

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – April 11, 2017

- I. *CALL TO ORDER*** – Mayor E. ‘Rick’ Miller called the regular meeting of the Beech Mountain Town Council to order at 4:00 p.m., Tuesday, April 11, 2017 in the Town Hall Council Chambers located at 403 Beech Mountain Parkway Beech Mountain, NC 28604. Other Council Members present were Paul Piquet, Rick Owen, Wendel Sauer, and Renee Castiglione. A quorum was present. Town Attorney Stacy C. Eggers, IV. was present. Staff members present included Town Manager Tim Holloman, Town Clerk Jennifer Broderick, Finance Officer Steve Smith, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch, Police Chief Shawn Freeman, Parks and Recreation Director Sean Royall, Building Inspector John Merritt, and Director of Tourism and Economic Development Kate Gavenus.
- 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*** – Councilwoman Castiglione motioned to approve the agenda. Councilman Sauer seconded the motion, the vote carried unanimously.
- V. *Consent Agenda*** – Mayor Miller opened the floor for Council to take action on the consent agenda. Councilwoman Castiglione motioned to approve the consent agenda. Vice Mayor Piquet seconded the motion, the vote passed unanimously. The consent agenda was approved as follows with consent agenda item ‘d’ attached as Exhibit A, consent agenda item ‘e’ attached as Exhibit B, content agenda item ‘f’ attached as Exhibit C, consent agenda item ‘g’ attached as Exhibit D, and consent agenda item ‘h’ attached as Exhibit E. Exhibits A thru E are incorporated by reference as if fully set out within these minutes.
- a. March 13, 2017 – Special Meeting
 - b. March 14, 2017 – Regular Meeting
 - c. March 14, 2017 – Closed Session
 - d. Tax Release
 - e. Budget Amendment #6-2017
 - f. Resolution No. 2017-02 ‘A Resolution by the Town Council of the Town of Beech Mountain, North Carolina Urging the Watauga County Commission

to Maintain the Ad Valorem Method of Distribution of Sales Tax in Watauga County'

- g. Resolution No. 2017-03 '*A Resolution by the Town of Beech Mountain Opposing North Carolina Senate Bill 94*'
- h. Proclamation Recognizing National Military Appreciation Month

VI. Public Comment – There was no public comment.

VII. New Business

a. Water Plant Replacement Project Update – Dale Schepers, Construction Administrator for West Consultants, provided a contract summary update for the Water Plant Replacement Project. Mr. Schepers stated that as of April 11, 2017 the Town is 569 days into the 555 contract days, representing 103%. Mr. Schepers reported to Council that change order 5 extended the contract time 45 days. Current substantial completion date is March 29, 2017. Mr. Schepers informed Council that the Engineer is monitoring progress closely and requiring frequent updates to scheduled work and tasks that continue to slip. The work quality is acceptable. Pay request 19 has been submitted in the amount of \$142,171.71 and approved by the Engineer. Mr. Schepers stated that facility construction subgroup is at 83.8% completion, facility services subgroup is at 59.1%, site and infrastructure subgroup is at 71.3%, and process equipment subgroup is 81.0% completion. Work completed through pay request 19 is at 79% completion. Currently the metal building panels are being installed with the installation of the roof panels to follow. Continuing with process piping, filters and pump replacements in existing plant. Electrical work continues along with coordination with automation equipment and programming. The next monthly construction progress meeting is scheduled for April 13, 2017, 10:30 a.m. at the Buckeye Lake Recreation Center. Based on the current schedule, substantial completion is anticipated July 12, 2017, which is 98 days beyond the new contract deadline. Councilman Sauer questioned what was in facility services. Mr. Schepers stated that this is plumbing, HVAC, and electrical work. This type of work happens after the building is up. Councilwoman Castiglione questioned the slow progress of the panels being put up. Mr. Schepers stated that his personal opinion was that there was not enough manpower put toward the project.

b. Update on Test Well Sites – Public Utilities Director Robert Heaton stated that Test Well I has the pump in the ground with power finished a week ago. The control panel was ordered a week ago. Staff will mount it and see how the well does. Final decisions need to be made on the structure that will be placed there. Staff has informed McGill and

Associates that the town is going to pause on Test Well Site II right now due to the cost of the pump at approximately \$30,000 and the cost of drilling. Councilwoman Castiglione asked how much the electrical work had cost. Mr. Heaton stated that due to the number of accounts the Town has with Mountain Electric the Town was able to work out a deal with Mountain Electric versus paying a fee. Council thanked Mr. Heaton for his good work.

- c. *Spruce Hollow to Beech Mountain Parkway Project*** – Public Utilities Director Robert Heaton stated that M&M Construction of Banner Elk, Inc. will be back the middle of next week or the week after. Councilwoman Castiglione asked how much line was left to install. Mr. Heaton stated that the contractor has approximately 5,000' feet left in the project and that this portion of the project was all uphill and mostly through wooded areas.
- d. *Request to Consider Offer to Purchase: 355 Locust Ridge Road (Charter Hills-C534)*** – Manager Holloman stated that staff has received an offer to purchase a town owned lot by a neighboring property owner. Vice Mayor Piquet motioned to instruct staff to advertise for any other upset bids. Councilman Sauer seconded the motion, the vote carried unanimously.
- e. *Request for Town Council to Schedule Budget Workshops*** – At the conclusion of Manager Holloman and Town Council discussing potential budget workshop dates. Mayor Miller stated that the Town Council would hold two budget workshops, one Tuesday, May 23, 2017 at 4:00 p.m. and another budget workshop for Tuesday, May 30, at 2:00 p.m. Both meetings were to be held at Town Hall in the Council Chamber room located at 403 Beech Mountain Parkway.
- f. *Request for Town Council to Schedule Public Hearings for Proposed 2017-2018 FY Budget*** – Vice Mayor Piquet motioned to schedule the public hearing for the proposed 2017-2018 fiscal year budget for the May 30, 2017 budget meeting at 2:00 p.m. at Town Hall in the Council Chamber room located at Beech Mountain Parkway Beech Mountain, North Carolina 28604. Councilman Sauer seconded the motion, the vote carried unanimously.

VIII. *Town Manager and Staff Reports*

Town Seal – Manager Holloman stated that the Town's newly approved Town Seal is now hanging in the Council Room.

Town Hall Day – Manager Holloman stated that Town Hall Day was held by the North Carolina League of Municipalities at the Museum of History in downtown Raleigh Wednesday, March 29, 2017. Mayor Miller and Councilwoman Castiglione attended along with the Manager and the Clerk.

Beech Mountain Litter Sweep – Manager Holloman stated that the Beech Mountain Chamber of Commerce will be hosting the litter sweep/community clean-up this year. It will take place Sunday, April 30th beginning at 1:00 pm. Participants can sign-in & pick up their garbage/recycling bags in parking lot #4 at the Fire Station. If participants know what area/street they would like to work on, they can email the Chamber of Commerce directly beforehand, come into the VC, or sign-up at the Fire Station on the day of the event. This information is posted on the Town's website.

Water Treatment Plant Replacement Project Construction Meeting – Manager Holloman stated that the Town Council will be jointly participating with the contractor and engineer on the project. This meeting will take place at Buckeye Recreation Center at 10:30 a.m. April 13, 2017.

Planning Retreat – Manager Holloman stated that the Town Council has a Planning Retreat scheduled for April 20, 2017 at 9:00 a.m. at the Foscoe Grandfather Community Center located at 233 Park Road, Banner Elk North Carolina 28604.

High Country Municipal Association Meeting – Manager Holloman stated that the Town Council will be meeting with other municipalities from Avery County that are a part of the High Country Municipal Association on Thursday, April 20, 2017 at 6:30 p.m. A small dinner will proceed the meeting at 6 p.m.

Ribbon Cutting Ceremony for the Grand Opening of the Replacement Water Treatment Plant – Manager Holloman informed Town Council that as the date for the completion of the Water Treatment Plant Replacement Project drew near Town Council needed to think about a date for a grand opening event.

Governor's Crime Commission Grant – Manager Holloman reported to Town Council that Police Chief Shawn Freeman has received the award letter for the no-match grant for approximately \$21,000. The grant is part of

the Police Department's Capital budget for this fiscal year and will be used towards viper radio and in car cameras. Council thanked Police Chief Freeman for his department's good work.

Beech Mountain Metric – Manager Holloman stated that the Beech Mountain Metric is scheduled to hold their event Saturday, May 20, 2017 from 8:00 a.m. to 3:00 p.m. The ride raises money that is distributed to local nonprofits. This year's ride is anticipated to have approximately 300 riders. Last year Council waived the special event fee. The Beech Mountain Metric would like to request that Council waive this fee again this year and all year's moving forward until such time as Town Council wishes to reinstate the fee for this event. Vice Mayor Piquet motioned to remove the fee for the Beech Mountain Metric until such time it is reinstated. Councilwoman Castiglione seconded, the motion passed unanimously.

IX. Town Council Comments

Town Seal in Council Chamber Room – Vice Mayor Piquet stated that the Town Seal looked great and complimented staff on their good work.

Land of Oz – Attorney Eggers stated that there have been a number of inquiries off of Emerald Forest Lane concerning the Land of Oz. Town Planner James Scott has done some research on the zoning on this parcel. Attorney Eggers stated that the municipality has to have zoning for all of its parcel. Mr. Scott reviewed previous zoning actions and the map. Attorney Eggers stated that the Town's maps were digitized in 2007. Mr. Scott looked into the background of what the zoning items were. There was an addition to the Town in that area that was zoned R-3 A, Multi-Family Residential. The parcel in question was not included with that zoning. Mr. Scott dug back further and held discussions with the Town Council that served at that time. Based on this review Mr. Scott has determined that the proper zoning for the parcel is a C-1, Commercial Services. Mr. Scott will update the Town zoning map accordingly. Attorney Eggers stated that this will not impact any private claims that are ongoing between the land owners and this tract of land. The Land of Oz will still need to comply with the special event ordinance that the Town has enacted. Mr. Holloman and Mr. Scott will have a copy of this zoning judgement in their records.

Neck of the Woods Food Trail – Councilwoman Castiglione requested Director of Tourism and Economic Development Kate Gavenus to explain the '*Neck of the Woods Local Flavor Trail of the NC High Country*'. Mrs. Gavenus stated that this is a contest that is taking nominations right now. Interested

parties can log in at <https://neckofthewoodsnc.com>. Nominations must meet some or all of the eight criteria. Some examples of the criteria are that the establishment must be located within the borders of the 7-county Region, try to source locally, list names of farms who supply locally grown foods, and offer locally brewed beverage.

Coffee with a Cop – Councilwoman Castiglione said the Coffee with the Cop event was great. The Police Department brought in the Town's Telecommunicators to explain to the community the functions of their job. Police Chief Shawn Freeman thanked Fred Pfohl of Fred's General Mercantile for hosting the event.

Bench Donation – Mayor Miller stated that Tim Rhodes and Molly Breden donated the matching benches that are sitting out front at the entranceway of Town Hall. Mayor Miller expressed his appreciation. Mayor Miller stated that the Town will be sending a thank you letter to them for their donation.

Town Seal – Mayor Miller stated that this is something that the Town has needed for a long time. Mayor Miller thanked previous manager Ed Evans, Parks and Recreation Director Sean Royall, and Councilwoman Castiglione for their good work on this project.

Mayor Miller stated that Council would take a short break at 4:36 p.m.

- X. Closed Session – Pursuant to NC GS §143-318.11(a)(3) Attorney Client Matters** – At 4:45 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 *Town of Beech Mountain v. Genesis Wildlife Sanctuary, Inc.*, *Town of Beech Mountain v. Milligan*, *Town of Beech Mountain v. Cooper*, and *Town of Beech Mountain v. Beech Mountain Vacations*. The motion was seconded by Councilwoman Castiglione and passed unanimously. Upon motion by Councilwoman Castiglione, seconded by Councilman Sauer, the Council voted unanimously to exit closed session at 5:05 p.m.

XI. Other Business

Budget Calendar – Councilman Sauer stated that Urs Gsteiger felt like there was not enough time for public comment with the way the budget calendar is currently laid out. Vice Mayor Piquet stated that we have always had an open process with the budget. He was the only one that commented on the budget last year. There are a handful of comments usually on the budget. Manager Holloman stated that there are four opportunities for the public to provide feedback. Vice Mayor Piquet stated that the opportunity for

public input is there and available. Councilman Sauer stated that there was opportunity for the public to provide feedback and that the schedule has been set to allow time for additional meetings if those are necessary.

XII. Adjourn – At 5:12 p.m., Vice Mayor Piquet moved to adjourn, which was seconded by Councilwoman Sauer. The motion passed unanimously.

Minutes approved by Town Council on May 9, 2017.

E. *Rick* Miller, Mayor

ATTEST:

Jennifer Broderick, MMC
Town Clerk

**ATTACHMENT TO MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – April 11, 2017**

EXHIBIT A – Tax Release

EXHIBIT B – Budget Amendment #6-2017

EXHIBIT C – Resolution No. 2017-02: *‘A Resolution by the Town Council of the Town of Beech Mountain, North Carolina Urging the Watauga County Commission to Maintain the Ad Valorem Method of Distribution of Sales Tax in Watauga County’*

EXHIBIT D – Ordinance No. 2017-03: *‘A Resolution by the Town of Beech Mountain Opposing North Carolina Senate Bill 94’*

EXHIBIT E – National Military Appreciation Month Proclamation

TOWN OF BEECH MOUNTAIN TAX OFFICE

RELEASE REQUEST

PROPERTY OWNER	LAST	FIRST	MIDDLE
	Town of Beech Mtn.		
ADDRESS	403 Beech Mountain Parkway Beech Mountain, NC 28604		
LOCATION	Westridge aa635	COUNTY	Watauga

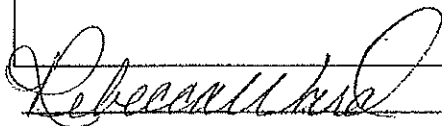
☒ I HEREBY REQUEST RELEASE OF TAX UNDER G.S. 105-381 FOR THE FOLLOWING YEAR:


YEAR	ASSESSMENT		TAX AMOUNT			RECEIPT NUMBER
	TOWN	DISTRICT	TOWN	DISTRICT	TOTAL	
2014	4000	4000			29.28	
2015		4000			29.28	

ACCOUNT NUMBER	
PARCEL NUMBER	1940696393000
AMOUNT OF RELEASE	\$58.56
DATE OF COUNCIL MEETING	04-11-2017

SPECIFIC REASON FOR RELEASE

Town Owned Property


Tax Administrator


Approved By

4/11/2017
Date

REFUND REQUEST

☐ I HEREBY REQUEST REFUND OF TAX UNDER G.S. 105-380 FOR THE FOLLOWING YEARS:

YEAR	TAX	INTEREST PENALTIES COSTS	TOTAL PAID	DATE PAID	TOTAL REFUND
MAKE CHECK TOTAL					

SPECIFIC REASON FOR REFUND

Tax Administrator

Approved By

Date

Council Members

E. Rick Miller, Mayor
Paul Piquet, Vice Mayor
Renee Castiglione
Wendel Sauer
Rick Owen



Town Manager

Tim H. Holloman

Town Attorney

Stacy C. Eggers IV

RESOLUTION No. 2017-02

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BEECH
MOUNTAIN, NORTH CAROLINA
URGING THE WATAUGA COUNTY COMMISSION TO MAINTAIN THE AD
VALOREM METHOD OF DISTRIBUTION OF SALES TAX IN WATAUGA
COUNTY**

WHEREAS, N.C. Gen. Stat. §105-472 provides for the allocation of sales tax between cities and counties within North Carolina; and

WHEREAS, N.C. Gen. Stat. §105-472(b) allows a Board of County Commissioners to determine, on a yearly basis, whether such allocation is made on a per capita distribution or an ad valorem distribution; and

WHEREAS, the ad valorem method of sales tax distribution recognizes the value of property is distributed equitably throughout Watauga County; and

WHEREAS, in early 2013, Watauga County Commission members voted to change the sales tax distribution method to ad valorem from per capita, to be a realized revenue benefit for three of its four municipalities; and

WHEREAS, the Towns of Beech Mountain appreciates its good working relationship with Watauga County and the ability of the Town and the County to address issues within the community to the mutual benefit of the citizens of both the Town and Watauga County; and

WHEREAS, the Town of Beech Mountain is willing to continue to assist Watauga County in addressing its financial needs with sales tax revenue should the ad valorem method be used in determining sales tax distribution for the fiscal year of 2017 – 2018; and

WHEREAS, the Town of Beech Mountain would like to continue this shared prosperity for the fiscal year 2017-2018 providing for, as part of its budgetary process, an amount equal to seventy percent (70 percent) of the increase in gross revenues accruing to the Town over and above the amount which would have otherwise been realized under the per capita method, to costs and expenditures as requested by Watauga County; and

WHEREAS, in providing for costs and expenditures of Watauga County at an amount equal to seventy percent (70 percent) of the increase in gross revenues

Council Members

E. Rick Miller, Mayor
Paul Piquet, Vice Mayor
Renee Castiglione
Wendel Sauer
Rick Owen



Town Manager

Tim H. Holloman

Town Attorney

Stacy C. Eggers IV

RESOLUTION No. 2017-03

**A RESOLUTION BY THE TOWN OF BEECH MOUNTAIN
OPPOSING NORTH CAROLINA SENATE BILL 94**

WHEREAS, municipalities in North Carolina have a reputation of being among the highest professionally run local governments in the country; and

WHEREAS, the Town Council of the Town of Beech Mountain believes local officials and its citizens are best suited to determine how municipalities are operated; and

WHEREAS, the Beech Mountain Town Charter authorizes the citizens of the Town to elect a majority of the Council, every two years; and

WHEREAS, the Town Council believes remaining non-partisan better enables the governing board of Beech Mountain to serve the citizens of Beech Mountain and make decisions based on the best interest of the municipality rather than political party; and

WHEREAS, the Town Council believes the incurred cost of running in a partisan election would be higher than running in a non-partisan election; and

WHEREAS, additional costs could be cost prohibitive to citizens wishing to hold elected office to serve this community.

WHEREAS, the North Carolina General Assembly is considering the passage of Senate Bill 94 which would require that Municipal Elections be held as partisan elections.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Beech Mountain opposes Senate Bill 94 due to the following reasons:

1. The cities and towns of North Carolina are well run and know of no issues concerning fraud in Municipal Elections;
2. Local officials can and should be able to best determine the needs of their communities;
3. Of the 533 municipalities in North Carolina, only 8 have chosen to hold partisan elections;
4. If Municipal Elections are moved to even number years to coordinate with National and State Elections, Municipal Elections would become partisan and driven by national issues and candidates;

Council Members
E. 'Rick' Miller, Mayor
Paul Piquet, Vice Mayor
Renee Castiglione
Wendel Sauer
Rick Owen



Town Manager
Tim H. Holloman

Town Attorney
Stacy C. Eggers IV

National Military Appreciation Month Proclamation

WHEREAS, The freedom and security that citizens of the United States enjoy today are direct results of the bloodshed and continued vigilance given by the United States Armed Forces over the history of our great nation; and

WHEREAS, the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and

WHEREAS, our Nations armed service men and women from sea to shining sea choose Beech Mountain as their vacation destination thus sustaining our community during these difficult economic times; and

WHEREAS, the United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and

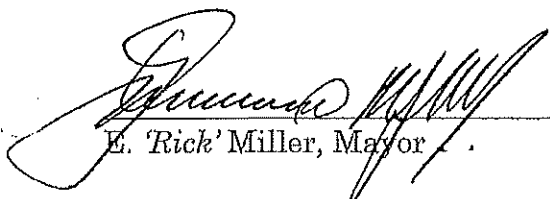
WHEREAS, the months of May and June were selected for this display of patriotism because during these months, we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day and Flag Day;

NOW, THEREFORE, I, E. 'Rick' Miller, Mayor of Town of Beech Mountain of North Carolina do hereby proclaim the period May 1, 2017 through July 14, 2017 as a special time to show appreciation for our Military and proclaim it as


NATIONAL MILITARY APPRECIATION MONTH

in the Town and encourage all citizens to join me in showing our gratitude by the appropriate display of flags and ribbons during the designated period.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Beech Mountain to be affixed this 11th day of April, 2017.


E. 'Rick' Miller, Mayor



Attest:

Jennifer Broderick, MMC