



# MINUTES

## Regular Town Council meeting Meeting

4:00 PM - Tuesday, September 10, 2019  
Council Chambers

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The Regular Town Council meeting of the Town of Beech Mountain was called to order on Tuesday, September 10, 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  
Interim Town Manager Bob Pudney  
Public Utilities Superintendent Daniel Davis  
Director of Tourism and Economic Development Kate Gavenus  
Assistant Parks and Rec Director Kate Prisco  
Public Works Superintendent Matthew Clawson  
Town Planner Preston Yates  
Police Captain Renee Carpenter  
Director of Infrastructure Robert Heaton

### 1. CALL TO ORDER

### 2. ADOPTION OF AGENDA

- 2.1. Mayor Castiglione noted the removal of an item under Old Business, the Public Works New Facility Contractor Bids, as that topic will be addressed at the Special Called Meeting of Council on September 18, 2019 at 3:15 p.m. and she called for a motion to adopt the amended agenda.

#### **Motion**

Wendel Sauer made a motion to adopt the amended agenda and Barry Kaufman seconded the motion. CARRIED. unanimously.

### **3. INVOCATION**

### **4. PLEDGE OF ALLEGIANCE**

### **5. PUBLIC COMMENT**

**5.1.** Mr. Page Leidy of 503 Oz Road commented on the successful weekends at Autumn at Oz, he explained the scheduling and setup. Mr. Leidy thanked the Fire and Police Departments for coordinating with Land of Oz. He thanked Town Staff, Council and the various local businesses who helped with the event. Mr. Leidy extended VIP tickets to anyone who wished to attend the event for Friday, September 13th and gave passes to citizens after the meeting.

**5.2.** Mr. Joe Gregory of 134 Hawthorne Road said he is in favor of the speed limit reduction on his gravel road. Hawthorne Road is a main through-fair which people use to get to Beech Mountain Club. There have been attempts to pave it, but it is still gravel. He said the FedEx trucks speed on the road, and he asked Council to reduce the speed limit to 15 mph as dust and dirt are a nuisance and it is not safe.

**5.3.** Mr. Jeff Fabri of 113 Black Birch Lane said he was in strong favor of the 15-mph reduction to the speed limit on all Beech Mountain gravel roads. Mr. Fabri reviewed his history and said he is a professor emeritus physician as well as an engineer with a PhD in Quality and Safety Engineering and specifically taught safety during his career tenure at American College of Surgeons. He said the problem is a safety issue due to hazardous conditions and the rates of speed driving fast on gravel roads throughout the town. When an individual is walking on a paved road, they walk on the side of a road, but when traveling as a pedestrian on a gravel road, they walk in center of a gravel road, therefore; Mr. Fabri said it is a safety hazard.

Mr. Fabri explained the rate of travel and stopping distances on dry pavement versus the rate of a stopping distance when a vehicle is on a gravel road and the rate is double the distance on a gravel road. When there is ice and snow it is worse, and the gravel roads should be reduced to 15 mph speed limit.

### **6. CONSENT AGENDA**

**6.1.** Councilman Abernethy said there is an inaccuracy to what he said in the August 13, 2019 minutes regarding the Lake Coffey project. He said he stated that the project grew from a storage facility into adding the bathrooms costing \$150,000, to a community center with a meeting room and kitchen with an estimated cost of \$800,000. Mayor Castiglione noted the revision.

**6.2.** Chapter §122C-251 amendment - Transportation Agreement for Involuntary Commitments

**6.3.** Resolution 2020 U.S. Census Bureau

**6.4.** Ad valorem Tax Order to collect taxes pursuant to G.S. § 105-321-

### **Motion**

Wendel Sauer made a motion to adopt the consent agenda with Councilman Abernethy's revisions and Barry Kaufman seconded the motion. CARRIED. unaniously.

## **7. NEW BUSINESS**

### **7.1. Convenience Center Wire Fencing installation**

#### **Motion**

Weidner Abernethy made a motion to install barbed wire fencing around the Convenience Center and Councilman Abernethy seconded the motion. MOTION FAILED for lack of the second unaniously.

### **7.2. Lower Pond Creek Boardwalk Project Bid-**

Assistant Recreation Director, Kate Prisco was present to answer questions in the absence of Recreation Director, Sean Royall. Mayor Castiglione inquired into the length of the new boardwalk, Mr. Prisco did not know the dimensions of the boardwalk and neither did Mr. Holloman know the exact footage length of the boardwalk. Ms. Prisco explained the configuration of the trail and road at Lower Pond Creek and how the boardwalk will allow access for pedestrians and hikers on the trail.

In response to Councilman Abernethy's question regarding the bids, Mr. Holloman stated that the Blue Ridge Trail Works bid was an incomplete application, and Staff is recommending the bid award go to YRU Contracting Inc., since the Blue Ridge Trail Works bid was non-responsive. Attorney Eggers reviewed the process moving forward, he said Council may reject all bids, and request another bid advertising, or may accept the lowest bid. Attorney Eggers added that by general statute the obligation to award would be to the lowest responsive, responsible bidder should Council choose to accept the bid. In Staff's review, the Blue Ridge Trail Works bid was non-responsive in meeting the required criteria. Attorney Eggers pointed out if the bid were to be accepted into a binding contract by a motion, the motion should also include that the Blue Ridge Trail Works bid was non-responsive.

Councilman Abernethy stated he wanted a third bid in order to award the contract and there was further discussion as to the bids submitted, the amount from the grant monies received for the project, which is paying \$9,200, and the advertising and notice given to multiple companies which specialize in trail work.

#### **Motion**

Wendel Sauer made a motion to accept the YRU Contracting Inc. bid and to award the contract due to their work history, scope of the project, completeness of bid proposal, and job references; and to move forward with the boardwalk portion for \$38,080, and to reject the Blue Ridge Trail works submission as that bid was non-responsive and

Carl Marquardt seconded the motion. CARRIED. 4-1 (opposed: Weidner

Abernethy).

## 8. OLD BUSINESS

### 8.1. Public Works System Development Fee Study

Public Works Water and Sewer Superintendent, Daniel Davis reviewed the process for implementing the System Development Fee Study. He said the posting has been online and the opportunity to submit comments to the Public Works Department has been open since August 14th and will be posted till October 1, 2019, this is in order for the public to respond and for the Department to receive and answer questions in accordance with Article 8 of Chapter 162A of the General Statutes to add a new section titled, System Development Fees.

All inquiries are asked to go to the website to view the report at: <https://townofbeechmountain.com/wp-content/uploads/2019/08/POSTED-Beech-Mountain-SDF-Report-20190813-System-Fee-Study.pdf> , and submit comments and concerns at: [bmus@townofbeechmountain.com](mailto:bmus@townofbeechmountain.com) .

### 8.2. Proposed amendment to Chapter 73 - an ordinance to reduce speed limits on gravel roads to 15-mph

Mayor Castiglione requested a motion to adopt the reduction of speed limits on all gravel roads to 15-mph, and no one made a motion.

Councilman Abernethy inquired about the proposed ordinance and Mayor Castiglione repeated the question and no motion was made.

Vice Mayor Kaufman made a substitute motion to reduce the speed limit on certain gravel roads, specifically the Beech Mountain Parkway extension, Lower Snowbird Trail and Upper Snowbird Trail and on Hawthorne Road to 15-mph and the motion was seconded by Councilman Marquardt.

Councilman Abernethy said he was opposed to the proposal, and he questioned the paragraph that refers to enhanced pedestrian safety, reduce slinging of gravel and decrease dust. He asked if the Police Department had issued speeding tickets in the past five years on gravel roads.

Captain Renee Carpenter reviewed police statistics and stated that there were 218 vehicle accidents in the last 5 years and there were two citations, one on a gravel road. Captain said the reason for the citation was careless and reckless driving unsafe for conditions on a gravel road, which occurred in 2014. No fatalities occurred on a gravel road. There was further discussion regarding clouds of dust in dry conditions and safety on gravel roads, vehicles and pedestrians with dogs. Captain Carpenter explained that there are more call-in complaints about speeding on the gravel roads in dry weather.

Mayor Castiglione stated that she was in favor of reducing all gravel roads to the 15 mph speed limit for enforcement logistics but believed the ordinance as such would not pass. Captain Carpenter explained how the police force

responds to calls about speeding cars and how the force clocks vehicles with radar, etc.

Vice Mayor Kaufman said on a gravel road, like Hawthorne Road, there is not enough room for pedestrians, and he chose to include the gravel roads that have bigger safety issues therefore we can reduce and lower the speed limit, to which the Mayor agreed, drivers go faster on those gravel roads that have a straight-away.

Captain Carpenter explained how traffic calming measures can reduce accidents, and the conditions such as snow, chat and ice on the gravel naturally stop speeding. Vice mayor Kaufman reiterated that the roads for reduced speed would be on: Hawthorne Road, Lower Snowbird Trail, Upper Snowbird Trail and the Beech Mountain Parkway extension starting at 1402. There was a further question and answer period with the Police Captain, regarding speeding, the weather conditions, traffic volumes and traffic calming measures. Councilman Sauer noted that he was in favor of the proposal originally but has changed his opinion throughout the continued deliberations.

Mr. Fabri asked how his road can be included, and Mayor Castiglione said citizens may petition to lower the speed limits on certain roads.

## **Motion**

Barry Kaufman made a motion to amend the ordinance to reduce the speed limit on the Beech Mountain Parkway extension, Lower Snowbird Trail and Upper Snowbird Trail and on Hawthorne Road to 15 mph as it will enhance safety and

Carl Marquardt seconded the motion. CARRIED. 3-2 (opposed: Weidner Abernethy and Wendel Sauer).

### **8.3. Follow-Up Chapter 73 amendment to gravel road speed limits**

Attorney Eggers explained that upon adoption the ordinance is enforceable, under Chapter 20 of the vehicle code, but for police to write a criminal citation or an infraction, the statute requires that the road be posted at each end where the speed limit becomes effective and at each major intersection. There was further discussion regarding the signage, enforcement and speeding on gravel roads. Attorney Eggers stated the standards across the state and in municipalities and said the Attorney's Office would prepare the amended ordinance.

### **8.4. Public Works new facility contractor bid- NOTE: The topic has been scheduled for a Special Called Meeting on September 18, 2019 at 3:15 p.m. in Town Council Chambers**

### **8.5. Adopt-a-Street Program**

Mr. Holloman noted the Adopt-a-Street program was submitted to Council at the last meeting, adding that the program would be in place to encourage involvement by members of the community to work together with

the town to remove and beautify our roadways, thereby freeing them of litter. The agreement form submitted includes the volunteers' signatures, along with guidelines and safety procedures which need to be followed. He stated that summer intern, Ms. Sarah Lapish reviewed the list of procedures and safety precautions to follow at the August Council meeting. The Adopt-a-Street program has been established for communities and civic organizations as well as private businesses and industry to contribute toward the effort of maintaining cleaner and more beautiful roadsides.

Councilman Sauer stated he found several corrections that would need to be addressed before adoption, and there was a discussion about the program schedule, the roads and the equipment, and the logistics of implementation. Mr. Holloman reminded the Council that this was addressed at Town Council's retreat as part of goals for planning in the 2019-2020 fiscal year and therefore staff had followed up with the topic.

### **Motion**

Barry Kaufman made a motion to accept the Adopt-a-Street program and Carl Marquardt seconded the motion. DEFEATED. 2-3 (opposed: Renee Castiglione, Weidner Abernethy, and Wendel Sauer).

## **9. TOWN MANAGER AND STAFF REPORTS**

- 9.1. Mr. Holloman noted all reports were submitted by the departments and he reviewed the upcoming events schedule. The Town has set-up free flu shots for the public to receive on October 16 at Town Hall and a blood drive will be held on November 1, 2019 at the Buckeye Creek Recreation Center. Roadway maintenance was discussed specifically striping as well as NCDOT standards.
- 9.2. Fire Department Monthly Report
- 9.3. Police Department Monthly Report
- 9.4. Planning and Inspections Report 2019-08
- 9.5. August Parks and Recreation Report
- 9.6. TDA Report
- 9.7. Department of Infrastructure Reports

## **10. TOWN COUNCIL COMMENTS**

- 10.1. Councilman Sauer noted he did not have a comment. Councilman Abernethy had serious concerns of the direction of the Town due to lack of leadership. He was concerned that there are no measurable results and progress due to delays in infrastructure. He said there is no preventative maintenance for Public Works and there is mismanagement of the recycling center. He questioned inaccurate information such as fees and costs which change during a meeting. Councilman Abernethy cited for example, the Special Meeting on the topic of the Oz gravel road paving where the costs changed and misquoted by the manager. The Emerald Outback and biking trails are a gold mine, he said the Town should build relationships not tear

them down, to which he reviewed examples of businesses which build tax revenue in North Carolina.

Councilman Abernethy said there is no daily preventative maintenance of equipment and there is machinery which requires daily inspections. He reviewed issues at the recycling center and noted that barbed wire stops bears and said it is irresponsible not to have barbed wire, as well; he said he watched outside residents and contractors utilize our convenience center for free. He questioned why management is allowing this to continue.

He said Council did not approve a take-home vehicle by the town manager, and police take-home vehicles require approval. Councilman Abernethy questioned the attorney if the Council can amend the managers contract, to which Attorney Eggers replied the benefits package can be amended. Councilman Abernethy requested a review of the package. He said the Town is in the worst shape ever and he thanked the Oz organization for its successful event at Land of Oz.

Vice Mayor Kaufman said the facts are unfortunately distorted and wished to address them for the record. The previous examples given by Councilman Abernethy of the fencing at other recycling centers was inaccurate. Vice Mayor Kaufman said he made a site visit to one of the other recycling centers and the wire fence was half broken with garbage thrown over it. The Town is not spending \$25,000 on fencing when we are building a new Public Works Complex with a new recycling center as that would be mismanagement of funds.

Vice Mayor Kaufman asked Ms. Prisco to talk about the Enduro Bike Race which took place on the mountain. Ms. Prisco said there were 196 bikers who participated in the race and it generated \$15,600 income which was shared with the Ski Resort. Cycling benefits the town and we are taking full advantage of that resource said Vice Mayor Kaufman.

Vice Mayor addressed the take home car. He said the Town Council held two budget workshops with Council input and changes. A May 7th public hearing allowed the public to participate and a May 24th workshop allowed Council to address public input. In the budget notes, it states: 'a car allowance shall be discontinued, as long as the manager uses a take home town vehicle.' Vice Mayor Kaufman noted that Councilman Abernethy voted for the budget and this issue is addressed in the budget, as the car allowance was taken away and there is nothing hidden.

Councilman Marquardt disagreed with Mr. Jeff Fabri's position regarding lowering the speed limit on gravel roads, as he lives on a gravel road and tried driving 15 mph on his gravel road. It was difficult to do, therefore; he disagreed with Mr. Fabri and felt people speeding over 25 mph on gravel roads will also speed over 15 mph.

Councilman Marquardt wished to address Councilman Abernethy's statement about the lack of movement on infrastructure. He said in the spring the major water line and sewer line replacements occurred in Charter Hills

section of town. He said the department is working on larger major projects in order to minimize the impacts to residents, such as Village Road, so it is irresponsible to state Council is not moving forward on infrastructure projects according to the master plan as implemented with State agencies and departments.

He recounted that the new construction on the new Public Works facility begins in the spring which includes the new convenience/ recycling center with compacting dumpsters. Until then fencing ideas are a waste of money. At times the demand of the visitors will not meet the capacity and occasionally a dump looks like a dump. That is the nature of the mountain's cyclical seasons of visitors, but the long-term fix and the long term plan is in place to address this issue.

The budget is a complicated document but to make an accusation that there is a cover-up is wrong and inflammatory. Nothing was done under the table for town vehicle usage, perhaps it could have been clearer in the budget, but the accusation is self-server.

Councilman Marquardt believes staff does an excellent job of maintaining equipment and the maintenance log programs Councilman Abernethy is referring to is paperwork intensive and are profit markets for inspectors who provide the certifications. He has complete confidence in our staff who care for and use the equipment.

Mayor Castiglione noted that the public may decide for themselves and she would not address the issues as stated by the councilman as it is a monthly occurrence. Mayor Castiglione said: Public Law 915, guarantees the issuing a proclamation each year by the President of the United States of America Designating September 17 -23 as Constitution Week. It has been 231 years since drafting of our constitution and Mayor Castiglione proclaims September 17 - 23 as Constitution Week.

## **11. CITIZENS' AGENDA COMMENTS**

**11.1.** Mr. Joe Johnston of 1420 Beech Mountain Parkway stated he was in favor of the 15-mph gravel road speed reductions. The construction trucks use the extension as the main thoroughfare and Mr. Johnston is concerned with speeding trucks.

Mr. Rob Ruszczak of 132 Wintergreen Way requested Council to add Wintergreen Way and for the speed limit to be 14 or 16 mph.

Mr. Larry Burn of Hawthorne Road was in favor of lower speed limit on Hawthorne Road and he thanked Council for reducing the speed limit.

Mr. Lisa Johnson of 1420 Beech Mountain Parkway requested speed bumps to which Mayor Castiglione stated the mountain cannot install speed bumps as a traffic calming measure due to the snow plowing that must take place in the winter.

## **12. ADJOURNMENT**

**12.1.** There being no further business, Mayor Castiglione requested an

adjournment at 5: 29 p.m.

Note: the above minutes are not a verbatim transcript of the meeting.  
Audio and/or video archives are recorded and accompany the meeting on the  
Town's Civic Engagement Portal at:  
<https://townofbeechmountain.civicweb.net/Portal/>

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Town Clerk

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Mayor, Town of Beech Mountain