

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – March 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 March 10, 2015 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Cindy Keller, Alan Holcombe, and E. 'Rick' Miller. Town Attorney Stacy C. Eggers, IV. was 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, Town Planner James Scott, Parks and Recreation Director Sandy Carr, Director, and Police Chief Shawn Freeman.

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. February 10, 2015 Regular Meeting – Vice Mayor Piquet motioned to approve the February 10, 2015 Regular Meeting Minutes as amended. Councilman Miller seconded the motion and the vote passed unanimously.

b. February 10, 2015 Closed Session – Vice Mayor Piquet motioned to approve the February 10, 2015 Closed Session Minutes. Councilman Miller seconded the motion and the vote passed unanimously.

VI. Public Comment – There was no public comment.

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 plans and specifications have been completed and have already received the Department of Environment and Natural Resources approval. There have been no comments from the United States Department of Agriculture. The plans and specifications have been updated for the bidding process. Town staff, United States Department of Agriculture staff, and Parker Poe attorneys are preparing for submission of the application to the North Carolina Local Government Commission for revenue bond issuance approval. This meeting is tentatively scheduled for May. Councilman Miller asked if there was anything that the Town could do to speed up the process. Attorney Eggers stated that we have to go through the process that the United States

Department of Agriculture has laid out. Manager Feierabend stated that Public Water came up here to check on the lake and the dam and that Natural Wildlife had participated in discussions. This meeting was a necessary step towards the Town getting a secondary water source.

- b. *Resolution Approving Final Plans/Specs for Water Plant Project*** – Mayor Owen stated that this resolution is a necessary step towards the USDA loan process. Vice Mayor Piquet motioned to approve Resolution No. 2015-02. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution 2015-02 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes. Mayor Owen asked about the twenty-four month period and if extensions were possible. Public Utilities Director Robert Heaton stated that this was correct.
- c. *Proclamation Honoring Jack Pentes*** – Mayor Owen stated that several people attended his ceremony or service. Vice Mayor Piquet read the proclamation aloud honoring Jack Pentes. Councilman Miller motioned to approve the Proclamation. Councilman Holcombe seconded the motion and the vote passed unanimously. The proclamation honoring Jack Pentes is attached as Exhibit B and incorporated by reference as if fully set out within these minutes. Mayor Owen requested that staff send a letter along with the proclamation to the family.
- d. *Tax Refunds*** – Mayor Owen stated that Council had refunds due to overpayment in front of them for their consideration. Councilman Holcombe motioned to approve the tax refunds totaling \$1,155.75. Councilwoman Keller seconded the motion and the vote passed unanimously.
- e. *Beech Mountain Metric Logistics*** – Mayor Owen stated that Council had requested that proposed logistics be brought before them. Vice Mayor Piquet stated that Council had wanted the tent down by Monday. Mr. Barnes stated that it was an additional expense to having the tent taken down on Sunday. Mr. Barnes stated that this did not block the front entrance. Mr. Barnes stated that the event is on May 16, 2015 and that adjacent business owner Wilson King has approved use as well.
- f. *Request Public Hearing for Dimensional Requirements Table*** – Town Planner James Scott stated that this table governs setbacks, heights, and a few other areas. The request for change is really just clerical in nature in that some references that are made are no longer applicable. Mr. Scott stated that there are new references that need to be used. The other part has to do with the front setback on properties. The Town would like the front yard setback definition as defined in the code book prior to when the codification on this code book took place. Mr. Scott stated that this will clarify that the front of the property will now be defined as any portion of the property that faces a road, and as such, will have the setback requirement. Councilman Miller asked about the centerline of the road and asked if that had anything to do with the setback. Mr. Scott stated that the setback is 20' (feet) from the road or 32' (feet) from the middle of the road; generally the 20' (foot) setback is the setback is applicable. Vice Mayor Piquet motioned to schedule the public hearing for Councils next regularly scheduled meeting. Councilman Holcombe seconded the motion and the vote passed unanimously.

- g. Budget Calendar** – Manager Feierabend asked that Council look at the dates and see if the proposed dates worked for Council. Mayor Owen asked if Council had a desire to set a Council/Staff budget planning retreat. Manager Feierabend stated that he believed staff could have the final draft around the 20th. Mayor Owen stated that perhaps Council would entertain holding a special meeting after more information is gathered from the study and to discuss benefits. Manager Feierabend stated that he would follow up on this. Councilwoman Keller asked when the Recreation Department Study would be finished. Manager Feierabend stated that he had been informed that the turnaround on this would be approximately 3 weeks after the first part of the study was submitted.
- h. Budget Amendment for Public Works** – Mayor Owen stated that the budget amendment before them was from Public Works Director Riley Hatch. Mr. Hatch’s department had some unforeseen equipment failures. Vice Mayor Piquet motioned to approve the budget amendment. Councilman Holcombe seconded the motion. Councilwoman Keller asked to have the breakdown provided by Mr. Hatch explained. Manager Feierabend stated that this showed how the Public Works Department had covered a portion of the total cost. Councilwoman Keller stated that the real cost for all of the repair was \$36,000. Councilwoman Keller asked if they sell a service agreement on this type of equipment. Mr. Hatch stated not that he was aware of. Mayor Owen called the vote and the vote passed unanimously.

VIII. Old Business

- a. Solid Waste Franchise Ordinance** – Manager Feierabend stated that neither Watauga County nor Avery County is willing to let a second garbage hauler on the mountain take all of their Town pickups to their landfill. Manager Feierabend reported that Republic Services found no real issue with the proposed ordinance other than the amount of the bond. Attorney Eggers stated that State Law requires that a private entity that comes in to perform services must take out a bond so that there is a remedy for any damages to personal property. Manager Feierabend stated that Republic would likely provide service on the Avery County side if the bond amount was lowered. Manager Feierabend informed Council that Republic Services does not currently provide services over in this area of Watauga County so these services within the Town would not be as feasible. Vice Mayor Piquet stated that the only entity that has expressed interest in pursuing these services is in the Watauga County portion of the Town. Manager Feierabend stated that he was not sure that if Council did pass this Franchise Ordinance it would make a difference. Mayor Owen asked if Council was agreeable for Manager Feierabend and Attorney Eggers to work with Republic Services to establish a bond price. Mayor Owen stated that then Republic Services can determine a price for services. Council was in agreement.

IX. Town Manager, Staff Reports, and Council Concerns

- a. Tourism Development Authority Report** – Manager Feierabend pointed out to Council that they had an additional Tourism Development Authority Report in front of them.

- b. *Banners*** – Manager Feierabend advised Council that they had a memorandum from staff that pertained to banner policy in front of them.
- c. *Benefit Committee*** – Manager Feierabend stated that he was searching for more direction from Council. Manager Feierabend informed Council that he has spoken with the gentlemen, Steve Smith, about the Town’s health insurance. Manager Feierabend stated that Mr. Smith stated that he could assist with insurance but that other types of employee benefits were not his forte. Mr. Smith has reviewed the Town’s insurance policy and stated that it was a good insurance policy. Mayor Owen stated that he would put it back on the staff and the Town Manager to figure out more affordable insurance options. Mayor Owen stated that Council wanted to see some options that save the Town money. Ultimately Mayor Owen would request that staff bring forth these proposals. Manager Feierabend asked that he be able to keep Mr. Smith in the loop while looking at alternative options. Councilwoman Keller stated that she was in favor of using someone with insurance experience assisting with the process. Councilman Miller stated that he was in favor of this as was the rest of Council. Manager Feierabend stated that he Mr. Smith would be able to provide an unbiased view due to the fact that he cannot write an insurance policy in North Carolina.
- d. *Landscape Around a Donated Bench at Lake Coffey*** – Manager Feierabend stated that the family that donated the bench at Lake Coffey has created a proposed plan for landscaping that they would like Councils permission to move forward with. Manager Feierabend presented Council with the proposal that had been provided on as an etching. Manager Feierabend stated that they would pay for the landscaping improvements. Council determined that they would like to look at the site first.
- e. *Codification*** – Town Clerk Jennifer Broderick informed council that staff is working on the codification process with American Legal to create Supplement 10 for the Towns Code Book.
- f. *Recreation Report*** – Councilwoman Keller questioned the Recreation Report, asking about the importance of collecting information about the number of people that stop at Buckeye Recreation Center to use the restroom and stop to ask for directions. Councilwoman Keller asked if Parks and Recreation Director Sandy Carr believed that this statistical reporting was relevant. Mrs. Carr stated that it is a hospitality function. Mrs. Carr stated that the way this information is displayed on the report allows the Town to determine where numbers are coming from. Councilwoman Keller asked about having more classes at the top of the mountain suggesting the Pinnacle Inn and the Council Chamber room as potential sites for the classes. Mrs. Carr stated that this idea has been discussed with the Recreation Committee and that they did not feel like the number of users had been high enough in the past. Councilwoman Keller stated that in the future she would like to see these other locations on top of the mountain considered for exercise classes. Mrs. Carr stated that it would be looked into.
- g. *Paving*** – Councilman Miller asked about future paving and the engineers providing information on possible paving projects. Manager Feierabend stated that the Town is looking at Tamarack and that there has been discussion about Christie Way. The Utility

Department needs to also give a greenlight to the infrastructure on these roadways. Councilman Miller stated that he did not want to just see a square patching job on the roadways as these settle. Councilman Miller recommended that this be looked at during budget time. Manager Feierabend stated that David Poore, P.E., with West Consultants should be finished with this study.

- h. Council Room** – Councilman Miller stated that due to the Council Room being used for events the Council tables are starting to become unstable. Councilman Miller recommended that if the room was going to be used the Council table be left in place if this could not happen then Councilman Miller asked if the Recreation Center meeting room could be used. Manager Feierabend stated that a lot of this overflow is due to larger groups being in Town who are coming in on two wheel drive buses during the winter time. These buses would have a difficult time during the winter making it to the Recreation Center.

Mayor Owen stated that Council would take a short break at 5:01 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 Councilman Holcombe at 5:14 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 5:32 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XI. Other Business

Landscape around a Donated Bench at Lake Coffey – Councilman Miller asked if the proposed landscaping would be taken care of by the Town or the family. Councilman Miller stated that staff did not need to take on more landscaping projects. Councilman Holcombe moved to reject the plan due to long term maintenance. Councilman Miller seconded the motion and the vote passed unanimously.

- XII. Adjourn** – Vice Mayor Piquet motioned to adjourn the meeting at 5:36 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned 5:36 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. 2015-02: Resolution Approving Final Plans/Specs
for Water Plant Project

EXHIBIT B – Proclamation Honoring Jack Pentes



Randy E. Feierabend, AICP
Town Manager
Stacy C. Eggers, IV, Attorney

Town of Beech Mountain

403 Beech Mountain Parkway
Beech Mountain, North Carolina 28604-8012
Telephone (828) 387-4236
Fax (828) 387-4862
www.townofbeechmountain.com

Council Members
Rick Owen, Mayor
Paul Piquet, Vice Mayor
Alan Holcombe
Cynthia A. Keller
E "Rick" Miller

RESOLUTION No. 2015-02

TOWN OF BEECH MOUNTAIN

RESOLUTION REGARDING THE APPROVAL OF PLANS AND SPECIFICATIONS FOR THE BUCKEYE LAKE WATER TREATMENT PLANT REPLACEMENT PROJECT

WHEREAS, the Town of Beech Mountain has contracted with the engineering firm West Consultants, PLLC to create the engineering plans for the Buckeye Lake Water Treatment Plant; and

WHEREAS, the West Consultants, PLLC produced the final plans and specifications dated October 30, 2014 for the Buckeye Lake Water Treatment Plant; and

WHEREAS, the plans and specifications have been approved by the North Carolina Department of Environment and Natural Resources, Division of Water Resources on December 17, 2014;

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Beech Mountain approves the plans and specifications entitled: "Town of Beech Mountain Buckeye Lake Water Treatment Plant Replacement Project," produced by West Consultants, PLLC, dated October 30, 2014; the same plans and specifications being approved by the North Carolina Department of Environment and Natural Resources, Division of Water Resources on December 17, 2014.

Adopted this the 10th day of March, 2015.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk



Randy E. Feierabend, AICP
Town Manager
Stacy C. Eggers, IV, Attorney

Town of Beech Mountain

403 Beech Mountain Parkway
Beech Mountain, North Carolina 28604-8012
Telephone (828) 387-4236
Fax (828) 387-4862
www.townofbeechmountain.com

Council Members
Rick Owen, Mayor
Paul Piquet, Vice Mayor
Alan Holcombe
Cynthia A. Keller
E. "Rick" Miller

Proclamation of Appreciation Honoring the Life of Jack Pentes August 23, 1931 – February 7, 2015

WHEREAS, Jack Pentes was a master of enchantment who worked through the Robbins brothers to bring the mythical land of Oz to life on Beech Mountain in the mid-sixties; and

WHEREAS, opening day for Beech Mountain's "The Wizard of Oz" theme park on June 15, 1970, brought 4,000 people atop Beech Mountain and drew 400,000 visitors the first year; and

WHEREAS, Jack Pentes assisted with the creation of the Town of Beech Mountain's emblem and early brochures for the mountain; and

WHEREAS, Jack Pentes was also instrumental in designing the sign system along with lettering that is used on Beech Mountain today; and

WHEREAS, Jack Pentes developed the Red Barron Room for Carolina Caribbean; and

WHEREAS, the Town Council desires to recognize and express appreciation to the lifelong achievements of Jack Pentes for his invaluable creative visionary achievements for the Town of Beech Mountain;

NOW THEREFORE, BE IT RESOLVED that the Beech Mountain Town Council formally thanks Jack Pentes for his lifelong creative ingenuity which helped bring additional distinction to this magical land that sits 5,506 feet above sea level that we so fondly refer to as home.

Adopted this the 10th day of March, 2015.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Town Clerk

Eastern America's Highest Town