

**New Castle Town Council Regular Meeting
Tuesday, September 06, 2022, 7:00 PM**

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To join by computer, smart phone or tablet:

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Please call: 1-346-248-7799

Meeting ID: 709 658 8400

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The Council Packet is available online by scanning this code:
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Call to Order

Mayor A Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Present	Councilor Mariscal Councilor Carey Councilor Hazelton Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	None

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Planner Paul Smith, Town Treasurer Loni Burk, Town Attorney David McConaughy and members of the public.

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2022-1.

Conflicts of Interest

There were no conflicts of interest.

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Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – Town Attorney David McConaughy told the council that he will be attending the upcoming CML Conference in Grand Junction.

Consultant Engineer – not present.

Items for Consideration

Presentation: BLD Group Sketch Plan

Mayor A Riddile announced that there will not be an opportunity for public comments on the sketch plan application from the BLD Group. He said that there would be a community open house the following evening, Wednesday, September 7, 2022, from 4:30 p.m. to 7:30 p.m. and the community could comment at that time. In addition, Mayor A Riddile said that there will be two opportunities for public comments in the coming weeks at Planning & Zoning Commission when the BLD Group submitted their preliminary plan application.

Town Planner Paul Smith reviewed the following staff report for the council.

Staff Report

Castle Valley Ranch PA 8 & 9 Sketch Plan Town Council – September 6th, 2022

Report Compiled: 9/1/2022

Project Information

Name of Applicant:	BLD Group
Applicant's Mailing Address:	1500 Cordova Road, Suite 300 Fort Lauderdale, FL 33316
Phone/Email:	954-578-6008/gbaumann@bldgroup.com
Property Owner:	CTS Investments, LLC
Owner Mailing Address	343 Dakota Blvd. Boulder, CO 90304

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Legal Description:	EXCEPT A TR OF LAND CONT 21.53 AC +/- AS DESC IN PLAT #746709 & SWD REC #746710 Section: 30 Township: 5 Range: 90 PARCEL KNOWN AS OPTION PROPERTY AS PER CVR SUB-DIV EXEMPTION AND ALTA/ACSM LAND SURVEY PLAT
Proposed Use:	136 rental townhomes in 29 buildings with clubhouse/pool
Bulk Density:	2.3 units/acre
Open Space:	53% undisturbed open space; 78% total including common areas;
Underlying Zoning:	Residential
Surrounding Zoning:	Single family residential homes (N Wild Horse Dr.); Open Space (VIX Park, LCR Golf Course) Mixed use zoning (TC Midwest, LLC) Residential zoning (CVR & LCR)

I Introduction

The sketch plan is the first of three application steps required for new planned unit developments ("PUD") & subdivisions. The sketch plan review assesses initial compliance with town codes, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and adverse impacts to the town. The review provides the applicant preliminary, nonbinding feedback from staff, the Planning Commission (P&Z) and Town Council before significant expenses are incurred. Though no approvals are made at this initial step, constructive feedback can be expected. On April 25th, 2022 the applicant submitted a sketch plan for Castle Valley Ranch (CVR) planning areas 8 and 9 (PA 8 & 9). The plan was reviewed by P&Z on June 8th, 2022.

II. 6/8/22 Planning Commission Comment

The P&Z meeting provide useful feedback from P&Z and discussion with the applicant. Some of the talking points included:

- Trail connectivity and maintenance responsibilities;
- Property management;
- Scope of rent restricted units;
- Right-of-way design and dead-end streets;
- Street design for North Wildhorse Dr;
- Parking for VIX Ranch Park;
- Anticipated use of the mixed-use parcel adjacent to Kathryn Senor;
- Public/private use of the clubhouse, pool, and courts;
- Constraints of topography on building and road layouts;
- Architectural diversification using building styles, articulation, and color;
- Preservation of viewsheds;
- Project phasing;

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From these themes the applicant submitted a revised proposal for Council.

III Staff Review:

Throughout the application process, the application will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. An application shall demonstrate conformity to the following criteria:

- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions;
- Availability of town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land.

1) *Is the proposal consistent with the comprehensive plan?*

According to CVR PUD regulations (MC 17.104.010):

"The purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:

- A. Encourage variety in the physical development pattern of Castle Valley Ranch;*
- B. Provide a variety of housing densities greater than would be normally possible;*
- C. Encourage the use of a more creative approach to the development of land;*
- D. Encourage a more efficient, aesthetic and desirable use of open space;*
- E. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;*
- F. Provide a variety of dwelling and building designs;*
- G. Provide high standards of development and provide amenities appropriate to the densities involved in the project;*
- H. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;*
- I. Provide for a variety of housing types in order to best meet the housing demands of all age groups;*
- J. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;*

- K. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;*
- L. Provide landscape areas and tree plantings throughout the entire development.”*

The preceding planning regulations are consistent with the major elements of the currently adopted Comprehensive Plan (“CP”), itself derived from public input such as surveys, stakeholder interviews, meetings, and Steering Committee contributions. Applicants are expected to demonstrate substantial conformity with the comprehensive plan in all applications (**Policy CG-1B, pg. 50**). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance. The application therefore should:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.
- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

According to the packet (**Exhibit A, pg. F**), the proposal aligns with a number of New Castle goals and values. Key to the development is its focus on place-making (**Policy CG-5A**). It is the intent of the builder to create a space that promotes a quality of life commensurate with community, outdoor recreation, and sustainability. Generous open spaces, interconnected trail systems, and a community/recreation center with sport courts contribute to this quality.

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Trails/Open Space/Recreation: On page M of the submittal, the existing trails map demonstrates fidelity with proposed trails shown on page J. With minor realignments and consolidation the application shows three trails starting from the VIX Park leading east to the locally dubbed “Sunset Trail” adjacent to Lakota Canyon Ranch and north towards public lands. The intent is for the new trail experience to be seamless with trails already prized by residents (**Goal RT-1, pg. 55**). Preservation of the Sunset Trail corridor will also support existing wildlife habitat. Other walking trails are dispersed throughout the development’s interior as shown on page J. The new trails and sidewalks will also give residents non-vehicular access to the mixed-use parcel southwest of the development. The hope there is that a future mixed-use development will provide goods and services accessible by alternative means of transportation.

The private clubhouse with pool will function as a community gathering point similar to the Lakota recreation center. The indoor fitness facility and sport courts, an already popular amenity elsewhere New Castle, should be well received by new tenants. The pool at 7,500 gallons is diminutive in scale compared to Lakota’s 120,000 gallon operation. Nevertheless, the pool can function more as a place for therapy and relaxation.

At least two pocket parks are situated within the interior open space areas (**Exhibit A, pg. J**). These amenities are valued, and often underestimated, assets to a neighborhood as gathering places directly adjacent to backyards (**Policy Post-2D, pg. 60**). Young kids can play independently in these areas within a safe distance to their homes, dogs/owners can go for quick walks, or families can recreate together without having to drive. VIX Park is also within walking distance to all units.

Environmental Impact: New Castle is committed to preserving the natural environment and recognizes the potential negative impacts of new development. The town will work with Colorado Parks and Wildlife (CPW) and the applicant to identify and protect critical environmental resources (**Goal EN-1, pg. 65**). Though CPW defers comment until the preliminary stage, the areas north and east of the outer ring of townhomes are recognized as year-long habitat for various birds and mammals. It will be important to minimize conflicts by prohibiting dogs off-leash, minimizing light trespass, preserving native vegetation, and/or limiting fences in certain areas. In some cases, added landscape buffers in certain locations may offset these impacts with enhanced vegetation and terrain features.

New Castle also endorses “green building” which generally means minimizing resource consumption while maximizing use of renewable energy (**Goal EN-7, pg. 67**). All buildings will be expected to comply with the rigorous demands of the town’s adopted energy code. In addition, solar energy collection, high-efficiency appliances, and electrical vehicle charging capacity are all commonplace measures that should be considered in discussions

about sustainability. It will be important for the applicant to discuss how green building measures are included in the proposal as the application progresses.

Raw water has been contemplated by the applicant as the means to irrigate landscaping (**Exhibit A, pg. G**). Raw water is non-potable water which bypasses the town's treatment facility thereby reducing the energy for processing. The applicant would also receive a 25% reduction in tap fees as a result of implementation. Opting for raw water is ultimately an economical and sustainability win for all.

Affordability: The rental aspect of the community is another unique attribute. Rental communities provide a fully managed property for tenants who do not have the time nor inclination to fuss with general repairs and upkeep. Rental communities also provide a way for retirees to downsize in communities dominated by larger single-family homes and a way for younger families to participate in communities in which they may otherwise be priced-out. The units include (**Exhibit A, pg. H**) two bedrooms (10 units), three bedrooms (110), and four bedrooms (16) to allow for a wide occupancy demographic. The applicant speculates that the target income demographic for these units are 120% area median income (AMI). From the last census, New Castle's current AMI sits at \$91,659¹. Assuming that "affordable housing" refers to no more than 30% of household income used for housing expenses, this would bring rents to \$2,750/unit maximum. For some context, this is roughly equivalent to a mortgage of \$550,000 at a 5.5% rate. In conversations, the applicant has been hospitable the idea of a limited number of deed restricted units for employees in the community. Reasonably priced units for the property management's staff may be considered as well. The Commission is encouraged to collaborate with the applicant during the review process to help achieve these goals (**Policy HO-2A, pg. 59**).

2) Does the proposal demonstrate compatibility with the proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions

Land Use: The applicant has elected Castle Valley Ranch MF-1 zoning. According to MC 17.104.080 MF-1 is a "multifamily townhouse and patio home district allowing for creative approaches to development with housing alternatives that are sensitive to existing and surrounding land uses." The following land uses are permitted by right:

- Attached dwelling units in structures containing more than two units;
- Public parks, playgrounds and related accessory structures 5,000 sq. ft. or less;
- Parking facilities;
- Recreation facilities including, but not limited to health facilities, hobby rooms, activity rooms, meeting rooms, pools, gymnasiums, ball fields, tennis or basketball courts,

¹ 120% and higher AMI was identified by the Greater Roaring Fork Valley Housing Study in 2019 as the housing type needed most by New Castle.

- volleyball courts, and any building of fields or play surfaces;
- Pedestrian and bicycle trails;
- Open space and parks

All uses currently proposed for the property are therefore permitted by right.

The Master PUD allows for the following density standards:

- Minimum lot area of 2,200sf;
- Minimum lot area per dwelling unit of 2,200sf;
- Maximum building height of 35';
- Minimum front yard setback 18';
- Minimum side yard setback of 0';
- Minimum rear yard setback of 10'
- Minimum distance between buildings of 10';

As shown in the submittal packet lot areas will exceed 2,200sf per unit. Setbacks will be provided at the preliminary application.

Parking: The purpose of off-street parking in the PUD "is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets" (MC 17.104.100). As shown on page 3 the following town standards apply:

- Duplex, tri-plex or four-plex – Two spaces per dwelling unit;
- Five or more dwelling units in one structure – One and one-half spaces per dwelling unit;
- Places of public assembly (recreation center) – A parking area equal in size to floor area of the building;

Per the municipal code (**Exhibit A, pg. E**), required off-street parking totals 222 spaces. The proposal provides for a mix of one and two car garages with attached driveways. Of the one-car garage units, all but 10 will have two-car driveways to help mitigate concerns with one-car garages. This will increase off-street 'driveway' parking to 262 spaces. In addition, 50 perimeter parking spaces are shown at locations along streets for guest or overflow parking. Together, the 488 total off-street parking spaces associated with residential units will exceed the required parking by 266 spaces. There are also 21 bonus spaces for "seasonal and recreational vehicles" as required by the code for buildings with five or more units (MC 17.104.100). The clubhouse parking lot will serve up to 30 vehicles. Less the clubhouse and recreational parking, there are 3.6 off-street parking spaces available per unit.

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3) ***Is there availability of town services from public works, fire, and police?***

Police: The application anticipates an increase of approximately 354 new residents at build-out (**Exhibit A, pg. G**). There is no indication at this point that this increase would compromise police service. An additional police FTE would usually only be considered if the population of the entire town was anticipated to increase by 1,000.

Fire: In light of the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now stresses improving the resiliency of structures and the defensible space around them (**Goal EN-8C, pg. 67**). Replacing conventional materials with those considered fire resistant, particularly in buildings along the edge of the development, buys time for firefighters during a wildland incident and slows fire spreading outward from its source. Mandating defensible space in the HOA design criteria commensurate with the recommendations of the Colorado State Forest Service could be part of a successful management plan. In discussions with the applicant, the Fire Marshal recommends emergency access roads added to the north of the development. One road should provide access for emergency vehicles adjacent to perimeter lots in the development where feasible. The second road would connect from the first and terminate at the Lakota Links cart path. The unpaved road would be comprised of compacted gravel or road base. The roads would be available as public trails at all times.

Public Works: The CVR PUD is approved for 1,400 residential units and 100,000sf of commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present (6/2/22) the PUD has 866 units plus nine additional under construction and no commercial space. With 136 new units the PUD is still well short of the 1,400 units allocated. The current sewer treatment plant can accommodate the full build-out of both CVR and Lakota.

Streets: Per comment from the Public Works Director, the town contemplates maintenance of all future streets once all public improvements are approved. After the P&Z sketch meeting, the applicant re-designed non-through streets as cul-de-sacs rather than dead-ends in response to staff recommendations (**Exhibit A, pg. J**). The original street design at P&Z also showed an initial 50 foot ROW for all streets with attached sidewalks and 16 foot drive lanes. In collaboration with Public Works and the Fire Department, streets were modified slightly to improve the pedestrian experience and snow maintenance. Currently the road section (**Exhibit A, pg. Q**) includes 5 foot landscape buffers, a single parking lane, and 10 foot drive lanes.

Open Space: Per comment from the Public Works Director, all proposed open space and natural trails, proposed as a town wide amenity, should be identified on the plat and maintained by the Town. Interior trails, pocket parks, and courts are intended mainly for the residents and would therefore be maintained by the master association.

Snow Storage: Snow storage locations will mainly include the landscape buffers along streets. This design is in response to the recommendations of the public works director. Snow storage sites, in aggregate, shall have a functional area of at least 15% of the paved area inclusive of driveways and sidewalks. All snow storage areas shall be

contiguous to the right-of-way. All designated snow storage locations shall be identified on the plat. Alternative methods for snow maintenance may be considered.

Raw Water: Raw water is available at VIX Park and is expected to irrigate all common areas within the PUD. The raw water infrastructure will need to be extended with the installation of the N Wildhorse road connection.

4) *Is there adequate vehicle, bicycle, and pedestrian circulation?*

Vehicular Circulation: Road, sidewalk, and trail design is a critical component to any new development in New Castle. To optimize circulation, the applicant is committed to connecting N Wild Horse Dr. between Alder Ave. to Castle Valley Blvd. This effort will complete the section currently underdeveloped along the east side of VIX Park. Of note, nearly 1/5th of this new road section is outside the applicant's property boundary. However, because of the importance of circulation and public safety, the applicant has agreed to work with the neighboring property owners, particularly CVR Investors, to complete this link. Per **(Exhibit A, pg. S)** connector will match the existing right-of-way design, including detached sidewalks with landscaping. Street designs are discussed in Section 3) above.

Bicycle/Pedestrian Circulation: The applicant has made a point not to disrupt the existing trail between VIX Park and the BLM land. A pedestrian culvert between buildings 13 & 14 **(Exhibit A, pg. J)** will allow uninterrupted passage of bicycle and hiker traffic below the street. Moreover, streets are purposely not connected through the design's interior in order to preserve an idyllic experience for trails users. From the site plan, the applicant has demonstrated a willingness to keep cul-de-sacs from interfering with trails. All interior open space areas will be accessible by trail.

5) *Is the natural character of the land preserved?*

Topography: The site plan **(Exhibit A, pg. J)** follows the sloping topography downhill from northeast to southwest. Each building block generally steps down with the slope. Since building lengths are significant (120ft to 171ft) vertical terracing of units (vis-à-vis buildings), in addition to horizontal offsets around street curves, is suggested. Vertical displacement between units helps to limit cut-and-fill and reduce the need for retaining walls which are expected in numerous locations. Such designs are also more visually pleasing on rolling terrain. Engineering will consider if the grade challenges for streets necessitates the proposed building lengths.

The ridgeline associated with Sunset Trail to the west of the development is a prominent visual feature for current New Castle residents. Per **Policy EN-6B, pg. 67**, visual access to the ridgeline should be confirmed by the applicant. Viewshed protection is vital, particularly for onlookers off of CVB and North Wildhorse. In **Exhibit A, pg. AE**, the applicant provides a helpful analysis particularly of these perspectives. The view angles demonstrate that some visual obstruction of the ridge bordering the Lakota is to be expected. To compensate for the visual disturbance staff recommends increased landscape buffering near the south

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end of the development. P&Z also suggests a story pole be erected in a specific location as an onsite visual aid to assist the public's comprehension of the views.

IV Staff Recommendations

1. The public works director recommends that snow storage sites, in aggregate, shall have a functional area of at least 15% of the paved area inclusive of driveways and sidewalks. All snow storage areas shall be contiguous to the right-of-way. All designated snow storage locations shall be identified on the plat.
2. Consider diversifying buildings with varying styles, articulation, and color. Allow buildings to conform more naturally to topography where feasible.
3. Consider green building initiatives per the town comprehensive plan (Goal EN-7).
4. Demonstrate that all street intersections shall meet at right angles.
5. Provide "story-poles" to demonstrate building heights do not obscure viewsheds in the direction of Sunset Trail.
6. Demonstrate that *all* lighting will limit light trespass. Parking lot lighting should be on timers to reduce lighting at night time while maintaining security lighting as needed.
7. Consider a limited number of rent reduced units for local emergency responders, town support personnel, school district employees, or employees in the town.
8. Terminate interior trails at streets rather than parking spaces.
9. Provide fire apparatus road along north and west property boundaries per recommendation of the fire marshal. Consider an additional access road to the Lakota Links golf cart path.
10. Provide fire resistant construction per fire marshal recommendations (pending).
11. The applicant shall comply with all recommendations of the Town Public Works Director and Town Engineer set forth in their letters dated June 1, 2022. The applicant shall comply with all recommendations of the Fire Marshal set forth in the letter dated June 6, 2022.
12. Specify on plat open space to be maintained by the HOA and open space maintained by the Town.
13. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Landscaping shall incorporate native grasses and plants that minimize maintenance, moving, and irrigating. The landscaping plan shall be approved by the Parks Department.
14. Provide a water sampling station per the recommendations of the Town Engineer and Public Works Director.

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15. Raw water service from CVR Filing 5 shall be extended to the proposed development and terminate with CVR Filing 10.
16. Each townhome unit shall be provided with separate water and sewer service directly from the main. Gas and electric service must run directly to each unit from the building exterior rather than through crawlspaces or attic spaces.

V Next Steps

Comments and recommendations made by staff and the planning commission should inform future revisions made to the application prior to the preliminary application.

After Council review, but prior to the preliminary plan application, the applicant shall conduct a community open house meeting to present the proposal to the public. The applicant has scheduled this meeting for Wednesday, September 7th at 4:30pm to 7:00pm in the Community Center.

The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one (1) year from the date of Council's review. If the applicant does not submit a preliminary PUD plan application within said year, the applicant may be required to submit a new sketch plan application before filing a preliminary plan application. Similarly, if applicant's preliminary PUD plan application includes substantial and material (e.g., proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the town administrator may require the applicant to conduct a new sketch plan review.

In further discussion, the council and staff established that because there would not be an HOA, the property management will maintain the grounds. The pool and clubhouse will be private for residents of the subdivision only. Councilor Leland noted that it was important that the massiveness of the buildings be mitigated somehow. Chad Lee, attorney for the applicant, said that Mr. Jaynes, architect, will take that into consideration.

Mayor A Riddile said that there was a desperate need for affordable housing. Councilor Leland said that was because most housing was out of the affordable range for public servants. David Levin, applicant, said that they were trying to be thoughtful about the issue, and said that they could set aside a block of units and tell the town that the units were for police officers, teachers or firefighters, etc. Mr. Levin said that it certainly would be a discussion. Mayor A Riddile thanked Mr. Levin.

Mayor A Riddile said that he agreed that it was a good-looking development and that it appeared that the applicant was more than willing to work with the town and that the council appreciated that.

Councilor G Riddile said that he felt that completing the North Wildhorse connection to the southern section of North Wildhorse will effectively create a bypass around the roads that people should travel on such as Castle Valley Boulevard and Alder Avenue. He felt that moving into preliminary application that it may be good to have a gate in place somewhere on North Wildhorse in the BLD development to break the flow of traffic from that area. Councilor G Riddile said that people will speed on neighborhood streets rather than on the roads meant for higher speeds. He said that he wanted to see something to prevent the bypass effect through the neighborhood.

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Councilor G Riddile asked if the BLD Group intended to dedicate the open space on the north to the town. Attorney Lee said that they had been discussing that internally and if the town was open to it, they were willing to talk about it.

Consider Resolution TC 2022-24 - a Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges

Administrator Reynolds said that at a previous council meeting, the council and staff discussed building permit fees and what tables and formulas were used to calculate those fees. He said they had discussed several methods by which building permit fees could be more accurate to the local housing market. Administrator Reynolds said that the table staff was proposing was based on a table put out by the International Code Council and reflected a more reasonable value based on the rising cost of building construction in town.

MOTION: Mayor A Riddile made a motion to approve Resolution TC 2022-24, a Resolution of the Town Council of the Town of New Castle Adopting a Directory of Fees and Charges. Councilor Carey seconded the motion and it passed unanimously.

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

MOTION: Mayor A Riddile made a motion to recess the town council meeting and to adjourn as the local liquor licensing authority. Councilor Leland seconded the motion and it passed unanimously.

Consider a Request from the Town of New Castle Special Events Office for a Modification of an Approved Special Events Liquor License for Burning Mountain Festival

Clerk Harrison told the council that the liquor license for Burning Mountain Festival had been approved in July, but since then the fence located along Jasper Ward Road and the basketball court in on the west side of Burning Mountain Park had been removed. That provided an opportunity for the stage to be pushed back, or west, partially into the roadway. That will provide more space in the park for guests.

Clerk Harrison said that the request for modification was for the liquor licensed area to be expanded approximately fifteen feet to the west. A single-lane emergency access will be left in the alley for emergency vehicles and for the bands to unload and load equipment. Clerk Harrison said that modification had been properly noticed the requisite ten days, was allowable under state law and that staff recommended approval.

MOTION: Mayor A Riddile made a motion to approve the request from the Town of new Castle Special Events Office for a modification of an approved special events liquor license for Burning Mountain Festival. Councilor G Riddile seconded the motion and it passed unanimously.

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

MOTION: Councilor Hazelton made a motion to adjourn the local liquor licensing authority. Mayor A Riddile seconded the motion and it passed unanimously.

Discussion Regarding Emergency Ordinance TC 2020-5 - Temporarily Authorizing Alcohol on Public Property

Clerk Harrison said that in 2020 at the beginning of the pandemic, the town council was proactive in passing an emergency ordinance to allow for public consumption carry-out alcohol in the downtown park spaces to assist restaurants since they had been closed to in-house dining. She said that allowed residents to purchase a meal and carry-out alcoholic drink and to consume them in the parks.

Clerk Harrison said staff had brought the ordinance back to the council in November of 2021 for reconsideration because some of the restrictions had been lifted and restaurants were allowed to have some in-house capacity. She said that at the time the town council decided to leave it as it was, and asked staff to bring it back again in 2022.

Clerk Harrison said that all restrictions on restaurants had been lifted and staff felt it was a good time to discuss it again with the council.

Clerk Harrison said that at the beginning of the year, the State implemented a permitting process for carry-out alcohol, and only 88 Grill had that permit. Currently only one restaurant can provide carry-out alcohol. Clerk Harrison said that she had surveyed the town's restaurants, and several were unaware that carry-out alcohol was even allowed; only one said they had regular requests for carry-out; and the others said they had not utilized carry-out alcohol because no one was asking for it. 88 Grill felt it should be a permanent option and said they utilized carry-out alcohol for their hotel patrons.

Clerk Harrison said that staff was looking for a conversation with the council and perhaps some direction.

Councilor Hazelton asked if repealing the ordinance would negatively affect those restaurants that had a carry-out permit. Clerk Harrison said it would only affect them in that carry-out alcohol could no longer be consumed in the parks; it would have to be taken home for consumption. She said it would not affect a restaurant to be able to continue to hold the proper permit and provide carry-out alcohol to their patrons. In addition, Clerk Harrison said a repeal would also eliminate the issue of people mistakenly thinking that they could bring their carry-out alcohol to a special event where a special events liquor license had been approved. She clarified that

Councilor Hazelton said that he felt the emergency ordinance could be repealed because it had served its purpose and restaurants could still go through the permitting process and serve carry-out alcohol.

Councilor Copeland asked that if COVID came back and restaurants were closed again, would it be easy to bring the ordinance back. Clerk Harrison said that it would be because an emergency ordinance could be done when it was a matter of public health and welfare, and emergency Ordinance TC 2020-5 was done to protect that. Attorney McConaughy clarified that it had been done as an emergency ordinance because they had not wanted to wait the two months that it took for a regular ordinance to become effective. He also told the council the options they had to either repeal the ordinance or change the language, however, in any case another ordinance was necessary. After a brief discussion, the council decided that a repeal was appropriate.

Consent Agenda

August 2, 2022 minutes

August 16, 2022 minutes

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August Bills of \$868,924.39

Dillon Companies, LLC Fermented Malt Beverage Liquor License Renewal

MOTION: Councilor Copeland made a motion to approve the consent agenda. Mayor A Riddile seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds told the council that Administrative Assistant Rochelle Firth had been working with CDOT to reduce the speed limit on Main Street. He said it had been a long process, but it appeared CDOT had finally agreed, since there is a school at each end of Main as well as a library and community center in the middle. He said that 25mph appeared to be most appropriate, and that would be from the bridge on the west end of Main to the west end of Burning Mountain Avenue. Mayor A Riddile asked if the speed limit east of Burning Mountain Avenue would also be reduced, particularly because transitioning from 25mph to 45 mph was complicated. Administrator Reynolds said that he did not know as CDOT had not mentioned it and reiterated that the procedure to request a speed limit reduction was long and somewhat difficult.

Administrator Reynolds said that the bear attack victim from the previous week will be okay. He said the CPW applauded the actions of the police department on that night, but were, unfortunately, unhappy with the press release the town put out because they felt it was their job to do that because it was about a bear. Administrator Reynolds said that he felt the town had a responsibility because it was a town resident, and there was a lot of misinformation out on social media. Administrator Reynolds said that he felt that the concerns with CPW had been resolved. Administrator Reynolds said that Burning Mountain Festival and parade would be on Friday and Saturday. He said there were one or two volunteers needed for the parade if anyone was interested. Administrator Reynolds said they were giving Russ Talbott a break and that there were new announcers for 2022.

Library Director Jamie Larue and local resident Jeanetta Howell will announce.

Administrator Reynolds said that he and Planner Smith had a three-hour meeting earlier in the day with a group of concerned residents who had attended the preliminary hearing for the Romero Group. He said they were outspoken about the application and most liked it, while some had concerns. He said they discussed topics such as fire evacuation, vested rights, water needs and the like. He felt that meetings like that will help in the land use process going forward with the public more educated about the process and requirements.

Town Clerk – Clerk Harrison said that her office had been busy getting ready for Burning Mountain Festival. Clerk Harrison said she had been working on the Filing 11 situation and asked that anyone who had not gotten their e-mails to her to please do so by Friday.

Clerk Harrison told the council that the company doing the historic building survey would be in town photographing properties that were potentially eligible for historic designation. She said that members of HPC will accompany them.

Town Treasurer – Treasurer Burk said that they had put out ads for the finance assistant position, and they had just a small number of applications. She said they had a few that looked promising and that they will be setting up phone interviews. Treasurer Burk said she was working on the budget.

Town Planner – not present.

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – Councilor G Riddile said that he thought they had gone through the preliminary application with the Romero Group, but he was not able to attend. Administrator Reynolds said that it was an initial meeting with Eagle's Ridge, but that it had been continued to a meeting in the future.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – Councilor Leland said that EV charging grant was due at end of September, so it needed to be on the agenda at the next meeting. Councilor Leland said that CEC will be in the parade, and they will throw out balls that were little earths. The theme was 'Love Where You Live, Love The Earth.' He said that they would welcome anyone who wanted to walk with them.

Senior Program – nothing to report.

RFTA – nothing to report.

AGNC – Councilor Hazelton said that there was an AGNC meeting coming up. He also said that there had been an economic development meeting that Administrator Reynolds had attended. Administrator Reynolds said that a state economist had spoken and warned about an upcoming recession, and he also gave a lot of data on how much the county will grow in the next five years. He said the economist also spoke about the future of the coal industry in the northwest part of the state and a possible transition to nuclear.

Administrator Reynolds said that prospect was not very hopeful as the nuclear experts that attended the meeting said there was not enough water to operate properly. He also said that the current coal industry burned the coal, and there was a movement to take the coal out that gets used in ways that did not produce emissions, or non-emissionable coal. Administrator Reynolds said there was a prediction that oil and gas will return, but the biggest thing stopping that were state regulations.

GCE – Councilor Leland said there was another staff change. Six months ago, Erica Sparhawk resigned. Maisa Metcalf took her place, but by the end of the month, Maisa will take a job with Holy Cross Energy. He said that GCE will be working with Zulika Pettit and David Reed, and they will be the ones coming to the council for their reports. Councilor Leland said that GCE wanted to get on the council agenda soon, before the budget is in place.

EAB – nothing to report.

Council Comments

Councilor Mariscal will not be at Burning Mountain Festival because she will be at a conference, but her son will help CEC.

Councilor Mariscal will attend the AGNC meeting in September.

Councilor Carey said she and her husband will help CEC also.

Councilor Carey said she had spoken with victim of the bear attack, and she was doing well. She also said the woman was appreciative of police who came out that night.

Councilor Carey said she was hoping to attend the effective governance conference in December.

Councilor Hazelton said he was seeing close-call situations with kids at the 7th Street intersection. He suggested that the cross walk not be at corner but further up 7th Street, perhaps near church to avoid an issues.

Councilor Hazelton said the format of Administrator Reynolds' last manager report was great, much easier to read on his phone.

Councilor Leland said that the dog park people have been attending the community market but not much else. He felt that there needed to be another dog park committee meeting to get the interest going again.

Councilor Leland said that he will be talking to Paul because he felt the open space in one of the developments would be a good second location for another dog park.

Mayor A Riddile requested that dog on leash only signs be placed in strategic places in the parks, specifically Grand River Park, VIX Ranch Park, and he thought they should include an ordinance number and maximum fine allowed.

Mayor A Riddile said that in the elementary school there were five rules for the students. Rule Number 2 was to raise your hand for permission to speak. He encouraged the council to do the same.

MOTION: Mayor A Riddile made a motion to adjourn. Councilor Carey seconded the motion and it passed unanimously.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,



Mayor Art Riddile



Town Clerk Melody Harrison, CMC

