

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – December 10, 2013

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 3:00 p.m., Tuesday December 10, 2013 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Cindy Keller and E. 'Rick' Miller. Council Member Alan Holcombe was not present. Staff members present were Town Manager Randy Feierabend and Town Clerk Jennifer Broderick.

II. Recess Meeting Until 6:00 p.m. December 10, 2013 at Town Hall in the Council Chamber Room – Vice Mayor Piquet motioned to recess the meeting to 6:00 p.m. December 10, 2013 at Town Hall in the Council Chamber room. Councilman Miller seconded the motion and the vote passed unanimously. The meeting was recessed at 3:01 p.m.

III. Reconvene Meeting – Mayor Owen reconvened the regular meeting of the Beech Mountain Town Council at 6:05 p.m., Tuesday December 10, 2013 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, Cindy Keller and E. 'Rick' Miller. 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, Building Inspector John Merritt, Fire Chief Robert Pudney and Police Chief Jerry Turbyfill.

IV. Swearing in Newly Elected Officials – Mayor Owen thanked Judge Alexander Lyerly for being present to swear in the newly elected officials; E. 'Rick' Miller, Paul Piquet and Cindy Keller. Judge Alexander Lyerly administered the oath of office to all three newly elected officials. All three newly elected officials were sworn into office.

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

Manager Feierabend stepped out of the meeting at 6:11 p.m. and returned at 6:13 p.m.

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

VII. Adoption of Agenda – Mayor Owen stated that the agenda would stand as presented.

VIII. Selection of the Mayor – Mayor Owen stated the Mayor serves at the pleasure of the Council and is selected from amongst the Council that is currently in office. Councilman Miller motioned for Councilman Rick Owen to serve as Mayor. Vice Mayor Paul Piquet seconded the motion and the vote passed unanimously. Mayor Owen stated that he appreciated the opportunity to sit at the head of this table and will continue to do the best he can to carry out these duties.

IX. Selection of the Vice-Mayor – Councilman Holcombe motioned for Councilman Paul Piquet to serve as Vice Mayor for the next two years. Councilman Miller seconded and the motion and the vote passed unanimously.

X. Approval of the Minutes

a. November 12, Regular Meeting – Councilman Miller motioned to approve the November 12, 2013 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. November 12, 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.

XI. Public Comment

Barry Shore of 205 Foxgrape Hollow stated that there is a problem with bears on Beech Mountain. Mr. Shore stated that his family has been charged by these bears and that they are becoming more dangerous as they become acclimated to humans. Mr. Shore stated that food is the number one issue and that there are several things that the Town can do to lessen the threat of bears. Mr. Shore provided examples and asked that Council consider an ordinance against feeding of the animals.

XII. New Business

a. Water Plant Project Update – Mayor Owen stated the next step for the Town to take in moving forward with securing a United States Department of Agriculture Loan was to schedule a public hearing for the notification of intent to apply for this type of loan at their next regular meeting in January for the Towns Water Plant Project. Councilman Miller motioned to schedule the public hearing for Councils next regular meeting in January 2014. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

b. Beech Mountain Historical Society – Ann Iles, President of the Beech Mountain Historical Society stated the Beech Mountain Historical Society started in 2006 with sixteen residents and that their goal had been to preserve the history of Beech Mountain through a book, which has been completed. Mrs. Iles thanked Town Council for assisting with some funding for the project. Mrs. Iles stated that the next project the Historical Society was working on was the 2015 Town Calendar. Mrs. Iles stated that Town Council has assisted in promoting the calendar through assisting financially. Mrs. Iles stated that next year the calendar will have artistic depictions of subject matter on Beech Mountain. Mrs. Iles stated that another desire of the Historical Society had been to open a museum and that the society was able to realize this vision this past summer through the assistance of the Town and Fred Pfohl. Mrs. Iles reported that the Historical Society museum was open for 72 days and had almost 600 visitors. Mrs. Iles stated that many members of the Town assisted including; Fire Chief Bob Pudney, Building Inspector John Merrit, Vice Mayor Paul Piquet, Councilman Miller, Public Works Director Riley Hatch and Town Manager Randy Feierabend. Mrs. Iles reported that the Historical Society's next project is to work on the restoration of the Town's historic cemetery on St. Andrews Road. Mrs. Iles stated that the Beech Mountain Club owns

this property and that the current fencing around the cemetery needs some work. Mrs. Iles stated that the Keller and Presnell family have family members in this cemetery. Mrs. Iles stated that the Historical Society would like to see a historical marker put in place that would be informative about the cemetery and the individuals in it. Mrs. Iles stated that the Historical Society would also like to see a pocket park created adjacent to the cemetery. Mayor Owen asked what Council could do to help. Mrs. Iles stated that the Historical Society is just getting this project off the ground but that perhaps in the future the Town could assist with the marker.

c. Request Public Hearing for Proposed Ordinance to Amend Regulations Regarding Standards for Connections to the Town Road System by Parties Outside the Town Limits –

Town Planner James Scott stated that recently there was a new subdivision created just outside of Town limits whose primary ingress and egress is going to be through Beech Mountain. Mr. Scott stated that this situation had raised some awareness where individuals in this situation will benefit from Town benefits but not pay for these benefits. Mr. Scott stated that this particular subdivision had a preexisting right of way. Mr. Scott stated that the question was posed as to what would happen if this happened again without regulations in place. Mr. Scott stated that the proposed ordinance would require the party to petition the Town for annexation, though this condition could be waved by Council. The other main component is that if the requester is a new subdivision or development then they would have to meet the Town's standards for a subdivision as well as requiring that minimum water service standards were in place to provide adequate fire protection. Mr. Scott stated that there was also some conflicting wording in the current ordinance that staff was proposing be removed which would not permit annexing into the Town. Mayor Owen asked if Council had any questions. Hearing none Vice Mayor Piquet motioned to schedule the public hearing for Councils next regularly meeting in January 2014. Councilman Holcombe seconded the motion and the motion passed unanimously.

d. Request Public Hearing for Proposed Ordinance to Change Due Date of Utility Bills –

Public Utilities Director Robert Heaton stated that the due date has been discussed at the staff level for a couple of years. With the current late charge date set at the 25th of the month, and monthly billing occurring, staff is pushed to a point where it is very challenging to meet these time parameters. Staff proposes to move the late charge date back 5 days to the 20th. Staff does not believe this will cause a problem. Mayor Owen asked what date the utility bill was going out. Mr. Heaton stated that the bills go out the 1st of the month. Councilwoman Keller stated that her water bill has usually been read from the 15th to the 15th and now hers was being read the 10th to the 10th. Mr. Heaton stated that staff does try to run from the 15th through the 15th. Councilwoman Keller stated that this still permitted 3 weeks for bills to get paid. Vice Mayor Piquet motioned to schedule the public hearing for Councils next regularly scheduled meeting in January 2014. Councilman Holcombe seconded the motion and the vote passed unanimously.

e. Personal Property Tax Release Requests – Councilman Miller motioned to release Mr. Chapman's personal property tax. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Councilman Miller motioned to release Mr. Kondas' personal property tax. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

f. Planning Board of Adjustment Appointments – Mayor Owen stated that Pete Chamberlin and James True have been contacted and informed Council that they wished to seek reappointment. Hearing no other nominees Councilman Miller motioned to appoint Pete Chamberlin and James True to the Planning Board. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

g. Board of Adjustment Appointments – Mayor Owen stated that Ron Nichols and Wendel Sauer have been contacted and informed Council that they wish to seek reappointment. Hearing no other nominees Vice Mayor Piquet motioned to appoint Ron Nichols to the Board of Adjustment and Wendel Sauer as the 2nd Board of Adjustment Alternate. Councilman Holcombe seconded the motion and the vote passed unanimously.

h. Tourism Development Authority Appointments – Mayor Owen stated that Judy Decker and Candie Caote have been contacted and informed Council that they wish to seek reappointment. Hearing no other nominees Councilman Holcombe motioned to appoint Judy Decker and Candi Catoe to the Tourism Development Authority Board. Vice Mayor Piquet seconded the motion. Councilman Miller questioned Candi Catoe's presence on the mountain. Mayor Owen stated that he had some concern as well. Councilwoman Keller asked if Mrs. Catoe had missed any meetings. Manager Feierabend stated that he believed that Mrs. Catoe has only missed one meeting. Vice Mayor Piquet stated that it was his understanding that Mrs. Catoe is a good participant in the process and has good ideas. Mayor Owen called the vote and the vote passed unanimously. Councilman Holcombe motioned to appoint Brian Barnes as the Chairperson for the Tourism Development Authority. Vice Mayor Piquet seconded the motion and the motion passed unanimously. Councilman Holcombe motioned to appoint Judy Decker as the Vice Chairperson for the Tourism Development Authority. Councilman Miller seconded the motion and the vote passed unanimously.

i. Recreation Committee Appointments – Mayor Owen stated that the current board members were all seeking reappointment as well as one new individual. Vice Mayor Piquet stated that since the Recreation Department was in a transitional phase it was his recommendation that Council let the individuals that are currently serving continue to serve and look to make appointments at a later date. Councilman Holcombe stated that he was in agreement. Attorney Eggers stated that these board member positions would be hold over positions until their successors were appointed. Council was in agreement to let the board stay as it was with appointments to be made at a later date.

j. Tree Board Appointments – Mayor Owen stated that the Tree Board's three members were seeking reappointment. Hearing no other nominees Councilman Miller motioned to appoint Renee Castiglione, Marge Bailey and Peter Patton to the Tree Board. Vice Mayor Piquet seconded the motion and the motion passed unanimously.

k. Adoption of the Town Council 2014 Meeting Schedule – Mayor Owen opened the floor for Council discussion of their meeting time preference. After much discussion Vice Mayor Piquet motioned to change Councils regular monthly meeting time to 4:00 p.m. on the second Tuesday of the month. Councilman Holcombe seconded the motion. Councilwoman Keller asked about the schedule for October and whether Council would consider changing this meeting date. Mayor Owen suggested that Council revisit changing this date two months

prior to the October meeting if there was still a need. Mayor Owen called the vote and the motion passed unanimously.

XIII. Town Manager and Staff Reports

Wastewater Report – Manager Feierabend stated that staffs wastewater report was in front of Council.

Resolution for Personnel Policy Amendment for ‘Board Service’ – Manager Feierabend stated that this qualifies employees that serve on profit and nonprofit boards. Manager Feierabend read aloud the revised wording for the resolution before Council. Vice Mayor Piquet motioned to approve Resolution No. 2013-14. Councilman Holcombe seconded the motion. Councilwoman Keller requested staff serving on boards for the Town. After much discussion the vote was called and the motion passed unanimously.

Resolution for Personnel Policy Amendment for ‘Firearm Policy’ – Manager Feierabend stated that until recently it was illegal for anyone to carry firearms in public buildings. Manager Feierabend read aloud the changed wording for the resolution that addressed employees keeping firearms. Mayor Owen clarified that this did not prevent an employee from carrying a weapon in their personal vehicle. Manager Feierabend confirmed that it would not as long as the vehicle was locked. Vice Mayor Piquet motioned to approve Resolution No. 2013-15. Councilman Holcombe seconded the motion and the vote passed unanimously.

Beech Mountain Watauga River Water Intake Project – Manager Feierabend stated that the Watauga County Commissioners will hold a meeting on Tuesday, December 17, 2013 at 6:00 p.m. at the Watauga County Commissioners meeting room. Beech Mountain has a public hearing on the agenda for Watauga County’s consideration to pass a resolution supporting Beech Mountain’s Watauga River Water Intake Project. Mayor Owen stated that if anyone at a staff level is questioned about this project or anyone from the public would like more information to seek out Public Utilities Director Robert Heaton, Urs Gsteiger and/or Manager Feierabend to get educated and to support the Town in this endeavor. Councilman Miller stated that the room will be crowded that night and advised to get there early to show support.

Mayor Owen stated that Council would take a short break at 7:09 p.m.

XIV. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters – Upon motion by Councilman Holcombe at 7:26 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. Councilman Miller motioned to exit closed session at 7:39 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XV. Other Business

Street Lights – Councilman Miller stated that there are three or four streetlights out on Pine Ridge that need to be taken care of. Manager Feierabend stated that staff would alert Mountain Electric.

Energy Surveys – Councilwoman Keller made an inquiry about the energy surveys that the Town had completed. Councilman Holcombe stated that the company that performed these surveys were contracted with the Tennessee Valley Authority and Mountain Electric and that this was a free service to the Town.

Buckeye Recreation Center – Vice Mayor Piquet brought up the issue the Town was having with the heating system at Buckeye Recreation Center. Manager Feierabend stated that there is only one company out of Asheville that can service this heating unit. Vice Mayor Piquet stated that these units need to be replaced if closer service could not be found. Councilman Miller stated that it gets very cold inside Buckeye Recreation Center with no heat. Mayor Owen stated that the Town should find out what its options are. Manager Feierabend stated staff would have someone provide their professional opinion on the situation. Manager Feierabend stated that the boilers are around eight years old and are no longer made.

XVI. Adjourn – Councilman Miller motioned to adjourn the meeting at 7:43 p.m., which was seconded by Vice Mayor Piquet. Councilwoman Keller encouraged the idea that fitness classes be brought back up to the top of the mountain. Manager Feierabend stated that discussion has taken place with staff and that class opportunities such as using the pool at the Pinnacle Inn and using the Council Room have been discussed. Councilman Miller and Councilwoman Keller stated that they were not in favor of using the Council Room. Mayor Owen called the vote and the motion to adjourn passed unanimously. The meeting was adjourned at 7:44 p.m.

Minutes approved by Town Council on January 14, 2014.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk