

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – December 8, 2015

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:03 p.m., Tuesday, December 8, 2015 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Alan Holcombe, Cindy Keller, and E. 'Rick' Miller. Town Attorney Stacy C. Eggers, IV. was present. Staff members present included Town Manager Ed Evans; Town Clerk Jennifer Broderick, Finance Officer Steve Smith, Tax Collections Administrator Rebecca Ward, Town Planner James Scott, Public Works Director Riley Hatch, Public Utilities Director Robert Heaton, Fire Chief Robert Pudney, Police Chief Shawn Freeman, Director of Tourism and Economic Development Kate Gavenus, and Parks and Recreation Director Sean Royall.

II. Invocation – Dewey 'Cyclone' Brett presented the invocation.

III. Pledge of Allegiance – All present joined in the Pledge of Allegiance to the flag.

IV. Approval of Minutes

a. November 10, 2015 – Regular Meeting – Councilman Holcombe motioned to approve the November 10, 2015 regular meeting minutes. Councilwoman Keller seconded the motion and the vote passed unanimously.

b. November 10, 2015 – Closed Session – Vice Mayor Piquet motioned to approve the November 10, 2015 closed session meeting minutes. Councilman Miller seconded the motion and the vote passed unanimously.

V. Recognition of Service to the Council – Mayor Owen stated that Council Members Cindy Keller and Alan Holcombe will be stepping down from their positions with the Town Council and that Council would like to take this time to recognize each of them for their numerous years of service. The Council and community have appreciated all you have done for the Town. Cindy Keller is stepping down from Town Council having served six cumulative years. Alan Holcombe will be stepping down from the Town Council having served twelve cumulative years. Mayor Owen presented a plaque to each of them that recognized their years of service to the Town.

VI. Swearing in Newly Elected Officials – Town Clerk Jennifer Broderick swore in the Town's 2015 newly elected Council Members; Renee Castiglione, Rick Owen, and Wendel Sauer. There was a round of applause after their oaths were administered.

VII. Selection of the Mayor – Attorney Eggers stated that the selection of the Mayor and Vice Mayor would be done through Council nomination. A nominee would have to receive a

second before their name would be put to the full vote of the Council. After all nominations had been made a ballot would be filled out by each Council Member with their vote. Written ballots are not secretive ballots. The ballots were to have the name of the Council Member casting the vote along with the name of who they were voting for. The floor was opened for nominations. Councilman Sauer nominated Renee Castiglione for Mayor. Councilwoman Castiglione seconded the nomination. Councilman Owen nominated E. 'Rick' Miller for Mayor. Councilman Piquet seconded the nomination. Hearing no more nominations Attorney Eggers requested that Council fill out their ballot by selecting either Councilwoman Castiglione or Councilman Miller for the office of Mayor. The ballots were collected. Attorney Eggers tallied the votes cast and reported the votes as follows: three votes for Councilman Miller, two votes for Councilwoman Castiglione. Councilman Miller was voted by a majority of the board to serve a two year term as Mayor.

VIII. *Selection of the Vice-Mayor* – Attorney Eggers stated that the same method used for nomination of the Mayor would be used for nomination of the Vice Mayor. Councilman Sauer nominated Renee Castiglione for Vice Mayor. Councilwoman Castiglione seconded the nomination. Councilman Owen nominated Paul Piquet for Vice Mayor. Mayor Miller seconded the nomination. Hearing no more nominations Attorney Eggers asked that Council complete their ballots by selecting either Councilwoman Castiglione or Councilman Piquet for the office of Vice Mayor. Attorney Eggers tallied and read aloud the votes. Three votes were received by Councilman Piquet and two votes were received by Councilwoman Castiglione. Councilman Piquet, having received a majority of the votes, would serve a two year term as Vice Mayor. Mayor Miller thanked everyone for the privilege of becoming Mayor. Mayor Miller welcomed new Council members Renee Castiglione and Wendel Sauer.

IX. *Adoption of the Agenda* – Mayor Miller stated that the agenda would stand as amended.

X. *Public Comment*

Frank Steele, of 107 Christie Way, thanked outgoing Council Members and welcomed newly elected Council Members. Mr. Steele stated that after the vote that he just witnessed for Mayor he could not state his full disappointment. Mr. Steele stated that change was difficult but that another opportunity for change would present itself in two years.

Larry Miller, of 235 Lakeledge Road, stated that he hopes that the new Council Members will attend the educational classes that are available. Mr. Miller stated he would like for the Council to represent the individuals in the Town fairly. Mr. Miller stated that the Council had been slow in acting on the Town's utility infrastructure. Mr. Miller stated that he believed the Council's behavior towards Genesis in the Town's ongoing case was unethical.

Nancy Brunzos, of 117 North Pinnacle Ridge Road, stated that the corner of North Pinnacle Road and Beech Mountain Parkway is an area of safety concern for visitors who

use GPS. On occasion GPS systems are sending visitors the wrong way. Mrs. Brunzos asked if the Town could look at this area and come up with a possible solution.

XI. New Business

- a.*** Town Audit – Misty Watson, CPA, PA, presented the Town’s 2014-2015 annual audit to the Town Council. Mrs. Watson stated that everything went smoothly with the audit process. Mrs. Watson stated that the audit process included implementation of Governmental Accounting Standards Board Statement No. 68. The Town’s ad valorem collection rate was 97.88 percent which was above last years’ rate of 97.81 percent. The vehicle tax collection rate was 100 percent. The Town’s total outstanding debt principle decreased by 14.93 percent. Some of the larger new assets the Town acquired included a new garbage truck, E-911 remodel, and Recreation Trail expansion. Mrs. Watson reported that no interior weaknesses were found for the internal controls for staff. Mrs. Watson would be available for follow up questions from Council.
- b.*** ***Water Plant Project Update*** – Dale Schepers, Construction Administrator West Consultants provided a contract summary update stating that December 8th is day one hundred and sixth day of five hundred and ten contract days. Work has been completed through the second pay request with work progress on schedule and quality of work acceptable. A third pay request has been submitted in the amount of \$187,407.46 and is currently under review by the engineer. Work completed to date includes site excavation in preparation of building foundation, installation of underground piping systems and installation of underground electrical systems. Foundation excavation is approximately eighty-five percent complete. Underground piping is approximately eighty-five percent complete. Underground electric is approximately twenty percent complete. Engineer continues to review and approve various materials and equipment submittals for the project. The next monthly construction progress meeting is scheduled for December 10, 10:30 a.m. at the Town’s Buckeye Recreation Center.
- c.*** ***Request to Apply for No Match Technology Grant through Governor’s Crime Commission*** – Police Chief Shawn Freeman stated that this grant has changed from a no match grant to a 75/25 grant. Police Chief Freeman stated that he is also looking for an appropriate storage area to maintain a proper chain of custody. The Police Department is starting to have issues with the State Bureau of Investigation and Federal Bureau of Investigation with the antiquity of the computers currently being used. The department would like to move forward with having the ability to scan information to attach it to appropriate files in the computer. This grant opportunity closes out January 31, 2016. Councilman Sauer asked about retention periods. Police Chief Freeman stated that there is a State retention schedule that the Town adheres to. Police Chief Freeman stated that he has found that it is better to go above the bare minimum of the State retention schedule standard in cases where convictions can be appealed. Attorney Eggers stated that in this case the State retention schedule retention periods were determined by the type of crime. Vice Mayor Piquet motioned

to approve staff applying for the 75/25 grant through the Governor's Crime Commission. Councilwoman Castiglione seconded the motion. Councilman Owen asked what the estimated total cost would be. Police Chief Freeman stated that initial estimates are \$15,000 for the whole project. Councilman Sauer asked if this would impact the current year's budget. Police Chief Freeman stated that this would not have to be budgeted for until the upcoming budget year. Mayor Miller called for Council's vote; the vote passed unanimously.

- d. Request to Apply for 2016 Governor's Crime Commission Block Grant** – Police Chief Shawn Freeman stated that this grant is a no match grant. Councilwoman Castiglione asked if the Police Department had the required internal policies in place to apply for the grant. Police Chief Freeman stated that the department is finalizing the development of the policy right now. Councilwoman Castiglione asked how many cameras the Town has received. Police Chief stated that the Town has received five and will receive five more. Vice Mayor Piquet motioned to approve staff applying for the grant. Councilman Sauer seconded the vote. Mayor Miller called the vote; the vote passed unanimously.
- e. Fireman's Relief Board** – Fire Chief Bob Pudney stated that the North Carolina General Assembly enacted a law effective July 1, 2015 concerning the establishment of the Fireman's Relief Board. The law now requires an annual election and appointments for the five member Relief Board, two members are elected by the Fire Department Volunteers, two members are appointed by the Town Council and one member is appointed by the State Fire Marshall. The Fireman's Relief Board has existed here in Beech Mountain for well over twenty years, in the past, members of the Board were elected by the Fire Department and appointments were made by the Watauga County Commissioners as well as the Fire Marshal's Office. The Volunteer Fire Department has recently amended its By-Laws to provide for an election of two members to the Relief Board in January of each year. Fire Chief Pudney stated that he was now requesting the Town Council to appoint two members to the Relief Board by January 2016. One appointment will be for a two year term and with the other appointment being a one year term. Vice Mayor Piquet motioned to appoint James Brooks to a two year term and Riley Hatch to a one year term for the Fireman's Relief Board. Councilwoman Castiglione seconded the motion. Mayor Miller asked if the two recommended gentlemen wished to be appointed. Attorney Eggers stated that though Wendel Sauer was a member of the Beech Mountain Volunteer Fire Department he was still required to vote on these appointments. Mayor Miller called the vote, the vote passed unanimously.
- f. BB&T Resolution Authorizing Signatories** – Manager Evans stated that staff needed Council to update the signatories for the Town's accounts with BB&T. Manager Evans recommended that Council select Council Members as signatories. Attorney Eggers clarified that the current wording in the BB&T document permitted one individual could make changes. Attorney Eggers stated that the Town could change this to require two signatures. Vice Mayor Piquet motioned to approve Mayor Miller and Vice Mayor Piquet as authorized signatories for the Town's accounts with BB&T

with the additional requirement that authorized action would require two individuals and not one. Councilman Sauer seconded the motion and the vote passed unanimously. Manager Evans addressed check writing authority, asking if Council would like to change the current check writers. Rick Owen, Paul Piquet, Ed Evans, and Steve Smith currently held check writing authority. After discussion amongst Council it was determined that the check writers would remain the same.

- g. *Request Public Hearing for Proposed Special Events Ordinance Amendments*** – Town Planner James Scott stated that this proposed ordinance does not apply to current businesses that by their very nature would have the numbers that would subject them to the need for a permit. After discussing this with the Planning Board, members of the community, and further staff conversations Mr. Scott stated that staff was prepared to ask Council to schedule a public hearing. Vice Mayor Piquet motioned to approve staff scheduling a public hearing for Councils next regularly scheduled meeting in January. Councilwoman Castiglione seconded the motion. Councilman Sauer asked if this was still open for public discussion. Mr. Scott stated that yes, the public could still bring forth their concern. Councilwoman Castiglione stated that local business have held discussions with staff concerning this proposed ordinance. Mayor Miller called the vote to schedule the public hearing, the vote passed unanimously.
- h. *Request for Tax Release*** – Town Manager Evans stated that this tax release is due to a Watauga County reporting error. Vice Mayor Piquet motioned to release the tax amount. Councilman Sauer seconded the motion and the vote passed unanimously.
- i. *Planning Board Appointment*** – Vice Mayor Piquet made the recommendation to hold off on making appointments this evening for all of the boards. Councilwoman Castiglione asked if the nominees could come to the next Council meeting. Manager Evans suggested that Council individually speak with the nominees prior to the next meeting. Mayor Miller asked Cindy Keller about her expiring Tree Committee appointment. Mrs. Keller thanked Mayor Miller for asking but did not wish to be reappointed to the Tree Committee right now. Councilman Sauer stated that the Tourism Development Authority has many nuances to their requirements. Councilwoman Castiglione asked if the qualifications could be revisited. Attorney Egger stated that the enabling legislation passed may permit amendments to some of the local regulations that have been passed. However, the requirements in the enabling legislation that still carry. Brian Barnes, Chairperson for the Tourism Development Authority, stated that an example of one specific requirement for the Tourism Development Authority Board was that three board members must be involved in a business that collects occupancy tax. All of Council conceded to postponing all board appointments to Councils next regularly scheduled meeting.
- j. *Board of Adjustment Appointments*** – Deferred to the next Town Council regularly scheduled meeting.

- k. *Tourism Development Authority Appointments*** – Deferred to the next Town Council regularly scheduled meeting.
- l. *Recreation Committee Appointments*** – Deferred to the next Town Council regularly scheduled meeting.
- m. *Tree Board Appointments*** – Deferred to the next Town Council regularly scheduled meeting.
- n. *Adoption of the Town Council 2016 Meeting Schedule*** – After much discussion Mayor Miller stated that Council will hold its 2016 regular meetings on the second Tuesday of the month at 4:00 p.m. at Town Hall in the Council Chamber Room located at 403 Beech Mountain Parkway Beech Mountain, NC 28604.

XII. Town Manager, Staff Reports, and Council Concerns

Update on North Carolina Appalachian Regional Commission Grant Application – Manager Evans stated that the North Carolina Appalachian Regional Commission has yet to finalize whether the Town is a recipient or not for the grant. Manager Evans stated that in spite of this additional requested information the grant application still looks very positive. Olivia Collier, Program Manager of the Appalachian Regional Commission, was on vacation these past two weeks but should be back at the end of this week. Councilwoman Castiglione questioned how well things were going with the number of questions that the Town had been asked to submit responses. Manager Evans stated that the Governor has sent a letter notifying the Town that they are allocating \$1,200,000 towards this project if the State receives the funding they believe that they will receive.

Recycling Center Security Update – There has also been signage put out for contractors along with the ordinance number to prevent contractors from dumping illegal materials at the Recycling Center. Councilwoman Castiglione asked where the Town was with trying to alleviate the bear problem. Manager Evans stated that staff will be erecting signage at the Recycling Center to encourage users to place their garbage in the dumpsters Monday through Friday in the morning through 2:00 p.m. The 2:00 p.m. time is the time that staff removes all of the refuse from the dumpsters prior to departing work for the day. Councilwoman Castiglione asked if staff is looking for further solutions down the road. Town Planner James Scott stated that there have been alternate solutions to do. Dumping the trash into the trucks has had the most impact on the bear situation. Councilwoman Castiglione asked about the trash compactor idea. Mr. Scott stated that this would be a very costly expenditure. Mr. Scott recommended seeing how this current process works.

Sledding Hill Changes – Manager Evans reported to Council that the Town carried insurance, through the North Carolina League of Municipalities, has encouraged the

Town to not provide workers on the Town's sledding hill to assist patrons. Instead a recommendation has been made to the Town that they should provide workers for maintenance and upkeep purposes only. Councilman Owen clarified that what Manager Evans was saying was that the Town was opening themselves up for more liability issues through manning the sledding hill versus having signs with rules for users and no workers on site. If the hill was moved to the other side of the road there are a couple of minuses with it being a southern exposure and having to gain easements and releases from the current property owners. Councilwoman Castiglione stated that if there are a lot of injuries, then the public is not going to be happy. Parks and Recreation Director Sean Royall stated that the Parks and Recreation Department is going to have staff there to keep an eye on the hill to adjust the snow on the hill.

Manager Vacation Requests – Manager Evans informed Council that currently his contract requires him to ask for permission from the Council to take periods of time that are three days or more off. Manager Evans asked Council if they wished for this to be handled at Council meetings or if one on one communication would be sufficient. Council advised him to take his leave as he sees fit. Councilman Owen stated that it would be good to be notified. Manager Evans stated that he would send written communication when this occurs.

The Council took a recess at 5:27 p.m.

XIII. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters – At 5:38 p.m., Vice Mayor Piquet moved to enter closed session pursuant to N.C. Gen. Stat. §143-318.11 (a)(3) for the purpose of discussing attorney-client matters, including the Town of Beech Mountain vs the Solars. The motion was seconded by Councilman Sauer and passed unanimously. Upon motion by Vice-Mayor Piquet, seconded by Councilman Sauer, the Council voted unanimously to exit closed session at 6:07 p.m.

XIV. Other Business

Response to Public Comment – Mayor Miller stated that normally Council does not answer questions under public comment. Mayor Miller stated that the budget is in excellent shape and that he was unaware that Council had raised taxes. Councilman Sauer stated that some individuals get confused about the definition of revenue neutral. Councilwoman Castiglione stated that she had received a question from someone about Watauga County's taxes going down. Mayor Miller wished to know what issues the Town is currently facing that he was unaware of so that he may address these issues. Councilwoman Castiglione stated that for good or bad there are individuals who are not happy with the previous board which happens to be three of the current Council. Councilman Sauer stated that one issue that was quite clear was that a large number of people in the Town felt like they had tried to communicate issues to Council Members and felt like Council Members had been unresponsive. Mayor Miller stated that he did

not have any issues with any of the current Council Members. Mayor Miller further stated that whenever he has new clients he brags about this Town. Mayor Miller stated that people are envious of what the Town of Beech Mountain has to offer and that a lot of places do not have a tenth of what this Town has going for it.

Communication Channels – Councilman Sauer stated that he was going to have to do a good job of remembering to go through the proper chain of command, which is to go through the Town Manager, when reporting issues in the Town. Manager Evans stated that this was good communication flow and that there was a difference between reporting an issue to staff and telling staff to do something. Councilwoman Castiglione stated that she is a property manager too. Councilwoman Castiglione stated that there will be times that a service call needs to be made to correct water issues. Manager Evans stated that if this type of scenario occurred Council should operate as they normally would as a property manager by contacting the appropriate department. If they did not receive a solution Council should then contact the manager.

- XV. *Adjourn*** – At 6:17 p.m., Vice-Mayor Piquet moved to adjourn, which was seconded by Councilwoman Castiglione. The motion passed unanimously.

Minutes approved by Town Council on January 12, 2016.

E. 'Rick' Miller, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk