amendments*** – Mayor Owen stated that the requested Personnel Policy amendments are clerical in nature and that in addition to staffs request Attorney Eggers had an additional recommendation as well. Attorney Eggers stated that this additional change would allow the employee to make a complaint to someone other than the supervisor if the supervisor is the one causing the harassing

situation. Vice Mayor Piquet motioned to approve the staff amendments to the Personnel Policy. Councilman Holcombe seconded the motion and the vote passed unanimously.

- e. *North Carolina Department of Transportation Guardrail Request*** – Mayor Owen stated that this is an update from the conversation that was had under public comment during last month's meeting. Mayor Owen stated that they have contacted the North Carolina Department of Transportation requesting that guardrails be put in on Beech Mountain Parkway. The Town has been informed that this work is contracted out and that they are looking at the situation and to see whether they have the money. Manager Feierabend stated that they do believe that they have found some funding and that they will be putting a guardrail here as well in other locations on the Beech Mountain Parkway.
- f. *Proposed Police Department Study*** – Mayor Owen stated before Council was a draft request for proposals as well as information from a number of companies that staff has contacted that are capable of performing the study. Mayor Owen asked if Council was interested in following through with this request for proposal. Manager Feierabend stated that there are 4 firms that have been identified that are private firms and not government based firms. Manager Feierabend stated that there is one from North Carolina and that others are from out of state. Mayor Owen stated that this proposed study was not because Council questions the viability of the Police Department but it is to get answers to the questions on the captains position, for example, and a Town Safety Department. Jerri Layne of 118 Poplar Drive asked if they were familiar with resort areas and the different seasons that the Town experiences. Mayor Owen stated that this would be a large criteria component. Vice Mayor Piquet stated that he felt it was important to have a company that has a background in safety and policing. ICMA seemed to have the largest strength in this area. Councilman Miller asked who did the Fire Departments study. Fire Chief Robert Pudney stated that Springsted did the study in 2008 for the Fire Department. Councilwoman Keller stated that she would have probably chosen ICMA last since they were out of Washington D.C. Councilwoman Keller stated that the Mercer group was interesting and that she was interested in seeing if the budget can be made a little more reasonable where the Police Department is concerned, along with the efficiency of the department. Councilwoman Keller questioned why Watauga County or Avery County could not provide some officers to assist with servicing the Town since the Town pays a lot of money to each County. Mayor Owen asked if there is any reason to not send out for the request for proposals. Manager Feierabend stated that he would include in the criteria for the request for proposal their dealings with resort communities. Councilman Miller stated that he was not interested in spending \$20,000 or more on this study. Manager Feierabend stated that the request for proposal criteria could also require that the companies provide a price range for the cost of the service. Mayor Owen recommended that the study not include a salary study because this would be singling one department out. Vice Mayor Piquet stated that he thought the study should cover everything including the salary study. Mayor Owen stated that the MAPS Group did an extensive salary study for the Town. Vice Mayor Piquet stated that this study was done 5 to 6 years ago. Mayor Owen stated

that the pay of the staff does not have anything to do with the efficiency of the department. Vice Mayor Piquet did not see the sense in eliminating one aspect of the study. Mayor Owen asked how the rest of the Council felt. Mayor Owen polled the Council and it was determined that the salary component would not be looked into for this one department study. Mayor Owen stated that if whoever was selected to do the study stated that the study could not be performed without the salary component then the Town would include the salary portion of the study.

- g. *Resolution to Create a Municipal Fire Department*** – Mayor Owen stated that the Town had discussed during the budget process creating a Municipal Fire Department. Councilman Holcombe motioned to approve the Resolution to Create a Municipal Fire Department. Councilman Miller seconded the motion. Mayor Owen asked if the Board of Directors for the Fire Department and Volunteer Fire Department were on board with this move. Fire Chief Robert Pudney stated that there is one hundred percent approval and that the directors have voted on the matter. Mayor Owen called the question and the vote passed unanimously. Resolution No. 2014-05 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes. Fire Chief Pudney stated that the response model does not change and that this is a behind the scenes movement carrying the Town forward. Councilwoman Keller asked if the nonprofit status would remain the same. Fire Chief Pudney stated that this was the case with the exception that the money would now be going through the Town.
- h. *Water Plant Contract for Engineering Services with West Consultants*** – Mayor Owen stated that the Town has one contract in place but some decisions have been made at the federal level that has necessitated some changes. Mayor Owen asked that Council approve the contract that Attorney Eggers reviews and approves. Councilman Holcombe motioned to approve the Water Plant Contract for Engineering Services. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Attorney Eggers stated that essentially the old contract that was formulated will be put into the new format that the United States Department of Agriculture is requiring. Hopefully then United States Department of Agriculture will agree with the proposed changes, sign off on the contract, and move forward with funding. Mr. Thomas stated that he was satisfied with Attorney Eggers proposal.

### **VIII. *Old Business***

- a. *Wildlife on Beech Mountain*** – Town Planner James Scott stated that the first effort that had been made to deal with some of the wildlife issues that the Town has was to see what we can do ourselves. A policy had been enacted so that at the end of each day, Monday thru Friday, all of the dumpsters are unloaded into the back of the garbage trucks. Mr. Scott reported that there has still been some instances of wildlife gaining access over the weekends and that sometimes individuals drop off trash after hours during the week. Mr. Scott presented information from a representative of Public Services which illustrated the type of wall that could be used around the Recycling Center as a stronger wildlife deterrent. Mr. Scott stated that this would resolve the potential bear issues at the Recycling Center during off times. Mr. Scott stated that Council had before them information on Ultra Sonic Deer Repellent and

that this was brought to staffs attention by a member of the community. Staff would like to ask Councils approval to put a few of these Ultra Sonic Deer Repellents up to test their effectiveness. Mr. Scott stated that this may be a viable solution for the issue between deer and humans on Beech Mountain. Manager Feierabend stated that this particular unit costs approximately \$20 and that there is another unit that has a motion detector light that costs \$30. Mr. Scott stated that these units can be purchased online and that they work with a high frequency pitch that is not audible to humans, but is audible to deer. Mr. Scott stated that they also work with motion detectors. The units are advertised to reach an area of 5,000 square feet. The community member who has these units has 6 in a 10,000 square foot area. Councilman Miller asked if they had something like this for bears. Mr. Scott stated that he could look into this. Vice Mayor Piquet asked if these were solar powered. Mr. Scott stated that they have solar powered, battery or plug in units. Council directed staff to do some tests with the units. Brian Barnes, of 233 Birchwood Lane, stated that the idea has been brought up for neighborhood collection centers to encourage out of town individuals to properly dispose of garbage. Mayor Owen asked that staff look into these options as well and to bring Council a total solution. Lee O'Neil of 220 Birchwood Lane suggested that homeowners that rent could be required to put bear proof trash cans in. Mayor Owen stated that this could be very costly. Councilwoman Keller asked how tall these compactors were. Mr. Scott stated that the representative recommended a 30 yard to a 40 yard compactor. Public Utilities Director Riley Hatch stated that the opening for the compactor is about 4' off the ground. Mr. Hatch stated that Echota and portions of Appalachian State University use these compactors. Councilman Miller asked about cost. Mr. Scott stated that the 35 yard compactor costs \$23,000 and the 40 yard compactor costs \$34,000.

#### ***IX. Town Manager, Staff Reports and Council Concerns***

***Habitat for Humanity Golf Tournament*** – Manager Feierabend stated that Habitat for Humanity made a request that the Town donate \$200. Vice Mayor Piquet motioned to approve the donation to Habitat for Humanity. Councilman Holcombe seconded the motion and the vote passed unanimously. Councilwoman Keller requested that Habitat for Humanity not put a sign up for the Town so they would not incur this additional cost.

***Fireworks*** – Manager Feierabend stated that Fire Chief Robert Pudney and he have met. Staff is asking Councils permission to go ahead and get a quote for fireworks for the upcoming fiscal year. Staff believes that the quote can be locked in for 90 days. Manager Feierabend stated that the 4<sup>th</sup> of July is going to fall on a Saturday. Manager Feierabend stated that staff is trying to find establish what the lowest cost for fireworks will be.

***Beech Mountaineer Newsletter*** – Manager Feierabend asked how Council felt about including Council Member telephone numbers in the quarterly Beech Mountaineer Newsletter. Council conceded.

***High Country Council of Government Annual Banquet*** – Manager Feierabend informed Council that the High County Council of Government would hold its annual dinner banquet on Friday, August 29, 2014 at 6:00 p.m. at Linville Ridge. The deadline for reserving was Friday, August 8, 2014.

***Director of Tourism and Economic Development Update*** – Manager Feierabend stated that the Town has about fifteen applications right now. The deadline for applications to be submitted is this Friday.

***Noise Ordinance Update and Issues from July 4<sup>th</sup>*** – Manager Feierabend stated that there were some problems with noise over the weekend. The Town Ordinance says that noise is to stop at 10:00 p.m. Manager Feierabend stated that staff is going to visit with different merchants to discuss this ordinance with them and that the Town will be working on modifying the Town Ordinance. Manager Feierabend stated that until this happens fines will be issued to businesses that are not in compliance. Manager Feierabend stated that in the proposed amendment the Town may want to consider making an exception for holidays.

***Billboard at Town Entrance*** – Brian Barnes, Chairperson of the Tourism Development Authority stated they have communicated with Attorney Eggers about the billboard at the Town entrance and the possibility of the Tourism Development Authority taking over and utilizing this billboard. Manager Feierabend stated that there appears to be a verbal willingness from the owner of the billboard. Mr. Barnes stated that the verbal agreement will allow the Tourism Development Authority to put up different seasonal wraps while maintaining Holland Realty's name on the billboard. Councilman Miller asked about the backside. Mr. Barnes stated that the goal is to do something on the back of the board as well. Council thought it was a great idea. Councilwoman Keller requested that the billboard be made smaller.

***Parkway Overlook*** – Councilman Miller asked about the Parkway Overlook. Manager Feierabend said that the Town has a written agreement with Mr. Keilbania in place and is moving forward with putting in drainage. The Planning Department has \$4,000 for beautification in their budget for this project. Councilman Miller asked about the kiosk. Brian Barnes, Chairperson of the Tourism Development Authority stated that the Tourism Development Authority rolled over all of their unspent capital funds into this year's budget. Councilman Miller stated that then the Town can start looking at kiosks. Mr. Barnes stated absolutely.

Mayor Owen stated that Council would take a short break at 5:44 p.m.

- X. ***Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143-318.11(a)(6)*** – Upon motion by Councilman Miller at 5:53 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; and NC GS 143-318.11(a)(6). Vice Mayor Piquet motioned to exit closed session at 6:08 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

***XI. Other Business***

***Budget Amendment for 401k*** – Vice Mayor Piquet motioned to approve the budget amendment in the amount of \$2,325. Councilman Miller seconded the motion and the motion passed unanimously.

***XII. Adjourn*** – Vice Mayor Piquet motioned to adjourn the meeting at 6:10 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned 6:10 p.m.

Minutes approved by Town Council on August 12, 2014.

---

Richard H. Owen, Mayor

ATTEST:

---

Jennifer Broderick, CMC  
Town Clerk



**ATTACHMENT(S)**  
**TO**  
**MINUTES**

**EXHIBIT A** – Resolution No. 2014-05: A Resolution by the Town of Beech Mountain to Create a Municipal Fire Department Pursuant to N.C. Gen. Stat §160A-291

**RESOLUTION No. 2014-05**

**A RESOLUTION BY THE TOWN OF BEECH MOUNTAIN TO CREATE A  
MUNICIPAL FIRE DEPARTMENT PURSUANT TO N.C. GEN. STAT. §160A-291**

**WHEREAS**, the Town of Beech Mountain is a municipal corporation and body politic of the State of North Carolina, which is empowered pursuant to N.C. Gen. Stat. §160A-291 to provide for fire protection within its corporate boundaries; and

**WHEREAS**, the Town of Beech Mountain has previously contracted with The Beech Mountain Volunteer Fire Department, Inc. for the provision of fire protection services within the Town of Beech Mountain; and

**WHEREAS**, the Town of Beech Mountain has recently employed a full-time fire chief, to assist the town and the surrounding community with improving fire protection services; and

**WHEREAS**, the Town of Beech Mountain intends to continue to contract with the Beech Mountain Volunteer Fire Department, Inc. for the provision of manpower and volunteers to assist in fire protection for our community; and

**WHEREAS**, the Town of Beech Mountain expresses its appreciate and gratitude to The Beech Mountain Volunteer Fire Department, Inc., and looks forward to continuing a close and mutually beneficial relationship; and

**WHEREAS**, the Town of Beech Mountain and the Beech Mountain Volunteer Fire Department, Inc. are of the opinion that this transition to a municipal fire department will improve the quality of services to the citizens of Beech Mountain and maintain the high standards for service which presently exist in the Beech Mountain fire district.

**NOW, THEREFORE** the Town Council of the Town of Beech Mountain, North Carolina, hereby resolves as follows:

1. The Town of Beech Mountain will maintain a fire chief; employ other firemen or contract with the Beech Mountain Volunteer Fire Department, Inc. as appropriate; establish, organize, equip and maintain a fire department; and prescribe the duties of the fire department as the Town Council may deem appropriate.
2. The Town of Beech Mountain may contract with Watauga County and/or Avery County for the provision of services outside city limits as provided for by N.C. Gen. Stat. §160A-293.

Adopted this the 8<sup>th</sup> day of July, 2014.

---

Richard H. Owen, Mayor

Attest:

---

Jennifer Broderick, Clerk