

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – September 9, 2014**

***I. CALL TO ORDER***

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:02 p.m., Tuesday September 9, 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, Finance Officer Nancy Johnson, Town Planner James Scott, Public Works Director Riley Hatch, Public Utilities Director Robert Heaton, Fire Chief Robert Pudney, Parks and Recreation Director Sandy Carr, and Director of Tourism and Economic Development Leigh Ann Moody.

***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. August 12, 2014 Regular Meeting*** – Vice Mayor Piquet motioned to approve the August 12, 2014 Regular Meeting Minutes as amended. Councilman Holcombe seconded the motion and the vote passed unanimously.

***b. August 12, 2014 Closed Session*** – Vice Mayor Piquet motioned to approve the August 12, 2014 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

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

***VII. New Business***

***a. Water Plant Project Update*** – Benjamin Thomas, P.E. West Consultants stated that Council had a status report before them. Mr. Thomas stated that plans and specifications for the treatment process and site work, and an application for approval, were submitted to the North Carolina Department of Environment and Natural Resource Public Water Supply Section on June 20, 2014. The Raleigh and Winston-Salem offices have provided verbal comments and seem to have indicated that they will approve the project after the final plans have been submitted – including electrical and structural. Collection of water was taken to ensure that the best purification system was being put in. There have been discussions of building materials. Mr. Thomas stated that samples had been brought in of the different types of surfaces for Council to look at as well as a color chart. Mr. Thomas illustrated the thickness of the panels and the textured finish of the samples. Mr. Thomas stated that he had spoken with the United States Department of Agriculture and that based upon that conversation is anticipating that the project will be ready to go out to bid

December 2014. Mr. Thomas stated that there has been a change in the size of the building and that the building has been widened by 4' (feet). Remaining parts of the plans, such as electrical, heating, structural, and plumbing are underway and should be completed in October. They will then be submitted to the North Carolina Department of Environment and Resource and the United States Department of Agriculture. Mr. Thomas stated that the building exterior shape and appearance was determined by the Town Council at their August meeting. Mayor Owen asked if there was a possibility of running half of the building off the old generator and then dedicating a new generator for the other portion of the building. Mr. Thomas concurred. Mr. Thomas explained the wall and room samples in more detail per Mayor Owen's request. Mayor Owen asked about wood and a horizontal look. Mr. Thomas stated that the panels will be approximately 10' (feet) across with 4' (feet) seams. Councilwoman Keller asked if the panels could be turned sideways. Mr. Thomas stated that he did not believe that the panels could be put together like that. Councilman Miller asked about the additional cost for the additional 4' (feet) widening of the building. Mr. Thomas did not have the exact figure in front of him.

- b. *Solid Waste Franchise Ordinance*** – Mayor Owen stated that this was discussion spawned by the request from Holiday Beech Villas to use a private company for garbage collection. Attorney Eggers stated that in order for a private company to collect garbage in the Town Council would need to approve a nonexclusive franchise ordinance. The Solid Waste Franchise Ordinance before Council provides for a term of 1 year. Attorney Eggers advised that if Council wished to approve the Solid Waste Franchise Ordinance it would need to be voted on and approved at 2 consecutive Council meetings. Mayor Owen asked if this was available to everyone or just on a case by case bases. Mayor Owen asked about the wording “shall” in number 7 of the Solid Waste Franchise Ordinance. Attorney Eggers stated that ultimately it is up to the Town's Public Works Director to make the final determination with the property owner; who in turn has the right to appeal this decision to the Council. Manager Feierabend stated that under number 1 of the Solid Waste Franchise Ordinance it alludes to the fact that this must be a container that the Town deems bear resistant. Mayor Owen wondered how many customers the Town would lose and whether this would be a bad financial decision. Vice Mayor Piquet stated that in this particular case the Town is looking at Holiday Beech Villas. Attorney Eggers stated that number 2 of the Solid Waste Franchise Ordinance states that it is nonexclusive and must be approved by the Town of Beech Mountain. Councilwoman Keller asked about number 5 of the Solid Waste Franchise Ordinance concerning the repair and replace period. Attorney Eggers stated that this language is from the Institute of Government and is a sample draft that could be changed. Councilwoman Keller asked if Republic Services has reviewed this draft. Staff stated no. Attorney Eggers advised Council that staff may want to check with Republic Services prior to looking to take action due to the fact that the exact same wording had to be approved each time. Councilman Miller liked the shorter timeframe. Vice Mayor Piquet stated that Republic Services needed to take a look at the Solid Waste Franchise Ordinance. Mayor Owen recommended that Council take a vote on this now, with staff checking with Republic Services for feedback, to assist with not delaying the process. Vice Mayor Piquet motioned to approve the Solid Waste Franchise Ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously.

c. ***Tourism Development Authority Capital Committee Results*** – Mayor Owen opened the floor up to Carl Marquardt, of the Tourism Development Authority Board. Mr. Marquardt stated that last month 2 members of the Tourism Development Authority Board and 2 Council Members met as the Tourism Development Authority Capital Committee to make decisions on the capital projects for the year for the Tourism Development Authority. Mr. Marquardt stated Council had before them the recommendations of the Tourism Development Authority. Mayor Owen asked about the 2 pages with different numbers. Mr. Marquardt stated that 3 changes had been made. \$500 had been removed from the Facebook Sign Project and \$2,550 had been included for Visitor Center Improvements. The Visitor Center Improvements would hopefully correct the issues that had been occurring with the toilets. \$20,000 was being put aside for a proposed Buckeye Creek Paving Project with the Tourism Development Authority Board willing to make a ten year commitment to the Town to pave Buckeye Creek Road. Vice Mayor Piquet stated that he was not in favor of putting \$20,000 towards the Buckeye Creek Road Paving Project and did not like the idea of putting this money away for later. Mr. Marquardt stated that the Tourism Development Authority Board is hoping that with these funds the ball will get rolling on this project. Vice Mayor Piquet stated that this is a big chunk of money. Mr. Marquardt stated that this is for building the mountain and that the Tourism Development Authority Board would like the Town to handle this project earlier on rather than later on. Mayor Owen stated that theoretically, if the Town approves this proposal, the money is still not going to be spent. Mayor Owen stated that \$20,000 is a great conversation starter. Mr. Marquardt stated that the \$20,000 is 1/3 of the 1/3 and is this much due to the importance of the project. Mayor Owen stated that the differences are not huge, but did note the items that did not make it to the Tourism Development Authority's final list after the Tourism Development Authority Capital Committee met. Those were the portable stage, canoes, and golf cart. Mr. Marquardt stated that in the future the Tourism Development Authority Board would like to see more finalized recommendations that are in line with the budgeting projects the Town has going on. In the future the Tourism Development Authority Board would like to bridge the gap. Mayor Owen asked if there was any contention with the items that are now not showing and items that are now there. Councilwoman Keller stated that she is with the Tourism Development Board on the importance of moving forward with paving Buckeye Creek Road and had hoped that the Town could strike up a deal with Eagles Nest. Councilwoman Keller questioned the \$7,500 billboard costs. Mr. Marquardt stated that it was accurate. Councilwoman Keller asked about the ice skate rink. Mr. Marquardt stated that these advertisements would be layered under the ice. Councilman Holcombe stated that he was okay with the requests. Mr. Marquardt stated that the Tourism Development Authority Board is hoping to have a larger unreserved balance at the end of the year to put toward future projects. Councilman Miller asked about the computer upgrades. Mr. Marquardt stated that the upgrades were long overdue. Mayor Owen asked about how Council felt about the \$20,000. Vice Mayor Piquet stated that he wanted to use the money for something now. Vice Mayor Piquet stated that when the Town decides to pave Buckeye Creek Road then it will move forward. Mr. Marquardt stated that putting this money aside is bringing this item to the table and that if Council did not support it to, at a minimum, keep it as unreserved so that the Tourism Development Authority Board can tackle larger projects next year. Councilman Miller stated that if it stays as the \$20,000 towards this project then it will not be spent on anything else this year. Mayor Owen asked if the list is finalized or if the Tourism Development Authority Board can determine to change it later if they wanted to. Mayor

Owen asked if there was a motion. Councilman Miller motioned to pass the Tourism Development Capital Fund Proposal as presented. Councilman Holcombe seconded the motion and the vote passed unanimously.

- d. Announcement of New Director of Tourism and Economic Development* – Manager Feierabend introduced Leigh Ann Moody, the successful candidate from the application process, as the new Director of Tourism and Economic Development. Mrs. Moody stated that things are going great.

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

- a. North Carolina Department of Transportation Guardrail Request* – Manager Feierabend stated that he had asked Public Works Director Riley Hatch to follow-up with North Carolina Department of Transportation Avery County Maintenance Engineer Jerry Combs. Mr. Hatch stated that he made two phone calls to Mr. Combs and has not heard back. Manager Feierabend stated that hopefully this project will start soon. Manager Feierabend stated that when he had met with Mr. Combs, Mr. Combs had indicated that there were several areas where guardrails could be put in but had not indicated that there would be any guardrail replacement. Councilwoman Keller asked about the luminescent paint for the lines on the road. Manager Feierabend stated that he would follow-up. Councilman Miller asked about the side of the roads on the front side of the Beech Mountain Parkway and cutting back the growth. Mr. Hatch stated that the contractors for the North Carolina Department of Transportation came up here with a mower about 3 weeks ago. Councilman Miller stated that in the past it seemed like prisoners had been up here cutting the side of the road. Mr. Hatch stated that the State has contracted out all of its' mowing. Vice Mayor Piquet asked about the color of the guardrails and if the Town could have the new guardrails in brown versus the aluminum color. Councilwoman Keller stated that if the Town could get a scenic highway designation then they could choose the color of the guardrails.

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

*North Carolina League of Municipalities Annual Conference* – Manager Feierabend stated that the North Carolina League of Municipalities Annual Conference is scheduled to be held Saturday, October 11, 2014 thru Tuesday, October 14, 2014 at the Sheraton in Greensboro located at 3121 High Point Road, Greensboro, North Carolina 27407. Council Members that wish to attend the meeting are being asked to let Town Clerk Jennifer Broderick know no later than the close of business this Thursday, September 11, 2014. Manager Feierabend reminded Council that they had a meeting on Tuesday, October 14, 2014.

*4<sup>th</sup> of July 2015* – Manager Feierabend stated that there will be 5 off years between when the 4<sup>th</sup> of July will fall on a Saturday.

*Codification* – Manager Feierabend stated that Town Clerk Jennifer Broderick is working with American Legal on the 2014 S-9 supplement.

*Perry Park* – Manager Feierabend stated that Deanna Wilson would like to place a bike rack at Perry Park in her husband's honor. Manager Feierabend directed Council to look at

handouts which depicted the type of bike rack. Manager Feierabend asked for Councils approval.

**Tax Bills** – Manager Feierabend stated that tax bills will be going out next week.

**Condemnation Properties, Pre-Condemnation Properties, and Repair Properties Report** – Manager Feierabend stated that Council had Building Inspector John Merritt's up-to-date Condemnation Properties, Pre-Condemnation Properties, and Repair Properties report in front of them. This information is being presented to Council every other month.

**Fire District Line** – Manager Feierabend informed Council that a couple of weeks ago the Town had an issue with the fire district line being wrong in Avery County's computer. Manager Feierabend informed Council that he had sent a nice letter to the Avery County Dispatch Director to address this issue. Manager Feierabend stated that if he does not hear back from the County Dispatch Director then he will be sending another letter. Manager Feierabend stated that he wants the right people dispatched.

**Letter of Conditions** – Manager Feierabend stated that Council has before them the Letter of Conditions from the United States Department of Agriculture for the Water Plant Project.

**Emerald Outback** – Manager Feierabend stated that Town Planner James Scott has prepared a report, which was in front of Council, depicting the work that had been completed on the Emerald Outback Project.

**Home on Divot Drive** – Councilman Miller suggested that Building Inspector John Merritt take a look at the condition of a home that was at the end of Divot Drive Road. Mr. Merritt stated that he appreciated Councilman Miller bringing this to house to his attention and that he would follow-up.

Mayor Owen stated that Council would take a short break at 4:57 p.m.

- X. **Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143-318.11(a)(6) Personnel Matters** – Upon motion by Councilwoman Keller at 5:12 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)(6) for Personnel Matters. Vice Mayor Piquet motioned to exit closed session at 6:03 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XI. **Other Business**

**Perry Park** – Councilman Miller asked for clarification about the bicycling rack request that had been made for Perry Park. Council confirmed that they were fine with Deanna Wilson placing a bicycle rack there in honor of her deceased husband.

**Wildlife Letter** – Councilman Miller asked about the letter about wildlife that Council had received and what the Town's next steps were in dealing with the wildlife issue. Specifically Councilman Miller asked if there was going to be a deer hunt or not. Councilwoman Keller recommended updating the wildlife assessment; stating that Manager Feierabend had stated

that the wildlife assessment had been completed over 3 years ago. Councilman Miller agreed that this was a good idea. Mayor Owen reminded Council that discussions like this were to take place in the '*Town Manager, Staff Reports, and Council Concerns*' portion of the agenda. Council directed staff to do the free wildlife study.

***Grade Classification Study*** – Vice Mayor Piquet stated that through determining the appropriate grade classification for the new Director of Tourism and Economic Development Becky Veazey, of The MAPS Group, informed the Town that the Town is falling behind on their salary study. Vice Mayor Piquet made a motion to do another study similar to the one that was done approximately 5 years ago. Councilman Holcombe seconded. Mayor Owen asked if Vice Mayor Piquet would amend the motion to get estimates on the cost of the study. Mayor Owen stated that the when the Town had the study completed the Town's Personnel Policy had also been reviewed. Mayor Owen stated that it would be a good idea to find out what needed to be reviewed after 5 years. Manager Feierabend stated that the Town can send a request for proposals. Councilwoman Keller stated that The MAPS Group would suggest a new pay study because they do studies. Councilwoman Keller stated that she would not be opposed to getting an estimate. Mayor Owen rephrased Vice Mayor Piquet's motion to have the The MAPS Group advise the Town on what kind of study needs to be completed and the cost of such a study. Councilman Holcombe withdrew his motion. Vice Mayor Piquet amended his motion to request The MAPS Group to advise the Town on what kind of study needs to be completed and the cost of such a study. Councilman Holcombe seconded the motion and the vote passed unanimously.

- XII. Adjourn*** – Vice Mayor Piquet motioned to adjourn the meeting at 6:13 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned 6:13 p.m.

Minutes approved by Town Council on October 14, 2014.

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Richard H. Owen, Mayor

ATTEST:

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Jennifer Broderick, CMC  
Town Clerk