



# MINUTES

## Regular Council Meeting

3:00 PM - Monday, February 11, 2019  
Council Chambers

The Regular Council of the Town of Beech Mountain was called to order on Monday, February 11, 2019, at 3:00 PM, in the Council Chambers, with the following members present:

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

**COUNCIL EXCUSED:**

**STAFF PRESENT:** Town Manager Tim Holloman  
Attorney Stacy Eggers, IV  
Town Clerk Tamara Mercer  
Fire Chief Bob Pudney  
Chief of Police Tim Barnett  
Director of Infrastructure Robert Heaton  
Public Utilities Superintendent Daniel Davis  
Building Inspector John Merritt  
Director of Tourism and Economic Development Kate Gavenus  
Public Works Superintendent Matthew Clawson  
Finance Officer Steve Smith

1. **CALL TO ORDER**
2. **CLOSED SESSION - PURSUANT TO NC GS 143-318.11 (A)(5), LAND ACQUISITION ATTORNEY CLIENT MATTERS**
3. **ADOPTION OF AGENDA**
  - 3.1. Mayor Castiglione stated the agenda would be revised to add the land acquisition topic to New Business.

### **Motion**

Wendel Sauer made a motion adopt the revised agenda. Carl Marquardt seconded the motion. CARRIED. unanimously.

#### **4. INVOCATION**

#### **5. PLEDGE OF ALLEGIANCE**

#### **6. PROCLAMATION**

##### **6.1. Fred's General Mercantile 40 Year Anniversary**

Mayor Castiglione presented Fred and Margie Pfohl with the Town's Proclamation in honor of the 40-year celebration of Fred's General Mercantile Store. As she read the declaration, she recalled her own days working at Fred's enjoying the family comradery experience and everyone stood and gave a standing ovation to Fred and Margie. Fred thanked everyone stating he assumed he was called to the meeting because the Town was purchasing a new snow gun.

Mr. Jim Brooks, also a recipient of the Town's Resolution of Recognition and a good friend of Fred's, recounted stories at Fred's and the ground breaking of the store. The store and the genesis of the town formed together, fulfilling the needs of community, and Fred's Store promoted hiking trails, lights along the parkway, as well, Fred and Margie organized outdoor events such as concerts, craft-fairs, and street dances. As stated in the proclamation the community is forever indebted to the iconic store as a gathering center for the Town of Beech Mountain.

##### **6.2.**

#### **7. PUBLIC COMMENT**

**7.1.** Mr. David Conrad of 100 Emerald Forest Lane stated he is the President of Emerald Mountain Land of Oz Trust, and he discussed the road problems that the residents of Oz were encountering. He produced photographs of the pot holes on their gravel roads and said he was concerned that it was becoming dangerous. In winter the road is used by residents and those that try to get to the Ski Resort, but in-season, people are going to Oz Festivals. He stated that it is a destination used by thousands. He requested the Town Council to address this issue of the road potholes now as it is dangerous with the buses, cars, and vans that travel the road.

#### **8. CONSENT AGENDA**

**8.1.** Regular Town Council meeting minutes for January 8, 2019.

**8.2.** Police Vehicle Acquisition, Chief of Police, Tim Barnett submitted data and information on price quotes for a proposed new police vehicle and the equipment up-fit with the budget amendment request.

**8.3.** Police Vehicle Budget Amendment #2019-04

**8.4.** Budget Amendment Sanitation Vehicle #2019-06, Mr. Robert Heaton noted that this is a container truck for sanitation use.

## **Motion**

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

## **9. NEW BUSINESS**

### **9.1. Land Acquisition- 2.2 acres**

Mayor Castiglione stated that the Town was purchasing 2.2 acres of land across from Fred's and contiguous to the Public Works and Recycling Center facility. The purchase price of the land would be for \$365,000 and is in consideration for the Fire and Police Safety complex.

Councilman Abernethy stated that while he was in favor of the land acquisition he has requested the Town have an appraisal first to determine the value, to which Mayor Castiglione noted that Council understood his point and discussed this in closed session, but the property owners were firm on the land price regardless of the appraisal and the Town was not willing to lose the land as it is slated for a fire and police safety station. Therefore, the consensus of the Council was four to one, to move forward with the purchase.

## **Motion**

Wendel Sauer made a motion for the land acquisition, land adjacent to the Public Works facility:

Parcel Number:185905292206

LEGAL\_DESC: PLAT 42-295

to purchase the land for \$365,000; Attorney Eggers noted that the value of the land is \$395,000, which will include a \$30,000 gift donation from the land heirs to the town, he added the donation is for tax purposes, and Councilman Sauer accepted the amended language from the Attorney and Carl Marquardt seconded the motion. CARRIED. unanimously.

### **9.2. Budget amendment of \$365,000 for the land acquisition, land adjacent to the Public Works facility:**

Parcel Number:185905292206

LEGAL\_DESC: PLAT 42-295

## **Motion**

Barry Kaufman made a motion to adopt the budget amendment for the land acquisition for \$395,000 as the value of the land with a \$30,000 gift donation letter and the land purchase price of \$365,000 and Wendel Sauer seconded the motion. CARRIED. unanimously.

### **9.3. Selection of Auditor:**

Mr. Holloman pointed out the list of submissions for a new auditor. He

said he had worked with one of the auditors which had submitted a quote. W. Greene, PLLC, is a firm he recommended. In response to Councilman Abernethy's inquiry regarding the different price quotes, Mr. Holloman explained the charges as listed between the list of companies. The list of submitted CPA firms are all recognized and accredited by the State and valid providers of State audits. The Town's previous auditor charged \$13,500.

Mr. Holloman noted that the Town can contract with W. Greene for the first year and can decide if they wish to stay or contract elsewhere after the first year.

### **Motion**

Wendel Sauer made a motion to contract with W. Greene PLLC for one year as the Town auditor and Weidner Abernethy seconded the motion. CARRIED. unanimously.

#### **9.4. Golf Cart Committee discussion-**

Mayor Castiglione said that Council wished to form a Golf Cart Committee. The Golf Cart Committee would work on the issue of either allowing golf carts on the mountain or to limit the use or no use of golf carts on the roads on the mountain. She suggested the committee contain 5 -7 people to vet the issue in order for Council to receive citizen's input on the topic. Mayor Castiglione requested that citizens apply and fill out a Boards and Committee application for Council to choose who should serve on the committee. She stated that due to the upcoming season at the Club, the Council wished to receive the Golf Cart Committee's recommendation by the end of April or at least by May.

There was a general discussion on the topic, wherein Councilman Abernethy suggested researching benchmark cities; as this would help Council decide the matter. Councilman Marquardt noted that Beech Mountain is not like other places which should be taken into account, for example the terrain. The Council wants to hear from the Town stake-holders regarding underage drivers, safety and police regulations and other issues, which would be vetted by the Committee as well, they would receive different points of view and hear what the community thinks. Mayor Castiglione felt this is necessary in order for Council to make an informed decision.

Vice mayor Kaufman inquired into the Comprehensive Plan survey and the respondents answers regarding the appropriateness of extended use of golf carts. There was further discussion on the issue of NC DOT roads versus the usage on town roads and rights-of-ways versus private property and speed limits was discussed. Chief Barnett clarified that a golf cart licensed from another state must be recognized by the Police Force as legal. Mayor Castiglione reiterated that Council hopes citizens will volunteer to serve.

#### **9.5. Arbor Day Proclamation-**

The Town of Beech Mountain is designated as Tree City USA and Mayor Castiglione read the Arbor Day proclamation to proclaim May 31, 2019 as

Arbor Day for the Town of Beech Mountain and to support our efforts to plan and preserve trees on Beech Mountain.

Mr. Fred Pfohl asked to speak and he stated that he would donate his Colorado Blue Spruce Firs to the town in honor of Arbor Day, to which the Mayor accepted.

**Motion**

Barry Kaufman made a motion to open the public hearing for the Pond Creek Watershed amendment and Wendel Sauer seconded the motion. CARRIED. unanimously.

**9.6.**

Pond Creek Watershed Amendment -

Mayor Castiglione said the proposed amendment adds language to §154.071 Overlay District by adding Pond Creek Water Supply Watershed WS-II Critical Area. The current Code is inconsistent with current State minimum requirements. The proposed language would provide consistency with the State requirements for water supply watershed critical areas. The proposed language will allow the Town to manage development permits within the watershed locally as is done for the Buckeye Creek Water Supply Watershed.

Mayor Castiglione opened the public hearing, and no one elected to speak regarding the subject, therefore she asked Council to close the public hearing.

**Motion**

Wendel Sauer made a motion to close the public hearing and Barry Kaufman seconded the motion. CARRIED. unanimously.

**Motion**

Wendel Sauer made a motion to accept the amendment to the Pond Creek Water Supply Watershed WS-II Critical Area as submitted by Staff and Barry Kaufman seconded the motion. CARRIED. unanimously.

**10. OLD BUSINESS**

**10.1.** SRP State Sewer Loan: 2018 Sewer System Rehabilitation Project (DWI # E-SRP-W-17-0104) for \$2,000,000

**Motion**

Wendel Sauer made a motion to accept the SRP State Sewer Loan: 2018 Sewer System Rehabilitation Project (DWI # E-SRP-W-17-0104) for \$2,000,000 and Barry Kaufman seconded the motion. CARRIED. unanimously.

**Motion**

Barry Kaufman made a motion to open the public hearing for the amendments to the Sign Ordinance and Wendel Sauer seconded the motion. CARRIED. unanimously.

**10.2. Sign Ordinance Amendments Public Hearing:**

Mayor Castiglione opened the public hearing for the amendments to the sign ordinance and an audience member called out a question as to the changes in the proposed language.

Mr. Holloman reviewed the language and read from the proposed amended definitions which were added for 'Holiday decorations, Feather Banners/Feather Flags, Human signs, Sign spinners or sign twirlers' and other promotional business signs.

More audience members called out questions to which the Mayor clarified that the proposed language addressed allowing some additional methods of promoting businesses while remaining consistent with the character of the town.

**Motion**

Barry Kaufman made a motion to close the public hearing and Wendel Sauer seconded the motion. CARRIED. unanimously.

**Motion**

Wendel Sauer made a motion to accept the Planning Board's recommended revised language as it is consistent with the policy and to amend the sign ordinance as submitted by Staff and Barry Kaufman seconded the motion. CARRIED. unanimously.

**11. TOWN MANAGER AND STAFF REPORTS SUBMITTED**

- 11.1. Mr. Holloman noted that the budget meetings would continue through the next few months and the dates for that calendar are listed on the website. He announced that the Town's Parks and Recreation Director, Mr. Sean Royal welcomed his son, Talon Royal who was born on the 24th. We also congratulate the Parks and Rec Technician, Kelsey Wise on the birth of her daughter Haley on the 23rd of January.
- 11.2. Fire Department Monthly Report
- 11.3. Police Department - January Report
- 11.4. Infrastructure Report Jan 19
- 11.5. TDA Report
- 11.6. January Recreation Report
- 11.7. Planning and Inspections Report 2019-01

## 12. TOWN COUNCIL COMMENTS

12.1. Councilman Abernethy noted that the Recycle Center looks better and he had received positive comments from citizens. He said spending \$60,000 on the Landing Zone was a waste of tax payer money. He spoke with an engineer and the contractor and they said the engineered work as presented by the Town's consulting engineer, won't work. He said it must be done properly without further delays. Councilman Abernethy felt the additional graphs in the department reports were redundant and there was a separate page of the same information in the Fire and Police reports, he said this was not necessary.

There was further discussion on the site conditions for emergency access vehicles at Buckeye Creek. Mayor Castiglione remarked on the rainy and muddy dangerous conditions there which may cause emergency vehicles to get stuck at Buckeye which is why the project is engineered to address the drainage issues. Mr. Holloman said it was \$17,500 or \$17,900 for the engineered plan for the roads and the Landing Zone. The construction costs would be approximately \$40,000.

Vice mayor Kaufman Barry complimented Mr. Robert Heaton, Director of Infrastructure that the Recycle Center looks great and staff is doing a good job. Councilman Marquardt encouraged citizens to sign up to serve on the Golf Cart Committee as he wants to hear citizens' thoughts on that subject. He was heartened by the Proclamation for Fred's Anniversary and said celebrating this landmark proves the community spirit exists on Beech Mountain and he thanked Fred and Margie for the donation of the trees. Mayor Castiglione agreed and she reminded everyone that our N.C. State representative Ray Russell will be here Saturday, on March 2nd at 830 a.m. for a breakfast with our citizens.

## 13. AGENDA ITEM PUBLIC COMMENTS

## 14. ADJOURNMENT

14.1. Adjournment

### **Motion**

Weidner Abernethy made a motion to adjourn there being no further business the meeting adjourned at 5:10 p.m. Wendel Sauer seconded the motion. CARRIED. unanimously.

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Town Clerk

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Mayor, Town of Beech Mountain