



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, April 11, 2023
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, April 11, 2023, at 4:00 PM, in the Council Chambers, with the following members present:

COUNCIL PRESENT: Mayor Barry Kaufman
Councilmember Weidner Abernethy
Councilmember Kelly Melang

COUNCIL EXCUSED: Jimmie Accardi

STAFF PRESENT: Attorney Jonathan Green
Town Manager Bob Pudney
Town Clerk Tamara Mercer
Director of Special Projects Riley Hatch

1. CALL TO ORDER

1.1. NOTE: Vice Mayor Accardi was an excused absence and had called in via telephone. The Vice Mayor was not counted as 'present'.

2. ADOPTION OF AGENDA

2.1. Mayor Kaufman requested a motion to approve the agenda.

Motion

Weidner Abernethy made a motion to adopt the agenda and Kelly Melang seconded the motion. CARRIED. unanimously.

3. INVOCATION- DEWEY CYCLONE BRETT

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT

5.1. Public Hearing On financing of Townhall / Visitor Center Project

Mayor Kaufman requested a motion to open the Public Hearing on Town Hall/ Visitor Center project financing. Kelly Melang made a motion to open the

Public Hearing and Weidner Abernethy seconded. Motion passed unanimously. 3-0

Mr. Robert McMichael of 710 Pine Ridge Road stated that he was concerned about adding to the town's debt and how additional debt effects the tax rate. Mr. McMichael said the town should use the reserves as the project will add cents to ad valorem taxes. The renovations are a burden onto the taxpayers. Mr. McMichael was opposed to passing the resolution financing the Town Hall renovation. The renovation should be used from current funds.

No one else elected to speak during the Public Hearing and Mayor Kaufman requested a motion to close the Public Hearing.

Motion

Kelly Melang made a motion to close the Public Hearing on the topic of securing a deed of trust for \$550,000 to finance a portion of the Town Hall/Visitors Center Project at an interest rate of 4.16% for ten years and Weidner Abernethy seconded the motion. CARRIED. unanimously.

5.2. General Public Comments

Ms. Debbie Canady of 112 Lakeledge Road requested to add her statement into the record. Mayor Kaufman added her statement into the record as follows:

Recently I had listed a vacant lot on Deergass Rd (Bobby and Jean Hurt, owners) and subsequently had clients (Preston and Pilar Halstead) contact me interested in buying it. We negotiated a contract and began the due diligence process. Since they wanted to build on the lot, I suggested they check the building restrictions, permitting process and requirements on the Town's website. After reviewing the process online, there were back and forth emails between them and Preston Yates as he advised the town policy, apparently developed with the Town Manager and Public Works, was such that the town would not maintain this road or any road on Beech Mountain that did not have at least 4 homes on it. Note that Deergass Rd has 3 homes already built and continues as Laurel Ln, with 2 homes on it, going toward Buckeye Recreation Center. This lot is on a spur that turns right where it meets Laurel Ln but is identified as Deergass Rd.

Further in the email exchange, the buyers were advised that if they were to build on the road, "It would be treated much like a private road or driveway, albeit in the public ROW, where you would be responsible for any maintenance, snow removal, etc." The buyers then arranged a meeting with Michael Holland and Preston Yates at the property to have some questions answered, including why the road had not been maintained since the improvements had been previously made and the road is still fairly navigable, swales are in place, city water and sewer are in that portion of Deergass Rd and electrical poles are close. Again, Mr. Yates reiterated town policy "not to take over maintenance until there are four or more dwellings on a road that meets minimum Town requirements". Those requirements were then identified as follows:

Road Surface: •Minimum 18-foot wide Aggregate Base Course (ABC) driving surface.

- Minimum 6-inch Aggregate Base Course (ABC) No. 7 Stone.
- Minimum 6-inch compact and stable Subbase Course free of deleterious material
- Road crowned at centerline or full cross-slope to allow proper drainage.
- Minimum 2-percent and maximum 6-percent cross-slope away from crown or across roadway
- Maximum running grade of 18-percent.
- All necessary street signs and directional signs installed.

Swales:• Swales required on all uphill sides of road.

- Existing swales to be reshaped as necessary to meet standards.
- Minimum 24 inches deep.
- Side slopes at a maximum steepness of 3:1 grade.
- Stabilize all swales (hydroseed, seed/mulch, or sod).
- All swales must maintain flow to an appropriate outfall or culvert.

Culverts: NOTE: this does not apply to this situation

- Cul-de-sacs required at all dead-end roads.
- A minimum of 45-foot radius of driving surface.
- AT-turnaround may be allowed by special permission of the Fire Chief.

Based on this Town policy, the buyers tried to renegotiate the contract with sellers due to their perceived information that it would cost around \$11,000 to improve the road to "driveway" standards, which the town would not maintain, provide snow plowing or trash pickup, or could be up to \$100,000 to improve to Town standards for maintenance. Since the seller was already selling at a contractually lower than list price, the deal fell through and sellers have now retained an attorney to represent them in this matter. It should be noted that I was told that the Town policy was in the written ordinances so I have asked for a copy but subsequently told that it could not be found.

Through various means, we have been provided with NC statute language, clarification through the chain of title and laws that clearly state the Town owns the roads and are responsible for maintaining them. The sellers' attorney provided them with statutes, copies of the deeds from the chain of title and other paperwork supporting this matter and advised his first step would be to speak with the Town attorney to amicably settle this issue. The sellers have also obtained an estimate for improvement of the 280' of road that would improve it to the Town standards stated above and take it just past this lot. The written estimate came in at \$15,990 (RC Excavating).

Since that time, the only progress that has been made is that the Town now recognizes that it does have an obligation to maintain all public roads on Beech Mountain but now the terminology has turned to who is responsible for the IMPROVEMENT of those roads. Since the roads were once improved, our question is why maintenance did not take place after the improvements were made? Additionally, the owners of these affected properties are not even aware that they have not, nor will they be, improved in the future unless they

pay for those improvements themselves. Nor have these owners been advised of this Town policy. I have personally spoken with other owners that are affected by this policy, Planning Committee members, past and present, and Town Council members, none of which have ever heard of this. In fact, I've only found 5 people that have. There is only one Realtor that had heard of it that I could find. Note that there are currently 63 vacant properties for sale on Beech Mountain, with about 7 of those that would be affected by this policy. This is a material fact that all owners and Realtors should have been aware of but which very few are. Although my sellers are pursuing this matter with their attorney, I would ask that the Town be proactive to correct their position as it affects many more than the current 7 lots that are listed and I assure you, very few, if any of the owners of these affected lots are aware that their property values have been greatly devalued by this policy. Additionally, with so many new building permits issued, it is my suggestion that some of the money collected be used to fund the improvements to these affected roads, firstly to those that want to build on them immediately. It is my understanding that road improvement funds come from the general fund, therefore can be budgeted. I would also request that a copy of this statement be entered into the minutes of this meeting.

Thank you,

Debbie Canady, Realtor and Beech Mountain Property Owner
112 Lakeledge Circle

Ms. Canady disagreed with the zoning ordinance requirement and costs of improvements by the property owners to town standards. She requests a new permitting process, and to change the policy.

Ms. Sandy Carr of 505 Pine Ridge Road reviewed the Farmers Market information from last year and added that the second annual Farmers' Market will begin the first Friday of every month from June through October. There were over 1,500 attendees last year, and the vendors sold out. Beginning June 2nd free market bags will be given away sponsored by the TDA. We have teamed up with Parks and Recreation Department giving away 100 free white pine saplings, including growing instructions. Ms. Carr noted that most of the vendors last year had not been to Beech Mountain, so this opens channels of commerce for local farmers, residents, and restaurants. The mountain has doubled our full-time residents in the last two years. Ms. Carr has Farmers Market flyers and she thanked Town Council for their support.

Mr. Kevin Beck of 123 Wild Daisy Lane complained that the roadways have not improved, and his road has potholes. He said the town roads are awful, culverts are blocked, and rocks and yard debris are a problem. He said the Public Works Department is not cleaning up the roadways.

Mr. Robert McMichael 710 of Pine Ridge Road thanked the Vice Mayor as he supports a conversation on the proposed budget. The Public Hearing is in June on the budget, but Mr. McMichael wants an open forum in order to question the expenditures and give citizen feedback. Mayor Kaufman stated that the open forum is scheduled for May 17th at 2:00 p.m.

All those given an opportunity to speak, the public comments portion of the meeting closed.

6. CONSENT AGENDA

- 6.1.** Adoption of Minutes
- 6.2.** Resolution Approving Financing Terms Resolution # 2023-01
- 6.3.** Town Hall Visitor Center Addition and Renovation Capital Project Ordinance
- 6.4.** Source Water Development Ordinance Budget Amendment
- 6.5.** Tax Release & Refunds
- 6.6.** Utility Capital Reserve Fund Ordinance #2019-07 Amendment #1
- 6.7.** Resolution Authorizing GO Bond Application to the Local Government Commission Res. No. 2023-02

Mayor Kaufman requested a motion to approve the Consent Agenda items.

Motion

Kelly Melang made a motion to approve the consent agenda items as follows: Neighborhood Skiloft Road February 28, 2023 meeting and regular Town Council March 14, 2023 meeting minutes; Resolution Approving Financing Terms Resolution No. 2023-01; Town Hall Visitor Center Addition and Renovation Capital Project Ordinance No. 2023-01; Source Water Development Ordinance Budget Amendment No. 2020-03.002; Tax Release and Refunds; Utility Capital Reserve Fund Ordinance No. 2019-07 Amendment No.1; Resolution Authorizing GO Bond Application to the Local Government Commission Res. No. 2023-02 and Weidner Abernethy seconded the motion. CARRIED. unanimously.

7. PROCLAMATION

- 7.1.** Proclamation Resilient & Thriving Communities Week of April 29- May 6

Mr. Pudney introduced Ms. Kellie Ashcraft, PhD MSW with Appalachian State University. Ms. Ashcraft said she is a member of the Watauga Compassionate Community Initiative (WCCI) and as a Watauga County resident.

The WCCI is a collective community impact initiative that began in 2017. The focus is on promoting health and resiliency in our county, and they work to prevent, recognize, and treat trauma by creating safe, stable, nurturing environments and relationships. There are over sixty similar local collaboratives located throughout North Carolina, and they participate in a larger grassroots' group comprised of many of these collaboratives, the Resilient North Carolina Collaborative Coalition (RNCCC).

Ms. Ashcraft said this year, along with other local collaboratives and the RNCCC, we are seeking to proclaim the week of April 29-May 6 as "Resilient &

Thriving Communities Week" at the state level, and across municipalities located throughout the state. The numerous community-wide initiatives that prevent stress and adversity, treat trauma, and promote resiliency and well-being, include:

- WCCI initiative
- Elevate Watauga & the Family Connects Program;
- The Watauga Housing Council;
- The Watauga Community Housing Trust;
- The Community Mental Health Project; and
- the Responder Wellness Coalition.

Ms. Ashcraft added that these initiatives demonstrate the important committed community-wide ongoing efforts to support our community. Specifically, sixty other communities, along with volunteers, and leaders focused on policy preventing trauma in North Carolina.

Ms. Ashcraft thanked the Beech Mountain Town Council members and community for proclaiming April 29 through May 6 "Resilient & Thriving Communities Week", joining other towns and cities across the state.

8. NEW BUSINESS

8.1. NC DEQ Funding for Water and Wastewater 2023 Project

Mr. Pudney reviewed the NC DEQ Funding for Water and Wastewater 2023 Project. He said with Council approval this gives permission for the infrastructure State revolving fund for the loan at a low interest and a possibility of some principal forgiveness. This is scheduled for completion in 2025. This project is similar to the 2018 Water and sewer infrastructure replacement projects and currently we are working on the 2020. So this is the next phase. The is the State supported loan opportunities in the SRF program less than 2% with principal forgiveness. Mayor Kaufman requested a motion to approve the NC DEQ Funding for Water and Wastewater 2023 Project.

Motion

Weidner Abernethy made a motion to approve NC DEQ Funding for Water and Wastewater 2023 Project application Resolution No. 2023-03 and Kelly Melang seconded the motion. CARRIED. unanimously.

9. TOWN MANAGER AND STAFF REPORTS

9.1. Bob Pudney Manager's Report

Mr. Pudney explained and reviewed expenditure and revenues financial statement.

Project status updates:

- Pinnacle Ridge Water Well
- April 'Blue light' month to honor fallen law enforcement officers Sergeant Chris Ward and Deputy Logan Fox

- Town Hall/ Visitor Center expansion and renovation
- Lake Coffey/ Lake Santis reservoir
- Skiloft Road area project
- Wayfinding signage and town beautification
- National 911 Telecommunicator week April 9-15 honoring our dispatch workforce
- Annual Budget work session FY:2023-2024 April 18th at 10:00 am

9.2. February 2023 Budget and Financial Reports

9.3. April 2023 Budget Adjustment

9.4. Fire Department Monthly Report

9.5. March 2023 Recreation Report

9.6. Police Department Monthly Report

9.7. DOI Monthly Report April

9.8. Planning and Inspection Report 2023-03

9.9. TDA Report April 2023

10. TOWN COUNCIL COMMENTS

10.1. Councilmembers Melang and Abernethy expressed their comments and concerns. Councilmembers Melang inquired about signage, culverts, detours, water lines and swale work. Tree permits are for tree cutting over 6" diameter. Topping trees requires permits. Yard and tree debris, curbside pickup procedures were reviewed by Mr. Pudney. Citizens must call schedule pickups noted Mr. Pudney.

Councilmember Abernethy questioned available grants, to which Mr. Pudney said we received a PARTF grant for \$250,000, and he reviewed the types of funding for State and Federal finance assistance for the various capital projects.

Councilmember Abernethy noted the 28 million invested in infrastructure beginning with the water plant in 2017. He also commented on the Public Works Department projects and improvements. He believes there is a cost savings if recycling center operates 5-days a week not 6. Mr. Pudney estimated a cost savings of \$50,000, but that does not reduce the budget. It would be a savings in the sanitation enterprise fund. However, a savings to one budget, it does not affect the general fund budget noted Mr. Pudney.

Mayor Kaufman reviewed the schedule and calendar announcements. April 18th is the next budget retreat, May 4th the proposed budget is to be posted on-line, May 9th is public hearing, May 17th is Town Hall work session about the budget.

11. ADJOURNMENT

- 11.1. There being no further business, Mayor Kaufman requested a motion to adjourn at 5:05 p.m.

Motion

Weidner Abernethy made a motion to adjourn the meeting and Kelly Melang seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain