

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – February 10, 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 February 10, 2015 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Cindy Keller, and E. 'Rick' Miller. Councilman Alan Holcombe was not present. Town Attorney Stacy C. Eggers, IV. was not present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Public Works Director Riley Hatch, Public Utilities Director Robert Heaton, Fire Chief Robert Pudney, Building Inspector John Merritt, Parks and Recreation Director Sandy Carr, Director of Tourism and Economic Development Kate Gavenus, Tax Collections Administrator Rebecca Ward, and Police Chief Shawn Freeman.

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

Note: Attorney Rebecca Eggers-Gryder arrived at 4:06 p.m. to represent the Town with legal matters.

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. January 13, 2015 Regular Meeting – Councilman Miller motioned to approve the January 13, 2015 Regular Meeting Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

b. January 13, 2015 Closed Session – Councilwoman Keller motioned to approve the January 13, 2015 Closed Session Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

VI. Public Comment

Fred Pfohl of 501 Beech Mountain Parkway stated that he wanted to let everyone know about the passing about Jack Pentec. Mr. Pfohl stated that Mr. Pentec was a creative visionary who helped to make Beech Mountain the place that it is today. Mr. Pentec was a visionary for the building and construction of the Land of Oz. He was also good friends with the Robbins family. Mr. Pfohl stated that Mr. Pentec designed the store that everyone knows as Fred's Mercantile. The service for Mr. Pentec will be held this Friday in Charlotte.

VII. New Business

- a. *Water Plant Project Update*** – Public Utilities Director Robert Heaton stated that Benjie Thomas, P.E. West Consultants, has submitted a Water Plant Project update report. Mr. Heaton stated that the United States Department of Agriculture still has the plans. Town staff, including Manager Feierabend, Public Utilities Director Robert Heaton, Interim Finance Officer Betsy Wilson, and Town Clerk Jennifer Broderick, along with Town Attorney Stacy Eggers, IV., Bond Counsel Scott Leo of Parker Poe would be participating in a conference call later in the week with United States Department of Agriculture staff.
- b. *Resolution Directing the Application to the Local Government Commission for Approval of Water and Sewer Revenue Bond Anticipation Note and Subsequent Water and Sewer Revenue Bonds*** – Mayor Owen stated that asked if bond counsel had provided this resolution. Staff confirmed that Scott Leo, the Town's bond counsel had put this resolution together for the Town to approve to seek the Local Government Commission approval of the Town's Water Plant Project funding. Vice Mayor Piquet motioned to approve Resolution No. 2015-01. Councilman Miller seconded the motion and the vote passed unanimously. Councilwoman Keller and the Mayor asked that John Merritt come up with a few more sketch ideas along with costs to assist Council in making final decisions prior to the bids going out so that this could be included in the bid process. Resolution 2015-01 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.
- c. *Directional Banners*** – Brian Barnes, Chairperson of the Tourism Development Authority Board, stated that support has been garnered for these types of directional signs and that a committee has been formed called the Banner Trail. Some of the members of this committee are Matt LaVigne and Mike Chase, of the Town Planning Board, Talia Freeman, of the Beech Mountain Resort, Rory Ellington, of the Town Recreation Committee, and Carl Marquardt of the Tourism Development Authority Committee. Mr. Barnes stated that The Club was in agreement to purchase their own hardware and banners as well as the Resort. The Beech Mountain Town Planning Board was in favor of this idea. Mr. Barnes stated that he would like a uniform height for these signs and has looked a high wind resistant material. Councilman Miller asked about the signs, stating that the Town had discussed using symbols. Mr. Barnes stated that the entities that are going to be funding the signs are on board for replacing the materials as needed. Town Attorney Rebecca Eggers stated that Stacy Eggers IV. had mentioned that the Town may need to revisit the sign/banner ordinance. Town Planner, James Scott, stated that perhaps the ordinance needs to be looked at; however, there is a provision in the ordinance that does state that if the Town puts up the signage then they are exempt from the Ordinance. Councilwoman Keller stated that the Chamber of Commerce was talking about producing a map to allow for community input, noting that the Chamber of Commerce may try to sell sponsorship ads. There was discussion that there should be something printed on both sides of the banners. Councilman Miller motioned to approve the placement of directional banners on the mountain. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Right now the proposed directional sign is for only one side. Councilman Miller asked about putting a message on the back of the billboard. Mr. Barnes explained that there were some structural issues that needed to be taken care of.

Beech Mountain Metric – The Beech Mountain Metric is the third week of May. The Beech Mountain Metric Committee would like to have both the registration and the after party after the event in Town Hall and the parking lot. Council stated that everything needed to be cleaned up by Sunday. Mayor Owen suggested that Mr. Barnes get together with Mr. Scott to look at the logistics.

- d. Tracking Device Agreement*** – Police Chief Shawn Freeman informed Council that the Police Department is implementing the Tracking Device Program. Initially this program was to be implemented at no cost to participants. Chief Freeman stated that the cost is \$70 a month or \$840 a year. This cost is fairly high. Staff is set to move forward with using this device and the Police Officers are ready to incorporate this into their daily patrol. Police Chief Freeman informed Council that the Police Department owns the tracking devices and the equipment. Vice Mayor Piquet was happy with the results.
- e. E-911 Grant for Backup Station*** – Police Chief Shawn Freeman discussed the E-911 Grant Backup Station with Council. Police Chief Freeman stated that initially this program will be implemented at no cost to participants and that the program had been mandated by the State. The Police Department would like to develop a backup Public Safety Answering Point (dispatch) for the State. Police Chief Freeman stated that building these backup stations are not cheap. Telecommunication Supervisor Dave Davis and Police Chief Freeman have found through the E-911 board an opportunity to apply for some grant money in order to purchase counsels, software, etc. This would allow the services in the Town to not be interrupted. The cost is approximately \$200,000. Police Chief Freeman pointed out that this is not a match grant. The deadline for the grant opportunity is in April. This would be for an offsite Public Safety Answering Point (dispatch) station. Councilman Miller asked if E-911 funds to use towards this as well. Police Chief Freeman stated that these monies could be used but that there was enough money left over for this. Councilwoman Keller asked where the backup would be located. Police Chief Freeman stated that the two locations being considered were Fire Station II or Banner Elk. Councilwoman Keller asked if this included air conditioning. Police Chief Freeman did not have a response for this question. Police Chief Freeman pointed out that both the recorder here and the backup Public Safety Answering Point (dispatch) would be able to be updated. They are requesting that the backup not be within the Town which is why Banner Elk was being recommended as the backup. Vice Mayor Piquet motioned to apply for the grant. Councilman Miller seconded the motion and the vote passed unanimously.
- f. Tax Releases and Refunds*** – Vice Mayor Piquet motioned to accept the combination release and refund. Councilwoman Keller seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned to approve the remaining refunds and releases. Councilwoman Keller seconded the motion and the vote passed unanimously.
- g. Board of Adjustment Alternate Appointments*** – Vice Mayor Piquet motioned to appoint Marge Bailey to the Board of Adjustment Alternates to fill the 2nd alternate position and to appoint Renee Castiglione to the Board of Adjustment Alternates to fill the 3rd

alternate position. These positions terms would expire December 2017. Councilman Miller seconded the motion and the vote passed unanimously.

VIII. Town Manager, Staff Reports and Council Concerns

Republic Services – Manager Feierabend stated that Buddy Norris with Avery County stated that he would address this matter with Tim Greene. Manager Feierabend stated that he had sent another letter to Tracy Nester with Republic Services to see if Republic Services legal was finished with their review. The response was that Republic Services was not through with their review. Councilman Miller verified that the Town is still picking up Holiday Villas garbage. Manager Feierabend confirmed that this was the case and stated that once the Town gets some responses then the Town can look to amending the Town's ordinance. Mayor Owen stated that the Town does not have a franchise ordinance currently in place.

4th of July 2015 – Fire Chief Bob Pudney stated that the Town originally received a \$15,000 cost for fireworks that has negotiated that down to \$12,500. Fire Chief Pudney stated that a decision on funding needed to be made with only about four months to go until the proposed fireworks show on July 4th which falls on a Saturday. Fire Chief Pudney stated that ideally it would be good for the Town to agree to pay it all and then let the Tourism Development Authority and Chamber reimburse half the Town for half the cost. Fire Chief Pudney stated that the issue of needing to run it through the Town is due to insurance. Brian Barnes, Chairperson of the Tourism Development Authority stated that the Tourism Development Authority had \$7,500 that was supposed to go towards lighting and fireworks. Councilman Miller asked if the weather was bad on the 4th and the rain date was Sunday if there was a discount. The answer was no. Councilman Miller stated that every year this conversation comes up. Councilman Miller stated that he did not mind giving \$3,000 towards fireworks but does not want to give anymore. Mr. Barnes stated that the reason this conversation was occurring again with Council was because they did not realize how expensive it was going to be. The price had been around \$5,200 for the previous year. The Tourism Development Authority does want to fund it from here going forward. Mr. Barnes stated that the Tourism Development Authority is willing to put up \$5,200. Mayor Owen stated that the Town could move forward and then the money could be transferred. Fire Chief Pudney stated that the date is secured but that the money in its entirety needs to be paid by July. Vice Mayor Piquet motioned to approve the Town contributing \$3,000 towards the fireworks for the 4th of July from the Town's general fund. Councilman Miller seconded the motion and the vote passed unanimously.

Town Planner Position Update – Manager Feierabend stated that James Scott had resumed his duties with the Town effective February 2, 2015.

North Carolina League of Municipality Town Hall Day – Manager Feierabend stated that Wednesday, March 18, 2015 was the day that the North Carolina League of Municipality would hold their Town Hall Day at the Local Government Federal Credit Union Conference Center located at 323 W. Jones St. Raleigh, NC 27603. Manager Feierabend stated that Councilman Miller and himself would be in attendance. Staff is that any other interested Council Member Town Clerk Jennifer Broderick know no later than this Thursday, February

12th if they wished to attend. Arrangements will be made on Friday, February 13th for those who signed up to attend Town Hall day.

Benefit Plan – Councilwoman Keller asked if there were any interested parties that would like to counsel the Town on a benefit package for employees. Mayor Rick Owen stated that he would be interested in serving on such a committee. Brian Barnes stated that he knew of an individual who would be an asset to this committee. Councilman Miller stated that he would like to see individuals that are involved in this business on this committee. Vice Mayor Piquet stated that he is interested in reduced rates but not reduced benefits.

Sledding Hill – Councilman Miller stated that on Council meeting nights the sledding hill attendees should be encouraged to park in the parking lot across the street.

Mayor Owen stated that Council would take a short break at 5:30 p.m.

- IX. 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 Councilman Miller at 5:51 p.m., seconded by Vice Mayor Piquet the Council voted unanimously to go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters; NC GS 143-318.11(a)(6) for Personnel Matters. Vice Mayor Piquet motioned to exit closed session at 8:26 p.m., which was seconded by Councilman Miller. The motion passed unanimously.

Note: Town Clerk Jennifer Broderick were excused from closed session at 6:22 p.m. and did not return to the meeting. Attorney Rebecca Eggers took the remaining minutes.

X. Other Business

Proclamation – Council instructed staff to create a proclamation honoring the life of Jack Pentes for Councils approval at their next regular meeting.

- XI. Adjourn*** – Vice Mayor Piquet motioned to adjourn the meeting at 8:30 p.m., which was seconded by Councilman Miller. The motion passed unanimously. The meeting was adjourned 8:30 p.m.

Minutes approved by Town Council on March 10, 2015.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

**ATTACHMENT(S)
TO
MINUTES**

EXHIBIT A – Resolution No. 2015-01: Resolution Directing the Application to the Local Government Commission for Approval of Water and Sewer Revenue Bond Anticipation Note and Subsequent Water and Sewer Revenue Bonds

Extract of Minutes of a regular meeting of the Town Council of the Town of Beech Mountain, North Carolina held in Council Chamber Room at 403 Beech Mountain Parkway, Beech Mountain, North Carolina 28604 at 4:00 p.m. on February 10, 2015.

The following Council Members were present:

Mayor Rick Owen, Vice Mayor Paul Piquet, Councilwoman Keller, and Councilman Rick 'E' Miller

The following Council Members were absent:

Councilman Alan Holcombe

Also present: Attorney Rebecca Eggers-Gryder

* * *

Vice Mayor Piquet moved that the following resolution (the "*Resolution*"), a copy of which was available with the Town Council and which was read by title:

Resolution No. 2015-01

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER AND SEWER REVENUE BONDS; MAKING CERTAIN FINDINGS OF FACT; AND REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE TOWN'S WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER REVENUE BONDS

WHEREAS, the Town Council (the "*Town Council*") of the Town of Beech Mountain, North Carolina (the "*Town*") hereby determines that it is necessary to improve its water and sewer system (the "*System*"); and

WHEREAS, the Town Council is considering the issuance of up to \$4,300,000 Town of Beech Mountain, North Carolina Water and Sewer Revenue Bond Anticipation Note (the "*Note*") to finance, together with other funds, improvements to the Town's water and sewer system, specifically the construction and equipping of a water plant (the "*Project*"), and has received a commitment from the United States Department of Agriculture ("*USDA*") to provide long-term financing for the Project upon completion of construction, at which time the Town will issue Water and Sewer Revenue Bonds (the "*Bonds*") to refund the Note; and

WHEREAS, the Town has retained Parker Poe Adams & Bernstein LLP, as bond counsel; and

WHEREAS, the Town Council desires that the Town Manager, or his designee, file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the Note and the Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the sale of the Note through a competitive sale, (B) the sale of the Bonds to

USDA upon completion of construction of the Project and (C) the Town's use of Parker Poe Adams & Bernstein LLP, as bond counsel for the Town and (2) state in such application such facts and to attach thereto such exhibits in regard to the Note and the Bonds and to the Town and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the Note and the Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the Note and the Bonds are to be issued by the Town for the purpose of providing funds to finance the Project and to pay the costs of issuing the Note and the Bonds, all as set out fully in the documents attached to the Town's application to the Commission.

Section 2. That Parker Poe Adams & Bernstein LLP has been retained to serve as bond counsel.

Section 3. That the Town Manager, or his designee, with advice from the Town Attorney and bond counsel, is hereby authorized, directed and designated to file an application with the Commission for its approval of the issuance of the Note and the Bonds.

Section 4. That the Town Council finds and determines, and asks the Commission to find and determine, from the Town's application and supporting documentation the following:

- (a) that the issuance of the Note and, subsequently, the Bonds is necessary or expedient;
- (b) that the stated principal amount of the Note and the Bonds will be sufficient but is not excessive, when added to other moneys available to the System, for the proposed Project;
- (c) that the Project is feasible;
- (d) that the Town's debt management procedure and policies are excellent; and
- (e) that the Note and the Bonds can be marketed at a reasonable interest cost to the Town.

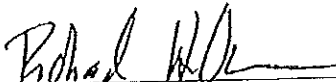
Section 5. That the Mayor, the Town Manager, the Town Attorney, the Town Clerk, and their designees, are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the Note and the Bonds.

Section 6. That this Resolution is effective on the date of its adoption.

On motion of Councilman Miller, the foregoing resolution entitled "RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER AND SEWER REVENUE BONDS; MAKING CERTAIN FINDINGS OF FACT; AND REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE TOWN'S WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER REVENUE BONDS" was duly adopted by the following vote:

AYES: Mayor Rick Owen, Vice Mayor Paul Piquet, Councilwoman Keller, and Councilman
RHESE" Miller

NAYS:


Richard H. Owen, Mayor

STATE OF NORTH CAROLINA

TOWN OF BEECH MOUNTAIN

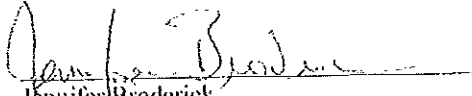
) ss:
)

I, *Jennifer Broderick*, Town Clerk of the Town of Beech Mountain, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true and exact copy of a resolution entitled "RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER AND SEWER REVENUE BONDS; MAKING CERTAIN FINDINGS OF FACT; AND REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE TOWN'S WATER AND SEWER REVENUE BOND ANTICIPATION NOTE AND SUBSEQUENT WATER REVENUE BONDS" adopted by the Town Council of the Town of Beech Mountain, North Carolina, at a meeting held on the 10th day of February, 2015.

WITNESS my hand and the corporate seal of the Town of Beech Mountain, North Carolina, this the 13th day of February, 2015.



NOTY 12/1/2014
NORTH CAROLINA


Jennifer Broderick
Town Clerk
Town of Beech Mountain, North Carolina