



MINUTES

Regular Council Meeting

4:00 PM - Tuesday, July 9, 2019
Council Chambers

The Regular Council of the Town of Beech Mountain was called to order on Tuesday, July 9, 2019, at 4:00 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
Building Inspector John Merritt
Director of Tourism and Economic Development Kate Gavenus
Public Works Superintendent Matthew Clawson
Town Planner Preston Yates
Tax Admin & Utility Billing Clerk Rebecca Ward
Police Captain Renee Carpenter
Director of Special Projects Riley Hatch
Director of Infrastructure Robert Heaton
Fire Chief Robert Pudney
Parks and Rec Director Sean Royall
Chief of Police Tim Barnett
Building Inspector Jeff Fish

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
 - 2.1. Agenda Adoption

Motion

Wendel Sauer made a motion to adopt the agenda and Weidner Abernethy

seconded the motion. CARRIED. unanimously.

3. PLEDGE OF ALLEGIANCE

4. EAGLE SCOUT PROCLAMATIONS

4.1.

Mayor Castiglione presented three plaques to the Eagle Scouts for service and community work performed on Beech Mountain. She read the proclamations to Eagle Scouts; Mercer Ledford, Michael Holloman and Charles McCormick who have earned the ranks of Scout, Tenderfoot, Second Class, First Class, Star, Life and finally Eagle. Whereas, the Scouts earned the 13 required merit badges and eight elective merit badges, served in the troop leadership and Senior Patrol leader for a total of 16 months. Whereas, they spent at least 16 hours and more on service projects for the Sled Hill Safety Fence on Beech Mountain and Mayor Castiglione thanked the Scouts for their work and congratulated the Scouts with the Proclamation presentation.

4.2.

5. INVOCATION - TIM HOLLOMAN

6. PUBLIC COMMENT

6.1. Mr. Wilson King of 405 Beech Mountain Parkway thanked the community for acting appropriately a year ago under the threat of UTVs and he agreed with the transportation recommendation to reduce the speed limits of certain roads and the Oz gravel roads to 15mph. Mr. Wilson noted the special character and sense of place on Beech Mountain, he restated the threat to Beech Mountain approximately one year ago, wherein the Town did not fold but averted the promise of prosperity and money. Mr. Wilson thanked the Town and discussed transportation and was in favor of reducing the speed limits as proposed.

Mr. Michael Holland of 209 North Pinnacle Ridge Road discussed the signs on Beech Mountain, and he reviewed the different signs such the classic Town mountain logo sign and direction finder which may be decorated with flowers underneath or are mounted on the telephone poles. Mr. Holland said these signs are a defining characteristic of the logo and the Beech Mountain brand. Mr. Holland was not in favor of the trial street signs which have four different styles. The traditional signs are bigger. The new signs are smaller, and he did not understand the sense in having the signs only visible in one travel direction. He explained the problem with a change in style and lettering and font sizes and he questioned why the frames are different. Mr. Holland preferred the current road signs and he supports a uniform traditional sign which conveys the character and charm of Beech Mountain.

6.2. Mr. Therese Berry of 200 Squirrel Lane, produced a picture of a sky lantern she found while cleaning up trash. Ms. Berry said they are illegal and a fire hazard. Ms. Berry suggested information regarding the illegal use of the sky lantern be given to renters to inform people of the dangerous fires that could ignite dry leaves and burn down trees.

7. PUBLIC HEARING

7.1. Shane Park Rezoning Request continued from June 11, 2019

Motion

Wendel Sauer made a motion to open the public hearing for the proposed Shane Park Rezoning request which was continued from June 11, 2019. No one elected to speak, and the motion was made to close the public hearing for the proposed Shane Park Rezoning and Barry Kaufman seconded the motion. CARRIED. unanimously.

8. CONSENT AGENDA

8.1. Consideration to Adopt Council Minutes: May 7, 2019 & June 11, 2019 regular meeting minutes

8.2. Tax Release & Refund

Motion

Wendel Sauer made a motion to accept the consent agenda and Carl Marquardt seconded the motion. CARRIED. unanimously.

9. NEW BUSINESS

9.1. NCRWA Drinking Water Award- Marty Wilson, Management Specialist

Mr. Holloman introduced Marty Wilson of the North Carolina Rural Water Association, regarding the award given to Beech Mountain Public Works Department. The NCRWA is a non-profit organization under the authority of the NC Secretary of State.

Mr. Wilson noted that the NCRWA Association is the largest provider of training and technical assistance for water and wastewater utilities across the State. He was also accompanied by Mr. Keith Buff, UMC to present the Town of Beech Mountain with the best tasting water award.

Every May at the annual conference, utilities across the State submit water samples, and the judges awarded the Town of Beech Mountain with 2nd place for Best Tasting Water. Mr. Wilson noted that the town that came in 1st place, is on a well-water system, so there is an advantage over our system. Receiving 2nd place is an honor and it indicates a good infrastructure with our plant expansion run by diligent staff producing good, high quality, safe drinking water. He added the Town has excellent well-trained staff dedicated to duties and he presented the award to Ronnie McKinney and Donald Moree, Water Treatment Plant Operators.

Mr. Wilson explained the technique and procedure by the judging panel for the taste testing and defining the best tasting drinking water.

9.2. Town Hall meeting- discuss a date and time for scheduling

Mayor Castiglione announced the Town Council will hold an upcoming Town Hall meeting for general topic discussions as directed by the citizenry and she asked Council to arrive at a consensus for the date. There was general discussion of calendars and dates.

It was determined the upcoming Town Hall meeting would be held on Thursday, August 22, 2019 from 4-6 p.m. at Buckeye Recreation Center. There was discussion if there should be an update on the wildlife deer population and the Comprehensive Plan and the Mayor stated the public could ask questions on general topics and may email Council topics and points of concern before the meeting.

- 9.3.** Town Manager's request to consider changing October 8, 2019 to October 1 or October 7, as Town Council's regularly scheduled meeting date for October

After discussion, Mayor Castiglione requested a motion to move the regular Town Council meeting on October 8, 2019 to Tuesday, October 1, 2019.

Motion

Wendel Sauer made a motion to adopt October 1, 2019 as the regular Town Council meeting at 4:00 p.m. in Town Council Chambers and Barry Kaufman seconded the motion. CARRIED. unanimously.

- 9.4.** Ordinance amendment request from the Beech Mountain Club to reduce the speed limit on Clubhouse Road to 15 mph.

In response to Councilman Abernethy's inquiry, it was noted that the Staff and Management of the Beech Mountain Club had submitted the request.

Motion

Carl Marquardt made a motion to adopt the Ordinance to reduce the speed limit on Clubhouse Road to 15 mph and Wendel Sauer seconded the motion. CARRIED. unanimously.

- 9.5.** Ordinance amendment to Reduce Speed Limit on the Oz area roadways to 15 mph

In response to Councilman Abernethy's inquiry, Mr. Holloman said that the Police Department and Chief Barnett received the request from the residents up on Oz to change the speed limit on the gravel roads. Mr. Holloman added that Staff can work with the Chief of Police assessing all gravel roads. He said Staff will return next month with an Ordinance to reduce all gravel roads to 15 mph.

Attorney Eggers stated that by State Statute all roads are 35 mph unless otherwise posted. There are currently roads that have lower speed limits, in order for Chief Barnett to write citations, those roads must be posted at each end; therefore, whichever roads Council lowers the speed limit on, they shall

be posted. He further explained the procedure for listing the roads in the ordinance in order for the Police Department to enforce it. Attorney Eggers said he will prepare that ordinance after collaborating with the Police Department and present it to Council at the next meeting.

Motion

Wendel Sauer made a motion to adopt the Ordinance to reduce the gravel roads in the Oz area to 15 mph and Barry Kaufman seconded the motion. CARRIED. unanimously.

10. OLD BUSINESS

10.1. Lake Coffey building and site project presented by Jay Johnson, WithersRavenel & Chrissy Burton, Fisher Architects

Mr. Holloman reviewed the Lake Coffey Building project and said that last year, there was a request to build a municipal storage building at Lake Coffey and he explained how the scope of the project increased to include the submission as presented in the packet. He said on May 22, 2019, the Staff met with Councilmen Barry Kaufman and Carl Marquardt, and the engineers, James Johnson, with WithersRavenel and Chrissy Burton, with Fisher Architects, PA.

Mr. Johnson said they developed a preliminary plan which included the site and building plan and design for a municipal storage building and the new budget estimate and scope of the plan came under \$800,000. The design is for a two-story office space, which included an elevator, two sets of stairs, basement space and Parks and Rec office space, interior bathrooms, and exterior public restrooms, as well as Police Department general storage space, and a kitchen area.

Mr. Johnson stated that in the meeting which included the Council members, Mr. Kaufman and Mr. Marquardt, there was considerable concern to reduce the budget. He pointed out the submission also includes a revised plan to remove the kitchen and the ground floor with the staff area. That projected plan reduced and simplified the project to \$764,000, with those items removed as submitted in the list.

Mayor Castiglione stated that she is not comfortable spending that amount of money since the initial proposal has grown in scope and expense. Mr. Holloman said even with the reduction in amenities the basic plan would still be \$500,000 plus and that Council can postpone as Staff recommends the project be put on hold. Mr. Holloman reviewed the preliminary plan and the budget spent thus far; the remaining cost to the engineering firm is \$17,500, to which Mr. Johnson confirmed the contract thus far for the preliminary plans and outstanding bill is accurate.

Councilman Abernethy said Council should drop the plan in its entirety because the Town has infrastructure needs to address. The \$17,000 does not need to be spent, to which Councilman Marquardt, respectfully disagreed. He

said the Town has already spent a significant amount of money on the plan and to walk away from spending the \$17,500 after spending \$58,000 did not make sense to spend another \$40,000 to restart the plans. Councilman Marquardt was in favor of finishing the plans, then put it on hold and come back to the project with a lesser dollar amount to spend to up-date the project if we come back to it in the future. It is more fiscally prudent to have the plans finished on the shelf completing the money the Town has already spent.

Vice Mayor Kaufman wondered if the Town was going to build this type of structure for the future and if not why spend \$17,000 for something not to be built. There was further discussion of the amenities in the building.

In response to Mayor Castiglione's question, Mr. Holloman said the proposed building was in the same footprint as the old current structure. Mr. Holloman explained the problems with putting the proposed building in the same site area as the old building. Mayor Kaufman stated the money could be best spend on infrastructure and water pipes and not to spend \$700,000 on this building. The \$50,000 spent on the preliminary work is money already spent and he was not in favor of spending another \$18,000 to which Councilman Abernethy agreed. Mr. Johnson described the work already performed under the contract by the engineers. Councilman Marquardt and Vice Mayor Kaufman noted there was \$7,500-\$8,000 left to pay for the firms work on the project. Councilman Sauer said finishing the project work would allow future Council members to decide whether to move forward with the project. Councilman Marquardt noted the goal is to remove the port-o-potties at Lake Coffey and to install public restrooms at Lake Coffey.

There was further discussion regarding the invoice by WithersRavel to be submitted to the Town to finish the scope of work in the contract.

Motion

Weidner Abernethy made a motion to deny the approval of the plan to construct the building at Lake Coffey and Barry Kaufman seconded the motion. CARRIED. 3-2 (opposed: Carl Marquardt and Wendel Sauer).

10.2. Town of Beech Mountain Zoning Text Amendment

Planning Director, Preston Yates reviewed the request for the proposed text amendments to the zoning ordinance to establish a Public Service/Camping District. These amendments would allow the Shane Park Property to be developed as a park and to include a campground amenity.

Mr. Yates summarized that the Town Council may approve the text amendments as recommended by staff, deny the zoning amendment request, or consider other options. He said the Planning Board recommended approval of a text amendment to establish campgrounds as a conditional use in the PS zoning district unanimously at the regular meeting on April 23, 2019.

The Town of Beech Mountain staff is requesting to amend §154.070

General Use Districts, §154.091 Permitted Use Table, and §154.105 Dimensional Requirements of the zoning ordinance to create a Public Service/Camping (PS/C) zoning district and he added the purpose of this text amendment would allow the Shane Park property to be developed as a park with a tent camping campground amenity. He noted what is permitted and not permitted, according to the current 'Permitted Use Table'.

There was a question and answer period, and Attorney Eggers explained the procedures for amending a Conditional Use District from an R-1 zoning to Public Service/Camping, (PS/C), he also reviewed how the text amendment request pertains to the Town's Charter. There was discussion regarding the Resorts zoning district, and it's uses as permitted in the 'permitted use table'. Mayor Castiglione noted that the tent camping and the regulations would be monitored by the Parks and Recreation Department. Registrations and the specifics will be handled by the department.

Councilman Abernethy said he was opposed to making changes to the zoning and for the facility changes. He said allocating \$200,000 in funds to this project meant the funds would not go to other areas. He said the money should address the Town's water issues. The park project should be least prioritized, to which Councilman Marquardt disagreed. Councilman Marquardt said by State Statute, the Parks grant is a matching fund grant to which the Town is obligated to match. He said the rezoning will allow for the grander vision to move forward on the Parks project.

Attorney Eggers reviewed the process for either voting to rezone or modify or deny the request.

Motion

Barry Kaufman made a motion to approve the text amendments to the zoning ordinance to establish a Public Service/Camping District. These amendments would allow the Shane Park Property to be developed as a park and to include a campground amenity and Town Council finds that the proposed text amendments and development are generally consistent with the Town's Comprehensive Plan. Specifically, Council finds the proposal is consistent with LU.G4 Prioritize Recreational Land Use and LU.G4.P2 Acquire Land for Recreational Purposes. The proposal is also found to be consistent with Policy R.G2.P1 'Strive to offer the best [recreational] programming and activities that are fun, safe, fulfilling, and rewarding and Carl Marquardt seconded the motion. CARRIED. 4-1 (opposed: Weidner Abernethy).

10.3. Shane Park Property Rezoning

Staff is requesting to rezone an approximately 3.5-acre property located on Pine Ridge Road and Buckeye Creek Road, which sits to the south of Buckeye Lake along Buckeye Creek. The request is to rezone the undeveloped property from the Low Density Residential (R-1) zoning district to the proposed Public Service/Camping (PS/C) zoning district. The purpose of the rezoning is to provide consistency with property's ownership and intended use as a park. The property is located completely within the Buckeye Creek WS-IIC critical watershed overlay district.

Motion

Carl Marquardt made a motion to approve the conventional rezoning at Shane Park, which would be a consistent zoning with the Buckeye Lake Recreation Area and other Town owned properties. As indicated in Table 1, the development of the property as a park would be a permitted use in both the R-1 zoning district, as well as the PS/C zoning district. Town staff is also seeking to amend the zoning ordinance and permitted use table in a separate action, which would allow tent camping as a permitted use in the PS/C zoning district. Staff finds that the proposed rezoning and development is generally consistent with the Town's Comprehensive Plan. Specifically, staff finds the proposal consistent with LU.G4 Prioritize Recreational Land Use and LU.G4.P2 Acquire Land for Recreational Purposes. The proposal is also found to be consistent with Policy R.G2.P1 Strive to offer the best [recreational] programming and activities that are fun, safe, fulfilling, and rewarding and

Wendel Sauer seconded the motion. CARRIED. 4-1 (opposed: Weidner Abernethy).

10.4. Water Loss Report and Water Update

Public Utility Director, Daniel Davis corrected an error he had submitted in the State of the Utility 2019, Water and Utility Report from the April 9, 2019 regular Council meeting. Mr. Davis apologized for the incorrect PowerPoint. He said he had provided the data and Mr. Heaton had presented it. There was a calculation error wherein the water loss for the final count in 2018 is actually 66%. He had reported that it was at 31%. He explained how he had miscalculated the total unit count of the water loss. Mr. Davis had accounted for the sewer, including it in the water counts. Mr. Davis has reported this to the State, and he has corrected those documents and submitted the water loss at 66%.

Mr. Davis said since we are using more water, we are producing more water and therefore, we have a greater output of water. He said there are still leaks and he miscalculated from the water production as it is a 100-million-gallon system. In 2018, the Town had mechanical leakage, we have updated the meters in order to understand what is lost and why, leading to a better accounting of the water loss.

In response to questioning by Councilman Abernethy, Mr. Davis explained the line and pipe sizes in the old infrastructure. The current on-going projects to replace and upgrade the system as well as the maintenance work. Mr. Heaton explained the project dates and scheduling timeline and methodology for upgrades. He concurred and apologized for the calculating error as they were trying to understand the water flow after the repairs of taps and line replacements. There was further discussion of the costs moving forward with the scope and size of the future maintenance plans which is in the submitted report. Mr. Heaton added that due to our high elevations, we are using 260 psi of pressure and most systems do not have these pressure requirements.

The Mayor recognized Mr. Urs Gsteiger and he commented that the focus should be on the water that is available to process and the future Watauga Intake project repairs to the taps and lines and not on the water loss and the mechanical loss calculations. The Watauga Water Intake project and its unique challenges was further discussed.

11. TOWN MANAGER AND STAFF REPORTS

- 11.1. Mr. Holloman submitted the reports and updated the Council on the upcoming schedule. He pointed out the renderings are available for view of the new Public Works facility. Mr. Holloman said the Shane Outpost Park fundraiser will be held Wednesday July 31 and the streetscape project is on hold due to the permitting process.
- 11.2. Fire Department Monthly Report & Police Department Monthly Report
- 11.3. TDA Report July 2019
- 11.4. Public Works June 2019 Report
- 11.5. June Recreation Report
- 11.6. Planning and Inspection Monthly Report 2019-06

12. TOWN COUNCIL COMMENTS

- 12.1. Councilman Sauer congratulated the volunteers and Staff on the Town's Fourth of July celebration.

Councilman Abernethy stated that he believed the accounting practices and the Town books were improper and he questioned the Council's governing. He disagreed with the adoption of the budget and stated he believed illegal dealings were going on and the process was illegal due to not adhering to the open meetings law. Councilman Abernethy disagreed with the Town's management and reiterated the administration by the Council and the proceedings are fiscally improper.

Vice Mayor Kaufman said he was in 100 % support of the Town's management and administration and the allegations made were hearsay.

Councilman Marquardt said it is irresponsible to make accusations. Councilman Marquardt agreed with Michael Holland and he finds the traditional signs in character with the aesthetic appeal of the Town. Councilman Marquardt agreed with Mr. King and the new reduction in the gravel road speed limit. He noted that the sky-lanterns are illegal for fire safety reasons as per State law.

Mayor Castiglione announced that the High County Caregiver Organization benefitting our area on aging and respite services, has support groups and educational program, and for more information or to volunteer; one can go to:

<http://www.highcountrycaregiverfoundation.org/>

Mayor Castiglione cautioned that it is irresponsible to begin rumors about our community in an open meeting. She pointed out it is damaging to the

community and if anyone has any questions, she welcomes a dialogue rather than proliferating suggested rumors.

13. CITIZENS' AGENDA COMMENTS- NONE

14. ADJOURNMENT

14.1. There being no further business the meeting adjourned at 5:57 p.m.

Motion

Weidner Abernethy made a motion to adjourn and Wendel Sauer seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain