



MINUTES

Regular Town Council meeting Meeting

3:00 PM - Tuesday, October 1, 2019
Council Chambers

The Regular Town Council meeting of the Town of Beech Mountain was called to order on Tuesday, October 1, 2019, at 3:00 PM, in the Council Chambers, with the following members present:

**COUNCIL
PRESENT:** Mayor Renee Castiglione
Vice-Mayor Barry Kaufman
Councilman Carl Marquardt
Councilman Weidner Abernethy
Councilman Wendel Sauer

**COUNCIL
EXCUSED:**

**STAFF
PRESENT:** Town Manager Tim Holloman
Attorney Stacy Eggers, IV
Town Clerk Tamara Mercer
Public Utilities Superintendent Daniel Davis
Interim Town Manager Bob Pudney
Building Inspector Jeff Fish
Director of Tourism and Economic Development Kate Gavenus
Assistant Parks and Rec Director Kate Prisco
Public Works Superintendent Matthew Clawson
Town Planner Preston Yates
Police Captain Renee Carpenter
Director of Special Projects Riley Hatch
Director of Infrastructure Robert Heaton
Parks and Rec Director Sean Royall
Chief of Police Tim Barnett
Finance Officer Steve Smith

1. CALL TO ORDER

2. ADOPTION OF AGENDA

- 2.1. Mayor Castiglione noted that she was adding an item to the agenda: under New Business, Shane Outpost Park, will be addressed by Dr. Ron Shane.

Motion

Carl Marquardt made a motion to adopt the amended agenda and Weidner Abernethy seconded the motion. CARRIED. unanimously.

3. INVOCATION- TIM HOLLOMAN

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT

5.1. Mr. Jim O'Connell of 151 Hornbeam Road presented a petition signed by some of his neighbors requesting the unpaved portion of Hornbeam Road speed limit be reduced to 15-mph. This is due to heavy traffic and vehicle shortcuts from Tamarack Road. Mr. O'Connell was concerned for vehicle and pedestrian safety and he cited health concerns from roadway dust. Mr. O'Connell submitted the petition.

Mr. Urs Gsteiger of 124 Raven Road urged the Town to employ a preventative maintenance program which is needed for the equipment and machinery. A maintenance program is key to keeping heavy machinery working, such as the motor grader. The departments are guardians of tax payer money and machinery requires a daily inspection. Mr. Gsteiger said checking essential equipment saves money and time. All inspections should be up to date in the log books which are a record of daily maintenance. For example, he said the motor grader fittings need to be greased everyday, or it is negligence.

Mr. Michael Holland of 209 North Pinnacle Ridge Road was strongly against the gravel road amendments as adopted in September by Council. He called for a comprehensive plan on the issue and said there is no justification for lowering speed limits arbitrarily. He stated he has personally walked every road on the mountain and he questioned the reasons for lowering the speed limit on the four gravel roads. Mr. Holland reviewed examples of blind-curves and turns on the mountain which are culprits for unsafe driving conditions. He said vehicles speed up on paved roads and slow down on gravel roads. The newly passed ordinance is a reactionary response by Council and he agreed with Councilman Abernethy who questioned the adoption. He stressed there should be comprehensive planning before making long-term unnecessary changes.

Mr. Bob Carpenter of 101 Golfview Drive addressed the topic of leaf pick-up. He was denied a pickup of his leaves last spring and he questioned how the ordinance is implemented. He asked for a clear rule regarding who's leaves are picked up. He asks for fair treatment.

Ms. Kelly Melang of 1032 Charter Hills Road was also concerned with the newly adopted speed limit reduction of 15 mph on certain gravel roads. Ms. Melang questioned the process for the proposed amendment to reduce the speed limit on more gravel roads. She asked who decides which roads are lowered, the public or Staff, or if the Council decides. Does a majority petition lower the roadway speed or can a few home owners petition? As well she

asked how notification is implemented and she questioned the enforcement by police. Ms. Melang said the proposed amendment to lower the speed limit on more gravel roads would pit resident against resident, she disagreed with the manner in which the issue was being addressed.

Ms. Nancy Owen of 105 Spicewood Lane said she was concerned about the of lack of maintenance at the Buckeye Recreation Center. She said the roof has leaked for years. She said there is a lack of ventilation in the work-out rooms. The windows are the only source of circulation, but the blinds must be down in order to block the sun and then one cannot open the windows, so it is a problem. The building needs maintenance and there needs to be air conditioning installed. She said the Staff work hard and was not critical of the Staff, but the Town spent the money to construct the Center and it should be well maintained.

Ms. Owen also addressed the speed limit change request from 25 mph to 15 mph and she noted that the speed limit change from one gravel road to the next will be very confusing.

Mr. Chris Vassalov of 103 Skiloft Road said he is a resident on Beech Mountain for fifteen years and he was speaking on behalf of and in support of Shane Outpost Park. Mr. Vassalov reviewed the amenities on the mountain including the hiking trails, mountain bike trails and the dog park amenities. New amenities on Beech Mountain generates excitement. Members of the Town have raised funds in support of the Park and the people's generosity fits the Town's strategic plan. He requested that the Council provide the same support for the park facility. Shane Outpost Park aligns with the rest of the outdoor adventure amenities and will add another service to the destination. Camping brings visitors and needs to be an available addition to the trails. This in turn will add commerce to the economy and the Town Council should support Shane Park.

6. CONSENT AGENDA

- 6.1.** Adoption of Minutes of September 10, 2019
- 6.2.** Parcel donations- 142 Buckeye Creek Road, Charles Hall property PID: 194117128169 and property donation on West Pond Creek (address to be determined), Gerlero Properties, LLC PID:1950122948000
- 6.3.** Avery County Board of Elections Agreement between the Board of Elections and Beech Mountain

Motion

Wendel Sauer made a motion to accept the Consent Agenda items and Barry Kaufman seconded the motion. CARRIED. unanimously.

7. PUBLIC HEARING SYSTEM DEVELOPMENT FEE STUDY

- 7.1. Mayor Castiglione requested a motion to open the Public Hearing for the System Development Fee Study and Wendel Sauer made a motion to open the Public Hearing and Weidner Abernethy seconded the motion. No one elected to speak on the subject of the System Development Fee Study and Mayor Castiglione requested a motion to close the Public Hearing.

Motion

Wendel Sauer made a motion to close the Public Hearing and Barry Kaufman seconded the motion. CARRIED. unanimously.

8. NEW BUSINESS

8.1. Shane Outpost Park- Dr. Ron Shane

Dr. Shane of 104 Lower Snowbird recounted a brief history of the Buckeye Creek Recreation Center area and the property he and his wife, Ms. Susan Shane donated to the Town. The acreage has been gifted for community usage and for the public park programs. He said he and Ms. Shane were impressed with the current Buckeye Creek Park and were greeted by the Towns' enthusiasm to expand the park and amenities.

Dr. Shane added that he believed the Town would contribute \$200,000 towards the park. The past two year's fundraisers, have raised over \$25,000 and he gave \$30,000. People have recently donated money and if the Town commits to give \$200,000, he suggests the money be placed in a separate account and should be monitored by a committee dedicated to Shane Outpost Park.

Councilman Marquardt said he believed that the full pledge from the current Town Council was to match the PARTF grant, and the total project budget would be \$450,000. (Note: the Town did not receive the PARTF grant) Councilman Marquardt said the \$200,000 was set aside for the project in accordance with the PARTF grant matching requirement. He noted that Attorney Eggers and the Finance Officer should review the segregation of the funds to a committed funds account. He still supports the project but now it needs to be scaled down from the grand plan as first envisioned. Councilman Marquardt said he votes in favor of the Council's commitment to continued support of Shane Outpost Park.

Councilman Sauer added that while the Town has been waiting for two years, unsuccessfully, for the PARTF grant, he sees no reason not to proceed with the project and move forward with a scaled down version of the project. Vice Mayor Kaufman inquired into the options for a scaled down project in order to reduce the budget.

Mr. Holloman presented the options for scaling down the project. He stated that the total budget for the Shane Park project was \$380,000, which included the \$200,000 from the town, \$130,000 from donations, and \$50,000

from TDA. Dr. Shane is requesting authorization by the Town to spend that money on the engineering and design. In any of the options which may be planned, the engineering and design must be spent. Mr. Holloman reviewed the different options as submitted in the list. The project elements to choose from, such as bathrooms, parking and streetlights, campground and campsites, trails, picnic shelter, ropes course, and fishing pier, etc. was noted.

Councilman Marquardt suggested a sub-committee by those serving on Parks and Recreation plus the fundraiser volunteers, form a sub-committee to vet which option the Town should best pursue, but a funding commitment should come from Council. To which Mr. Holloman added that the joint Parks and Recreation paired with the Fundraising Committee can decide which direction the Town should pursue, as authorized by the Town Council.

Councilman Abernethy said from a business perspective, he is opposed to the project. The Town is building the new Public Works Facilities at five-million dollars. His priority is for the money to be spent on infrastructure. There is roadways and maintenance costs for all the gravel roads and the park project takes away from other needed projects. There are serious issues regarding the funding, and Councilman Abernethy wants more information on the proposal before supporting such an investment. The return on infrastructure is a measured return.

Mayor Castiglione explained why she is in support of the park project and said it is planning for the future. Families are moving to Beech Mountain for biking, hiking and for the Emerald Outback. The Town needs activities for children. We are maintaining and building our infrastructure such as maintenance of gravel roads as well as infrastructure for water. We can't chose one over the other and the future is our next generation. Shane Park helps families and we can do both, Shane Park is for the future.

Motion

Wendel Sauer made a motion to pledge \$200,000 towards the development of the Shane Outpost Park and Carl Marquardt seconded the motion. CARRIED. 4-1 (opposed: Weidner Abernethy).

8.2. System Development Fee Study Ordinance No. 2019-06 Dale Schepers, Senior Consultant, McGill Engineering

Mr. Schepers explained the reasons for conducting the System Development Fee Study and the history behind the newly passed legislation to put the fee study in place.

In response to Councilman Abernethy's inquiry, Mr. Schepers said the cost was \$8,200 to conduct the study. In response to Councilman Abernethy's question as to how many neighborhoods this will effect, Mr. Schepers said it has no effect on existing customers or neighborhoods but pertains only to new development or hook-ups to the water/sewer system within the Town. In response to a question regarding new development or the area of Cherry Gap,

Mr. Holloman said the new regulations would apply to new development in the town and any requests for annexation.

Attorney Eggers noted that due to the recent changes in the law, this process is required for compliance with the new legislation. He reviewed the reasons and history of the lawsuit against the Town of Carthage over availability fees and charges for new development infrastructure fees. Our previous availability fees are appropriate but the future needs of improving the water system for the town exists and is related to the Development Fee Study. New users' charges have to contribute to the increase in the water capacity, in order to charge those fees, we are required to have this in place. The purpose of the study complies with new statute or we can't charge the fees.

There was further discussion regarding water capacity, new development, and how the calculation and fee charge approach was computed by McGill Engineering through the fee study. The firm is providing the range to charge which is based on the standard flow as per the State regulations. The Town can decide the fees to charge. The resolution allows Staff to charge a fee as per the calculation level based on the various capacity uses per the study.

Motion

Wendel Sauer made a motion to adopt the System Development Fee Study Ordinance No. 2019-06, for the Water and Sewer System as authorized by Article 8 of Chapter §162A of the North Carolina General Statutes and Barry Kaufman seconded the motion. CARRIED. unanimously.

8.3. Proposed New Official Zoning Map-

Senior Planner/Zoning Official, Preston Yates reviewed the proposed official zoning map. He noted that there are no changes to the zoning, but the old map needs to be cleaned up, as Staff found some discrepancies with the old format. So, there are no new changes, but in order to allow full public viewing as the GIS software is updated, we need to adopt the new version. The data information remains. Mr. Yates suggested Council hold a Public Hearing on the matter for the next Council meeting, November 12, 2019.

Motion

Wendel Sauer made a motion to schedule the Public Hearing for the proposed new Official Zoning Map on November 12, 2019 in order to hear public comments and Weidner Abernethy seconded the motion. CARRIED. unanimously.

8.4. New Public Works Facilities Financing- Tim Holloman

Mr. Holloman said the Town submitted requests for three loan quotes to three different banks, but BB&T was the only bank which we received a quote from which is not unusual as they hold most large loans for most municipalities across the State. Mr. Holloman reviewed the two options which were for a 15-year loan or a 20-year loan. The terms of the interest rates are slightly different. The payment at a 20-year term is higher than the 15-year term. If Town Council

were to decide to approve the financing terms, it is approved pending LGC (Local Government Commission) review and approval.

Mr. Holloman recommends accepting the 20-year financing because if we want to pay it off early after ten years, which is halfway through the loan, we can still pay-off early without penalty. There was further discussion regarding the loan process, the financing options, interest rates and the pre-payment without penalties.

Councilman Abernethy inquired if a bond could be secured for the new Public Works Facilities, and Mr. Holloman noted there could be a bond in place for projects, although late now for this project, we could finance the multi-million dollar roadway paving project including the Buckeye Lake water intake project with a bond. Conventional financing is easier than the bond process. Attorney Eggers said a general obligation bond for a municipality requires a referendum on a ballot before the voters and we would be working with both Watauga and Avery County Board of Elections if we decide to do that in the future.

Motion

Wendel Sauer made a motion to approve the BB&T, 20-year loan at the 2.79% interest rate pending the LGC (Local Government Commission) review and Barry Kaufman seconded the motion. CARRIED. unanimously.

9. OLD BUSINESS

9.1. Ordinance to amend Chapter 73- reduce speed limits on gravel roads to 15-mph

Mayor Castiglione requested a motion to accept the proposed ordinance in order to open the discussion regarding the amendment, to which Councilman Marquardt motioned to accept the ordinance and Vice Mayor Kaufman seconded the motion.

Councilman Marquardt said he believes there are specific roads that warrant a lower speed limit. He said he failed to show backbone lowering the speed limit on Hawthorne road at the last meeting, as the unintended consequence is allowing some roads to be added arbitrarily. He does not support lowering the speed limit on all gravel roads or allowing them to be done one-by-one, as life long resident, the speed limits are proper when followed. Drivers traveling in excess of the limits may or may not be stopped. He regrets that Hawthorne Road was added to the list of gravel roads at 15-mph speed limit. The specific conditions of Upper and Lower Snowbird Trail and on Beech Mountain Parkway gravel road required the change.

Councilman Marquardt reiterated he is a 'no-vote' for the added gravel roads as requested before Council and there should be no more changes to the speed limit, but it may be up to future councils to address each request. He feels it was the right action to lower the speed limits on the rest of the roads listed in the ordinance.

There was a question and answer period regarding paving roads and the maintenance of gravel roads. The speed limit signage and those who are in favor of 15-mph and those in favor of roads to remain at 25-mph, as well, Police Department enforcement of the speed limits was discussed.

Mr. Holloman suggested Council allow Staff to conduct research and draft a policy, which shall be vetted with the Comprehensive Plan rather than making a decision one road at a time, to which Mayor Castiglione agreed.

Motion

Carl Marquardt made a motion to adopt the ordinance as proposed and Barry Kaufman seconded the motion. DEFEATED. 0-5 (opposed: Carl Marquardt, Barry Kaufman, Renee Castiglione, Weidner Abernethy, and Wendel Sauer).

10. TOWN MANAGER AND STAFF REPORTS

- 10.1.** The department reports were submitted and Mr. Holloman reviewed the upcoming calendar. He said flu shots would be available for the public at Town Hall on October 16, 2019 and the blood drive will be on November 1st at Buckeye Creek Recreation Center. There will be a code red announcement for those services. Mr. Holloman said a recent department head meeting revealed the top items of concern by Staff: raw water source, short staffing, teamwork across departments, and personnel benefits changed after hiring.
- 10.2.** 2019 September Parks and Recreation Report
- 10.3.** Fire Department Monthly Report
- 10.4.** Police Department Monthly Report
- 10.5.** Tourism Development Authority Report
- 10.6.** Planning and Inspections Report 2019-09
- 10.7.** Department of Infrastructure Reports

11. TOWN COUNCIL COMMENTS

- 11.1.** Councilman Abernethy said there are contractors using the recycling center, which is prohibited and unlawful. He asked if this was addressed in the sanitation ordinance. Mr. Holloman said it is in the ordinance and staff monitors the center but to stop people who have been doing it may cause an outcry. Mayor Castiglione acknowledged that the contractors are dumping at night. There was discuss as to the main users at the recycling center which are local businesses, residents, and contractors who do use it. It was suggested that Council can have a work-session to address the ordinance.

Councilman Abernethy addressed the draught conditions. He was concerned about the water supply and said the new Public Works Facility should reconsider reclaiming the salt water usage in the car wash. Friendly additives could be used in the car wash system. There was discussion of the Shane Park well and the water feature. Mr. Holloman explained that the raw water well does pump the water into the creek and then into the Lake, but does

not pump directly into the treatment system. The pump helps to maintain the water level in Buckeye Lake. Councilman Abernethy added there is a hose that has a leak and needs to be checked.

Councilman Abernethy said the Town looks old and worn out. There needs to be more preventative maintenance on the drainage system, at Rascals, the drain needs to be cleaned out and he was concerned that after the construction jobs are completed that sewn grass should be replanted in order to finish the job.

Councilman Marquardt expressed his continued support for Shane Park. He said no one is opposed to preventative maintenance and Councilman Marquardt reviewed his background in the industrial logging business and implementing the ISO process. He noted the expenses and time-consuming process adding additional staff for meeting compliance with the requirements. He believes all Public Works and all employees care for the equipment and we must follow manufacturers' recommendations for all equipment and logging the maintenance is not difficult. He reiterated his debate point regarding the 15-mph speed limits requests on certain gravel roads, as a piecemeal approach is not a comprehensive plan.

Councilman Sauer addressed the deer population. He said the previous year, citizens were against a thinning of the herd and at this year's Town Hall Meeting, it was the opposite and people were requesting reduction of the deer herds. We have the Wildlife Commission conducting the deer study and we will learn next year if there is a healthy or unhealthy deer population.

Mr. Holloman reviewed the Beech Mountain maintenance program, as implemented by both Superintendents', Daniel Davis of Water and Sewer and Matthew Clausen, of Sanitation. It is an electronic work order system, that has hourly maintenance for generators, leaf machines, backhoes, motor graders, etc. Preventative maintenance includes cosmetic costs as well as maintenance costs, such as \$30,000 was spent on the motor grader, in order to extend the life another 10 years.

Mayor Castiglione announced the Meet the Candidates event on Thursday October 10th at 5:30 at Buckeye Creek Recreation Center.

12. CITIZENS' AGENDA COMMENTS

12.1. Mr. Rick Miller of 514 St Andrews Road stated that in his tenure on Town Council, Council voted in favor of Shane Park and he asked to check the minutes regarding the \$200,000 for the project. He understood it was a matching grant. On the topic of the gravel roads, Mr. Miller said the speed limit should be left alone. It needs to be addressed as a comprehensive plan and he suggested they start over.

Ms. Melang of 1032 Charter Hills Road inquired into the consent agenda items and Mayor Castiglione clarified the vote and noted the items were approved fully in the consent agenda.

Mr. Gsteiger added the entire town could be changed to the 15-mph speed limit.

13. ADJOURNMENT

13.1. There being no further business, Mayor Castiglione requested a motion for adjournment.

Motion

Wendel Sauer made a motion to adjourn at 5:37 and Weidner Abernethy seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain