

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

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 5:01 p.m., Wednesday June 12, 2013 in the meeting room at Buckeye Recreation Center. Other Council Members present were Paul Piquet, Alan Holcombe, Rick Miller and Cindy Keller. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Finance Officer Nancy Johnson, Fire Chief Robert Pudney, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch 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 be amended to remove § VIII. New Business a. ‘*West Consultants – Benjamin Thomas, P.E. West Consultants.*’ Mayor Owen stated that the agenda would stand as amended.

V. Approval of the Minutes

a. May 14, 2013 Regular Meeting – Councilwoman Keller motioned to approve the May 14, 2013 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. May 14, 2013 Closed Session – Councilman Holcombe motioned to approve the May 14, 2013 Closed Session Minutes as amended. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

c. May 29, 2013 Special Meeting – Councilman Miller motioned to approve the May 29, 2013 Special Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing on Proposed Fiscal Year 2013 – 2014 Budget – Mayor Owen stated that this was an opportunity for the public to comment on the proposed budget. Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Mayor Owen asked if anyone wished to speak. Seeing no hands Mayor Owen asked for a motion to close the public hearing. Councilman Holcombe motioned to close the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

VII. Public Comment

a. Proposed Town Comprehensive Plan – Mayor Owen asked if anyone from the public wished to speak about the Town's proposed Comprehensive Plan. Seeing that no one wished to address Council, Town Planner James Scott took the time to explain the proposed Comprehensive Plan. Mr. Scott stated that the proposed Comprehensive Plan is both a broad and long scoped plan for the Town and that in order for the Plan to be successful it needed to have community input. Mr. Scott informed everyone that the proposed Comprehensive Plan is posted online on the Town's website and is available for hard copy review at Town Hall. Mr. Scott stated that he could be emailed at jscott.townofbeechmountain.com with any input.

b. General Comment Period – Mayor Owen asked if there was anyone from the public who wished to address Council.

Lee Wittman of 104 Rainbows End stated that it looked like the Gnarria Festival is coming back this year and asked what is being done. Mr. Wittman questioned the cost that this would be on the Town. Mayor Owen asked if Police Chief Jay Hefner had heard anything about this event returning. Police Chief Hefner stated that he had not heard any news of this event and that they had started planning in April of last year for the event. Manager Feierabend stated that there is a similar festival that is being done in Asheville and that this may be the event that Mr. Wittman was speaking of.

VIII. New Business

a. Tourism Development Authority Request for Council Participation – Manager Feierabend stated that 1/3 of the funds collected from occupancy tax must be spent on building and maintaining recreational facilities. The Tourism Development Authority is requesting that two Council Members participate with the Capital Committee to assist in determining what projects will be funded. Vice Mayor Piquet and Councilwoman Keller volunteered to participate.

b. Budget Amendments and Transfers – Manager Feierabend informed Council that the \$7,500 proposed budget amendment represented half of the money for the Streetscape Project that the Town had received through a grant. Councilman Holcombe motioned to approve the \$7,500 budget amendment. Councilman Miller seconded the motion and the vote passed unanimously. Manager Feierabend requested that Council approve a budget transfer in the amount of \$18,900 to bring line items closer to actual amounts based on current projects. Vice Mayor Piquet motioned to approve the transfer. Councilman Holcombe seconded the motion and the vote passed unanimously.

c. Resolution Supporting Mountain Electric Greenway – Mayor Owen stated that Banner Elk's Bicycling Committee Chairperson, Ted Silver, had made a request at the last High Country Municipal Association meeting that each municipality adopt a resolution which showed support for the creation of a Greenway Trail. The proposed trail was to run concurrently with the easement that Mountain Electric was getting from

property owners from Sugar Mountain to Banner Elk for their new power substation. Mayor Owen stated that the resolution does not approve any money for the project. Councilman Miller motioned to approve the resolution. Councilman Holcombe seconded the motion and the vote passed unanimously.

d. Request Public Hearing for Amending Nuisance Standards Regarding Trailers or Campers – Town Planner James Scott stated that last month the junk car and motor vehicle standards were amended by Council. During discussion it came up whether this resolution would cover trailers and campers. The Planning Board reviewed the Towns nuisance ordinance and determined that trailers and campers could be handled better under this ordinance and that the nuisance ordinance could be strengthened. Mr. Scott requested that Council schedule a public hearing for their next regularly scheduled meeting regarding the proposed amendments to the nuisance standards. 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.

IX. Old Business

a. Discuss Proposed Fiscal Year 2013 – 2014 Budget – Mayor Owen announced that Council would hold the next budget meeting on Wednesday, June 19, 2013 at 5:00 p.m. at Town Hall in the Council Chamber room. Council unanimously decided to hold off on further discussion until this date and time. Mayor Owen stated that staff had prepared a presentation on the proposed budget. Manager Feierabend presented a power point presentation. Manager Feierabend began with the Sanitation Department stating that projected revenues were \$350,050; no rate increase requested, fund reserve is projected to be approximately \$396,000, budget requested is approximately \$350,000 and that staff is proposing to operate the Recycling Center 7 days a week for June, July and August. Water and Sewer revenues were projected to be as follows: interest \$1,000, metered sales \$1,836,500, tap/reconnect fees \$12,000 for a total of \$1,849,500, no rate increase requested, fund reserve is projected to be approximately \$1,000,000, continue to work on design and permitting of water plant, continue to work on permitting of intake and the only major capital is a standby generator at the Mill Pond Pump Station for \$75,000. General Fund revenues projected to be as follows: ad valorem \$3,700,000, prior year ad valorem \$10,000, interest \$8,500, recreation fees \$60,000, occupancy tax \$185,000, State revenue \$325,000, building inspection, etc. \$13,000, miscellaneous revenue \$144,000 for a total of \$4,455,000, no tax increase, and Fund Reserve is projected to be approximately \$3,500,000 to \$3,700,000 for a requested budget of \$4,455,000. General Fund key points were proposed personnel changes; cost of living adjustment of 1%, a certification program funded at 1% and employee benefit changes of reducing 401k from 5% to 4% as well as this being the proposed first year in a four year transition of employee health insurance reductions being implemented with future increases in family, spouse and dependents coverage to be paid by employee. Administration overview included separation pay of approximately \$17,000; loss of hold harmless funds (\$42,000), health insurance increase of \$81,000, \$10,000 slope stabilization at Buckeye Recreation Center, employment security increase from \$8,000 to \$21,500 (prepaid), contract services increasing about \$11,000 but Building/Grounds down \$26,000, salaries \$87,000 up in

order to absorb percent of Utility Director and Utility Clerk cost and \$4,800 for the quarterly newsletter. Tax Collections shows a slight increase in travel/training and contract services. Fire is showing a slight increase in salary with the move of Robert Pudney from Fire Captain to Fire Chief. Building Inspections reflected an adjustment in contractual to reflect actual cost and increased Building/Grounds and Training. Planning received a grant in the amount of \$15,000 for sidewalk design of which \$7,500 was for fiscal year 2012-2013 and \$7,500 was for fiscal year 2013-2014. Recreation had a proposed \$10,000 for possible roof repairs and \$75,000 Recreational Trails Program Grant that was approved June 7, 2013 with a match of up to \$18,750 which will be in fiscal year 2013-2014. Police dispatch and E-911 had most budget line items decreasing with the exception of a slight increase in capital for vehicle cost. Public Works vehicle maintenance and road maintenance had a proposed \$8,000 for earth work on the 6 acre tract; \$60,000 increase in salaries to absorb percentage of taps crew and cuts to gravel and paving program in the amount of \$115,000 for gravel and \$123,000 in paving. Mayor Owen thanked Manager Feierabend for his presentation and apologized that this was not done during the public hearing and asked if there was any public comment. Colonel Alan Brister of 318 Charter Hills Road asked what paving projects were being completed. Mayor Owen stated that there were no new paving projects planned. Public Works Director Riley Hatch stated that the paving contract will start on the 24th of June at the Beech Mountain Parkway paving Charter Hills to Shagbark. After hearing no more comment Mayor Owen stated that the public was welcome to stop by Town Hall with further comments. Frank Steele of 107 Christie Way asked about the gross figure of this budget compared to last year's gross sum. Finance Officer Nancy Johnson stated that is about the same. Mayor Owen stated that the Town is not increasing any rates so the revenues are not going to change substantially. Mr. Steele stated that there was the potential of lesser being collected for tax revenue. Mayor Owen stated that next year there will be a revaluation completed by both Avery County and Watauga County. Councilwoman Keller asked how many taps had to be done to reach \$12,000. Public Utilities Director Robert Heaton stated that they cost \$1,000 each and then there are availability fees that are added to this amount as well. Councilwoman Keller asked about the increase in retirement. Manager Feierabend stated that this is State mandated and why the proposed budget has part time employees working below a yearly average of 20 hours a week so that the Town does not have to pay retirement benefits. Mayor Owen stated that this money represents monies that are paid by the Town into the retirement system based upon number of employees and types of positions.

X. *Town Manager and Staff Reports*

Historical Society and Location Update – Manager Feierabend reported to Council that LifeStore Bank President Bob Washburn has agreed to allow the Historical Society to use a small portion of the building at 3363 Beech Mountain Parkway and that through the work that has been completed it looked like the Historical Society would be open by the 4th of July.

Grading Plan for Future Public Works Building Site – Manager Feierabend showed the proposed plan to Council. Manager Feierabend explained that staff is proposing a buffer

towards the Pinnacle Inn and that the lower area is the proposed location for the chat pile. Manager Feierabend stated that if Council is okay with this then staff is going to start working on an erosion plan. Manager Feierabend stated that this work would be completed in the hopes that 3 to 5 years down the road the Town could relocate the Public Works Building to this location. Councilwoman Keller stated that then the proposed plan is to tear down the old Public Works Building in the future. Manager Feierabend concurred.

Flag Pole Update – Manager Feierabend stated that the requested the budget amendment in the amount of the \$3,000 was to replace the flagpole that had to be removed due to the fact that it was leaning which was making it a hazard. Councilman Miller motioned to approve the amendment. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Manager Feierabend stated that the old pole was going to Fire Chief Bob Pudney to be mounted to the side of the fire station building.

Paving Update – Manager Feierabend stated that the Town is moving forward with its paving project and that there has been some delay due to the weather.

Road Striping Update – Manager Feierabend informed Council that the Beech Mountain Crew would be restriping Charter Hills upon completion of the paving and other roads that are found to be in need. Manager Feierabend stated that the North Carolina Department of Transportation subcontractor only came as far as Banner Elk when they were striping. Manager Feierabend stated that the North Carolina Department of Transportation has informed the Town that they will send someone out in July to restripe the portion of the Beech Mountain Parkway that they are responsible for.

Audit Contract – Manager Feierabend informed Council that staff had received the auditors contract from Bryce Holders Office with the same provisions for being late as were in the previous contract. Vice Mayor Piquet motioned to approve the Mayor signing the contract if he approved the contract. Councilman Holcombe seconded the motion and the vote passed unanimously.

Water Plant Site Plan – Manager Feierabend stated that the Water Committee had been presented with 3 site plan options from West Consultants. Manager Feierabend stated that the 3 site plans were in front of Council. Urs Gsteiger, of the Water Committee, stated that the Water Committee and staff had met with Engineer Benjamin Thomas of West Consultants and stated that they were leaning with the engineer towards a conventional plant design. Mr. Gsteiger stated that all site options have been looked at and discussed and that based upon these discussions the Water Committee is recommending to Council the Option A site plan. Mr. Gsteiger stated that there had been consideration of the view from Buckeye Recreation Center factored in but due to the cost the Water Committee did not feel that this was a constructive move for the Town. Public Utilities Director Robert Heaton stated that Mr. Thomas would need a decision from Council as to which site plan to proceed with by Councils next regularly scheduled meeting. Councilman Miller asked Mr. Gsteiger to explain the Option B site plan. Mr. Gsteiger stated that the initial concern when looking at the site was that the initial site

would degrade the view from Buckeye Recreation Center. As a result the Option B site plan was presented. The problem with the Option B site plan is that there is only so much room in this area and that because of this the slope behind the Water Plant would have to be significantly excavated which would be very costly. The significant increase in cost persuaded the Water Committee to recommend Option A. Mr. Gsteiger stated that the Option C site plan caused additional issues which would impact the existing road as well as causing the electrical services to have to be moved. Councilman Miller asked if Council felt like moving forward. Councilman Holcombe motioned to approve the Option A site plan. Vice Mayor Piquet seconded the motion. Mayor Owen stated that this was a tough decision to make and that the Town has to be responsible for the money spent on this project. Mayor Owen stated that he had wanted to intrude upon the view from Buckeye Recreation Center the least way possible. Mr. Gsteiger stated that the view from Buckeye Recreation Center had been discussed as well as things that could be done to the building and the landscaping to improve the aesthetics. Public Utilities Director Robert Heaton stated that the roof line is going to be about 12' higher than the current Water Plant building. Mr. Heaton stated that staff needs a site approved by the next Council meeting. Mayor Owen stated that Option A's site also extended beyond the fence line. Councilwoman Keller asked why the road needed to be put behind the building. Mr. Gsteiger explained that there is a slope in front of the building that is pretty substantial which would be expensive to build a road on. Mayor Owen stated that he appreciated the Water Committee and West Consultants looking into alternative sites. Mr. Gsteiger stated that there had been discussion of placing the building on the other side of Buckeye Lake and that this too was very expensive. Mayor Owen asked if there was still discussion of doing parking across the street. Manager Feierabend stated that there had been talk of excavating and bringing in fill dirt to do the parking. Hearing no more discussion Mayor Owen called the question to proceed with the Option A site plan. Council voted unanimously to approve the Option A site plan.

Guard Rails – Councilwoman Keller asked if the Town put in guard rails stating that she had been approached by an individual who had voiced their concern over two different situations where people who have gone off Pinnacle Ridge Road. Public Utilities Director Riley Hatch stated that staff has put a guard rail up on this road. Manager Feierabend stated that staff has tried to put wooden rails up where they can. Manager Feierabend stated that based upon the Police Departments recommendation that a guard rail had been put up on Pinnacle Ridge Road.

Police Chief Jay Hefner – Mayor Owen took a moment to recognize that Police Chief Jay Hefner is retiring. There were applause for Chief Hefner.

Mayor Owen stated that council would take a short break at 6:08 p.m.

- XI. 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)(5) Potential Acquisition of Real Property; NC GS 143.318.11(a)(2) to Prevent the Premature Disclosure of an Award and NC GS 143.318.11(a)(1) Personnel Matters*** – Upon motion by Councilman Holcombe at 6:17 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; NC GS 143.318.11(a)(5) Potential Acquisition of Real Property; NC GS 143.318.11(a)(2) to Prevent the Premature Disclosure of an Award and NC GS 143.318.11(a)(1) Personnel Matters. Councilman Holcombe motioned to exit closed session at 6:46 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously.

XII. Other Business

Buckeye Recreation Center Roof Repairs – Councilwoman Keller inquired about the work that was being completed on the Buckeye Recreation Centers roof and whether the people doing the work were going to guarantee their work. Manager Feierabend stated he believed the work would be guaranteed for 1 year. Manager Feierabend stated that Tom Smith, with Barger-Ashe Roofing Company Inc., was the company that the Town was working with. Manager Feierabend stated that Barger-Ashe believe the issue with the roof has to do with the initial installation and windblown rain.

XIII. Adjourn – Vice Mayor Piquet motioned to adjourn the meeting at 6:48 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned at 6:48 p.m.

Minutes approved by Town Council on July 9, 2013.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk