

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – July 9, 2013

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 5:00 p.m., Tuesday July 9, 2013 in the Town Hall Council Chambers. Other Council Members present were Alan Holcombe, Paul Piquet, E. '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, Town Planner James Scott, Fire Chief Robert Pudney, 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 stand as amended.

V. Approval of the Minutes

a. June 12, 2013 Regular Meeting – Councilman Miller motioned to approve the June 12, 2013 Regular Meeting Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

b. June 12, 2013 Closed Session – Councilman Miller motioned to approve the June 12, 2013 Closed Session Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

c. June 19, 2013; Reconvened June 26, 2013 Special Meeting – Vice Mayor Piquet motioned to approve the June 19, 2013; Reconvened June 26, 2013 Special Meeting Minutes as amended. Councilwoman Keller seconded the motion and the vote passed unanimously.

d. June 19, 2013; Reconvened June 26, 2013 Closed Session – Vice Mayor Piquet motioned to approve the June 19, 2013; Reconvened June 26, 2013 Closed Session Minutes. Councilman Miller seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing on Amending Nuisance Regulations Regarding Trailers or Campers – Vice Mayor Piquet motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Town Planner James Scott stated that this proposed amendment came into discussion several months ago when staff and the Planning Board were looking at Town standards for junked motor vehicles. The question of whether or not trailers or campers were covered came up. After researching the question of trailers and campers it was discovered that the Towns junked vehicles ordinance did not cover these. Mr. Scott stated that this proposed amendment would address the issue of trailers and

campers through the Town's nuisance regulations. 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 – Town Planner James Scott stated that staff is trying to get as much feedback as possible prior to the proposed adoption of the Town Comprehensive Plan. The Planning Board and staff will consider incorporating ideas received into the Town Comprehensive Plan prior to presenting the final plan to Council in August. Clarke Kennedy of 103 Locust Ridge Road stated that he had read a portion of the draft Town Comprehensive Plan and that what he has seen is really well done.

b. General Comment Period

There was no public comment.

VIII. New Business

a. Honor the Retirement of Police Chief Jay Hefner – Mayor Owen stated that the Town was taking this moment to recognize former Police Chief Jay Hefner. Vice Mayor Piquet read aloud the Resolution of Appreciation Honoring the Service of Police Chief Jay Hefner that Council had adopted on the 29th day of May, 2013. Mayor Owen presented former Police Chief Hefner with a plaque with the resolution inscribed on it as well as a shadowbox with the former Police Chiefs handcuffs as well as badges from the Town of Beech Mountain and Avery County. Mayor Owen then read aloud and presented former Police Chief Hefner with the Old North State Award signed by Governor Pat McCrory. Mayor Owen asked that Police Chief Jerry Turbyfill present former Police Chief Hefner with his service weapon. Mayor Owen then provided former Police Chief Hefner with a trip to Nashville from Town Council and the citizens of the Town. Former Police Chief Hefner thanked everyone and said that it was truly his honor; stating that Council and everyone has been great to work with and have all been greatly appreciated. Former Police Chief Hefner received a standing ovation.

IX. Old Business

a. Vote on Ordinance Amending Nuisance Regulations Regarding Trailers or Campers – Vice Mayor Piquet motioned to adopt the ordinance. Councilman Holcombe seconded the motion. Councilwoman Keller suggested that appliances, motorized carts and junk wagons be included. Town Planner James Scott stated that the nuisance regulations cover most of these items already with similar wording. Attorney Eggers stated that it would be difficult to cover everything that someone may trash. Mayor Owen called the vote and the vote passed unanimously.

X. Town Manager and Staff Reports

Mountain States Health Alliance HEARTCOACH – Manger Feierabend stated that the heart coach would be here next month.

Presentation on Bears – Manager Feierabend stated that North Carolina Wildlife biologist Danny Ray would be here next week to do a presentation on bears entitled ‘Living with Bears.’

Historical Society and Location Update – Manager Feierabend stated that the first day of operation was this coming Tuesday. Manager Feierabend stated that Council has been invited to an event at the new location which was scheduled to be held at 5:00 p.m. on Monday July 15, 2013 on site.

Yard Debris Policy Change – Manager Feierabend stated some homeowners have been abusive of the free service that the Town provides by renting track hoes to do heavy work and then expecting the Town to pick up their debris. As a result Manager Feierabend stated that staff has made a policy that the Town will only pick up those items that are 6” or less in diameter and that staff would not pick up after someone who has used heavy equipment. This was never the intent of the original policy.

Budget Amendment – Manager Feierabend stated that the proposed budget amendment was in the amount of \$3,740 for the completion of the tennis courts. This job was not completely finished in the prior fiscal year due to weather. Vice Mayor Piquet motioned to approve the budget amendment. Councilman Holcombe seconded the motion and the vote passed unanimously.

Water Plant Project – Councilwoman Keller asked about receiving a report on the Water Plant Project from West Consultants; the engineers hired by the Town to build the Water Plant. Manager Feierabend stated that Benjamin Thomas, P.E. of West Consultants would be ready in August to present information to Council and that, in the meantime, a written report could be requested. Councilman Miller asked if staff was working on the same site that Council had approved. Manager Feierabend confirmed that this was correct.

Mayor Owen stated that Council would take a short break at 5:27 p.m.

- XI. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143.318.11(a)(1) Personnel Matters** – Upon motion by Councilman Miller at 5:32 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)(1) Personnel Matters. Vice Mayor Piquet motioned to exit closed session at 6:00 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XII. Other Business

Note: Due to the absence of Manager Feierabend and Clerk Broderick, the following minutes were taken by Town Attorney Eggers.

Performance of Manager Feierabend – Councilman Holcombe motioned to pay a bonus to Manager Feierabend in the amount of \$5,400.00. The motion died for lack of a second. Councilwoman Keller motioned to pay a bonus to Manager Feierabend in the amount of \$5,000.00. Councilman Miller seconded the motion and the vote passed unanimously.

Manager Feierabend and Clerk Broderick returned to the meeting.

Mayor Owen told Manager Feierabend that the Town did not feel it was appropriate to give a COLA or raise on top of the existing salary. Mayor Owen stated that the Town appreciated the good service of Manager Feierabend to the Town and that the Council had voted to pay a bonus to Manager Feierabend in the amount of \$5,000.00. The Council thanked Manager Feierabend for his good service. Manager Feierabend thanked the Council for the bonus and their continued support.

Note: The remainder of the minutes for the meeting were recorded by Clerk Broderick.

Tourism Development Authority – Vice Mayor Piquet asked about if there was a vacancy on the Tourism Development Authority board. Manager Feierabend stated that Candi Catoe has a lease purchase agreement in place at Archers Inn & Jackalopes in which she is being retained as a consultant. Manager Feierabend informed Council that Mrs. Catoe wished to stay on the Tourism Development Authority board. Manager Feierabend stated that he would contact Mrs. Catoe to find out the facts. Manager Feierabend stated that he believes that Mrs. Catoe is a good member for the Tourism Development Authority board. Manager Feierabend stated that the last time he had spoken with Mrs. Catoe she had indicated that she was going to be living in Fox Run and running a business in the Town. Mayor Owen asked Manager Feierabend to follow up on this.

Planning Board – Manager Feierabend stated that Planning Board member James True had recently gotten married to a woman who owns a home in Foscoe. Mr. True was in the process of determining where he was going to claim his residency. Councilwoman Keller stated that she felt that Mr. True would be good for the Tourism Development Authority board. Manager Feierabend stated that he would get a final answer from Mr. True.

Archers Inn & Jackalopes – Mayor Owen asked if a lien needed to be placed on the property for past due accounts. Attorney Eggers suggested that staff should make the priority be that the garbage bill is paid first. Vice Mayor Piquet stated his concern that the Town would not get any money that was due for the garbage. Attorney Eggers advised Council that the taxes are a lien on the property where the garbage is not. Mayor Owen pointed out that the past due garbage bill is approximately \$3,000. Attorney Eggers stated that the Town could file a small claim or do a payment plan which prioritizes the payments to the garbage first. Manager Feierabend stated that payments have been received sporadically. Mayor Owen asked Manager Feierabend to provide a report next month.

High Country Council of Government – Manager Feierabend stated that the High Country Council of Government is asking for RSVP's by the August 16, 2013. Mayor Owen stated that the date of the event is September 6, 2013 at 6:00 p.m. at Linville. Council was asked to inform Town Clerk Jennifer Broderick of whether or not they wished to attend.

XIII. Adjourn – Councilman Miller motioned to adjourn the meeting at 6:15 p.m., which was seconded by Vice Mayor Piquet. The motion passed unanimously. The meeting was adjourned at 6:15 p.m.

Minutes approved by Town Council on August 13, 2013.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk