

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – November 12, 2013

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 3:02 p.m., Tuesday November 12, 2013 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, and E. 'Rick' Miller. Councilwoman Cindy Keller was not present. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Town Planner James Scott, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch, Fire Chief Robert Pudney, Finance Officer Nancy Johnson, Parks and Recreation Director Tim Fox and Police Chief Jerry Turbyfill.

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. October 8, 2013 Regular Meeting – Councilman Miller motioned to approve the October 8, 2013 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. October 8, 2013 Closed Session – Vice Mayor Piquet motioned to approve the October 8, 2013 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing Regarding Amending Hearing Procedures before the Board of Adjustment – Town Planner James Scott stated that these changes needed to be made to the Town's ordinance to reflect the changes that have been made at the State level for the rules regarding the function of the Board of Adjustment. Changes incorporated are for criteria of variances and voting standards. Mr. Scott stated that this proposed amendment would make the Town's standards congruent with State standards. Mr. Scott stated that in addition staff had added a requirement for interveners for Board of Adjustment cases in order to improve the efficiency and flow of Board of Adjustment meetings. Vice Mayor Piquet motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Hearing no public comment Councilman Miller motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

VII. Public Comment – There was no public comment.

VIII. New Business

a. Audit Presentation – Kathy Mitchell, of Bryce Holder and Associates, informed Council that staff has done a really good job of keeping expenditures down. Mrs. Mitchell stated that the tax collection rate is at 98.2%, which is above State average. Mrs. Mitchell stated that the low vehicle tax collection of 87.35% should change with the Department of Motor Vehicles collecting taxes for the Town. Mrs. Mitchell stated that there was no new debt and that this has decreased for the year. Mrs. Mitchell pointed out that this year the Local Government Commission wanted to see an unassigned fund balance of 10% and that the Town has exceeded this expectation having a fund balance of 93.10%. Mrs. Mitchell informed Council that the Local Government Commission had not yet made the 2012 numbers available. Mrs. Mitchell reported that of the towns that have a population of 500 and below Beech Mountain has the 2nd highest fund balance of anyone in the State. Mrs. Mitchell advised Council to contact her directly if they had any further questions. Councilman Miller stated that he would like this information included in the next quarterly newsletter.

b. Water Plant Project Update – Benjamin Thomas, P.E. West Consultants, stated that since the last meeting in September West Consultants has been working on the engineering report for the Water Plant Project which is a part of the United States Department of Agriculture loan application. Mr. Thomas stated that several water plants have been visited to enhance the study. Mr. Thomas informed Council that the particles in the water from Buckeye Lake want to rise more so than settling. Mr. Thomas stated that some of the water plants in South Carolina that were visited have the same situation. Mr. Thomas stated that the technique that these water plants use has been implemented as part of the plan that is being submitted to the United States Department of Agriculture. Mr. Thomas stated that the application is now ready to submit. Mr. Thomas informed Council that Public Utilities Director Robert Heaton has a copy of the Preliminary Engineering Report that has been created. Mr. Thomas stated that the next step is to submit an Environmental Report to the United States Department of Agriculture next week. Mr. Thomas stated that the best case scenario is that the Town would be putting the project out to bid by the spring. Mr. Thomas stated that there are many more obstacles before the Town gets to this point however. Mayor Owen thanked Mr. Thomas and the committee for all of the work that is being done. Manager Feierabend stated that later in the meeting the topic of the Watauga River Intake Project would be brought up.

c. Transportation Grant for Streetscape Project – Town Planner James Scott stated that he would like to seek approval to continue with the Town's Streetscape Project by applying for grant monies offered by the Department of Transportation. Mr. Scott explained that if the Town was awarded the Department of Transportation grant then the Town would have to agree to providing 20% of the funds. Mr. Scott stated that 20% was approximately \$43,282 and was based upon what the engineer had determined. Mr. Scott stated that he was not sure what the chances were for receiving funding. Mr. Scott informed Council that David Graham, of the High Country Council of Government, stated that the Town was the only municipality to submit for a Rural Planning Organization grant. Mr. Scott stated that this \$43,000 could include labor in kind but that he has not gotten a response back yet. Vice Mayor Piquet asked when the Town could expect to hear about whether or not this grant has been approved. Mr. Scott stated that in late November the Rural Planning Organization Committee will get together and determine which applications they are forwarding on to the State. Mr. Scott stated that the State will make a decision this spring. Mr. Scott stated that if

the grant was awarded the Town would receive \$216,410 in grant monies. Manager Feierabend advised Council that this would take a budget amendment to complete. Vice Mayor Piquet stated that this is a great deal for the Town. Vice Mayor Piquet stated that sales tax money is coming in ahead of schedule and motioned to apply for the grant. Councilman Miller seconded the motion. Mayor Owen asked what section would be covered. Mr. Scott stated that the project would be picked up at the current Public Works facility in front of the Recycling Center all the way to the curve before the overlook off the Beech Mountain Parkway. Mr. Scott explained that this is where the Town's current right of way ends. Mr. Scott stated that ultimately the goal is to eventually tie into Perry Park. Mr. Scott advised Council that due to the terrain of the rock outcrop the Town would need an easement to go further down the Beech Mountain Parkway. Mr. Scott pointed out that there is an existing trail that is already established that can be used that would allow people to get to the overlook as well as to the Perry Park Trail. Mayor Owen called the vote and the motion passed unanimously.

d. Departmental Presentation of Projects and Achievements – Manager Feierabend stated that every year it is his honor to showcase the staff. Manager Feierabend presented Council with a power point presentation and showed Council where this information was going to be made available on the Town's website. Mayor Owen thanked Manager Feierabend and staff for all of the work that they have done. Mayor Owen stated that he really appreciated staff putting this together and recommended that staff send out a link to this information through email once it is placed on the Town's website. Councilman Miller stated that the most important product that the Town has is their staff and that he wished there were more people in the room for this presentation.

IX. Old Business

a. Vote on Amending Hearing Procedures before the Board of Adjustment – Vice Mayor Piquet motioned to adopt the proposed ordinance. Councilman Holcombe seconded and the motion passed unanimously.

X. Town Manager and Staff Reports

Town Comprehensive Plan – Manager Feierabend stated that staff has distributed a copy of the final Town Comprehensive Plan to each Council Member.

Municipal Code Book Update – Manager Feierabend stated that Council has received the most recent Municipal Code Book update.

Audio Equipment for the Council Room – Manager Feierabend provided Council with six price quotes that had been gathered for audio equipment for the Council Room. \$1,600 to \$5,000 was the price range of the quotes. Manager Feierabend stated that the cost was higher because the system would need to include individual microphones for Council members. Manager Feierabend reported that the sales people for the audio equipment questioned the need because of the small dimensions of the room. Manager Feierabend recommended that staff could make accommodations for those who had difficulty hearing by making seating available in the front row.

Deer – Manager Feierabend provided Council with a handout from the North Carolina Bowhunters Association. Manager Feierabend stated that when the biologist completed the study on the deer the herd was determined to be healthy. Manager Feierabend informed Council that if the Town moved forward in this direction that it was not a onetime deal and that they would need to come in approximately every other year.

Energy Report Study on Town Hall and Buckeye Recreation Center – Manager Feierabend provided Council with an energy report study that had been completed on Town Hall and Buckeye Recreation Center. Manager Feierabend stated that there were helpful ideas such as making changes over a period of time versus doing it all at once.

Watauga River Water Intake Project – Manager Feierabend stated that the cover letter before Council provides information on the packet of information that is being given to the Watauga County Commissioners for their consideration of Beech Mountain's Watauga River Water intake project. This will be on Watauga County's upcoming agenda.

Quarterly Financial Report – Manager Feierabend stated that this information was before Council.

Buckeye Recreation Center Meeting Room Long Term Contract – Manager Feierabend stated that staff had been approached about the possibility of a long term contract for the use of the meeting room at Buckeye Recreation Center. Manager Feierabend asked how Council felt about an agreement being drawn up with there being a preempt clause that the Towns needs would preempt the long term renters as well as the ability to void the lease on either side with no qualms. Attorney Eggers stated that if the Town agrees to something like this then this would need to be extended to other individuals with the same content bases. Councilman Miller stated that the Town has had some bad experiences with longer leases and questioned whether this was a good idea. Mayor Owen asked if this would conflict with other events that come along. Parks and Recreation Director Tim Fox stated that as long as the Town events could preempt then there was no issue at a staff level. Mayor Owen stated that he was inclined to keep the rental system the same as it currently is at Buckeye Recreation Center.

High Country Municipal Association – Manager Feierabend stated that the High Country Municipal Association will be meeting on Thursday, November 21, 2013 at 6:30 p.m. at Seven Devils Town Hall. Manager Feierabend asked that Council who wished to attend inform staff.

Mayor Owen stated that Council would take a short break at 4:17 p.m.

- XI. 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 4:35 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, including Beech Mountain v. Genesis Wildlife Sanctuary and Beech Mountain v. Birchwood Properties; NC GS 143.318.11(a)(6) Personnel Matters. Councilman Miller motioned to exit closed

session at 5:33 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XII. Other Business

Weapons – There was discussion concerning weapons in Town facilities. Staff was directed to prepare a Personnel Policy as well as to determine what constraints were permissible by law.

Vehicle Tax – Vice Mayor Piquet stated that the Town is losing a lot of money on vehicle tax because individuals are not properly registering their vehicles. Vice Mayor Piquet stated that individuals have 60 days to change their tags once they claim their residency. Attorney Eggers stated that law enforcement can cite individuals for not being compliant but that it would be challenging for a Tax Administrator to follow up on.

Manager Feierabend's Contract – Councilman Holcombe motioned to change Manager Feierabend's contract to take out the requirement that he live within Town limits. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

Emerald Outback Grant – Mayor Owen asked about the Emerald Outback Grant and whether the Town was safe on using that property. Manager Feierabend stated that they looked at the easement and Attorney Eggers looked at the easement and that staff is only working on the existing trail.

Flooring at Buckeye Recreation Center – Mayor Owen inquired about when the flooring project at Buckeye Recreation Center was going to be completed and who was over it. Manager Feierabend stated that Doug Bare is overseeing the project and that it was currently underway.

XIII. Adjourn – Councilman Holcombe motioned to adjourn the meeting at 5:46 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously. The meeting was adjourned at 5:46 p.m.

Minutes approved by Town Council on December 10, 2013.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk