



# MINUTES

## Regular Council Meeting

3:00 PM - Tuesday, March 12, 2019  
Council Chambers

The Regular Council of the Town of Beech Mountain was called to order on Tuesday, March 12, 2019, at 3:00 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  
Director of Infrastructure Robert Heaton  
Public Works Superintendent Matthew Clawson  
Chief of Police Tim Barnett  
Finance Officer Steve Smith  
Tax Admin & Utility Billing Clerk Rebecca Ward  
Town Planner Preston Yates  
Parks and Rec Director Sean Royall  
Director of Special Projects Riley Hatch  
Police Captain Renee Carpenter  
Fire Chief Bob Pudney  
Building Inspector John Merritt

**1. CLOSED SESSION - PURSUANT TO NC GS 143-318.11 (A)(6) PERSONNEL MATTERS (A) (3) ATTORNEY CLIENT PRIVILEGE**

**2. CALL TO ORDER**

**3. ADOPTION OF AGENDA**

**3.1.** Mayor Castiglione stated that the Town Manager, Tim Holloman had an employee evaluation by Town Council and it was conducted in the closed session and therefore she requested that item be added to the agenda under New Business. She also stated that the item listed on the agenda as 8.3

Hawthorne property negotiated offer, would be removed from the agenda as per the applicant request.

**Motion**

Wendel Sauer made a motion to adopt the revised agenda and Weidner Abernethy seconded the motion. CARRIED. unanimously.

**4. INVOCATION**

**5. PLEDGE OF ALLEGIANCE**

**6. PUBLIC COMMENT- NO ONE ELECTED TO SPEAK**

**7. CONSENT AGENDA**

- 7.1. Adoption of Minutes- January 15, 2019 FY:2019-20 Retreat Planning Meeting & February 11, 2019 regular Town Council meeting
- 7.2. Budget Amendment for Road Maintenance Dept.-New Holland mowing tractor and maintenance package with trade-in of the old tractor and Budget Amendment for Fire Department and Recreation Department Landing Zone Approach Budget Amendment
- 7.3. Resolution Supporting Shane Outpost Park
- 7.4. Tax Release

**Motion**

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

**8. NEW BUSINESS**

- 8.1. In closed session, Town Council evaluated the Town Manager's job performance as per the Beech Mountain Personnel Policy.

**Motion**

Wendel Sauer made a motion to increase the Town Manager's salary by 2% and Barry Kaufman seconded the motion. Carried 4-1 (opposed: Weidner Abernethy).

- 8.2. Side Path Streetscape Project

Mayor Castiglione noted the Side Path Streetscape project is also known as the Greenway Corridor which is a side path along Beech Mountain Parkway Hwy NC 184 to be constructed from the entrance of the Convenience Center to Christie Way, which will enhance the walkability and safety of pedestrians and bicyclists for a multi-modal use path.

Mr. Holloman stated that the bid was advertised in the fall of 2018 and the Town did not receive a submitted contractor bid and the bid was re-advertised in the spring. There is approximately \$200,000 budgeted for the project and the bid submitted this February was for \$309,000.

Special Projects Manager, Riley Hatch stated that NCDOT has pledged \$66,000 towards the project, as well as there is \$50,000 designated from the TDA towards the project. Mr. Holloman added that with what has been budgeted and pledged, staff recommends approval of the Side Path Streetscape project. For the first phase, we would be covering 432 linear feet but the whole project covers approximately 1,700 linear feet, which would occur in future phases.

There was a question and answer period. Mayor Castiglione said there was only one qualifying bid from M&M Construction. The contractor must be a licensed bonded contractor to qualify. Councilman Marquardt was glad to learn from Mr. Hatch that the NCDOT would release \$66,000 towards the project.

In response to Councilman Abernethy's questions regarding the costs, Mr. Holloman reviewed the projected costs for Phase I and Phase II, noting that those were estimates and once DOT becomes involved in the first phase of a project, the partnership will continue through all the phases until completion of the project. This project has been in the planning stage for approximately eight years. Mayor Castiglione clarified how the Town and DOT developed the plan for the project, noting how the specs have changed over the years.

Mayor Castiglione called for a motion on the floor by Council.

### **Motion**

Barry Kaufman made a motion to accept the bid from M & M Construction based on the Town Council discussion for a qualifying licensed bonded contract and Wendel Sauer seconded the motion. CARRIED. unanimously.

### **8.3. Discussion of Requiring Participation for Paving New Roads**

Mayor Castiglione stated that the Town received a letter from Mr. David Conrad, President of the Emerald Mountain Association requesting the portion of Oz Road which is not paved and is a gravel dirt road to be paved to the paved section. She said an assessment letter was drafted by Staff and is submitted in the packet for Council review. Mayor Castiglione explained the assessment process by the Town's regulations for paving roads wherein the property owner pays their portion of the lineage square foot of the road and the Town pays for the other portion. Mayor Castiglione opened the discussion to adhere to the assessment or does the town take on the full payment.

Councilman Marquardt was fully in support of current policy that the Town bears 50% of costs. The argument that this is a special road and the Town bears the full cost was suspect and not a justifiable reason to change the

policy. The paving of this road is not on a priority list and the cost sharing and property assessment is the policy in place for this case and all other cases.

In response to Councilman Abernethy's question regarding the road maintenance after the paving, Mr. Holloman said that after the assessment and construction, the road is maintained by the Town in perpetuity. The initial construction costs are shared between the Town and the property owners as regulated by the 50 / 50 Cost Share Program.

Councilman Sauer was concerned about the assessment because if most of the people vote for the road paving but the one citizen who owns 871' of road frontage, votes against it; it would upset the process. He is also in favor of the current policy as it is, to which Councilman Marquardt agreed, that one property owner has most of the lot frontage and is concerned if that owner is opposed to the assessment. There was further discussion on the cost sharing and assessment process for paving the road. Councilman Marquardt reiterated he is opposed to changing the current ordinance policy and the Town should not pay 100% of the costs.

Mayor Castiglione said she learned of the ordinance and assessment process from the Town Manager and Public Works Director and all the Town's roads are paved this way, and now that she knows the process, Mayor Castiglione believes we should stay with the current policy and the assessment procedure. Mr. Holloman noted the estimate costs for the engineering and construction were submitted in the report and there was no motion required on the subject since this is an already adopted ordinance. Staff will follow up with the property owners and assessment letters.

## **9. OLD BUSINESS- NONE**

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

- 10.1.** Staff reports were submitted, and Mr. Holloman reviewed the schedule and upcoming calendar. He announced that the first Golf Cart Committee meeting was scheduled for March 13 at 2:00 p.m. March 14 there will be a preconstruction meeting for the Landing Zone approach as was approved by Council's last meeting.
- 10.2.** Police Department Council Report
- 10.3.** Fire Department Monthly Report
- 10.4.** February Parks and Recreation Report
- 10.5.** Infrastructure Report Feb 19
- 10.6.** TDA Report
- 10.7.** Planning and Inspections Report 2019-02

## **11. TOWN COUNCIL COMMENTS**

- 11.1.** Councilman Abernethy stated that he needed clarity and explanations for the cost of Landing Zone and the road at the ball park as he was quoted different prices in February. He questioned which the correct quote was and

said he had asked the town manager for the contract. He listed the different quotes as \$17,000, then \$8,300 and then \$18,500. Councilman Abernethy asked about the discrepancy and who approved the additional \$10,000. Mr. Holloman said he had answered Councilman Abernethy's question on February 18th and had estimated that it was approximately \$17,000. The cost at the \$8,500 price was not for the drainage. With the added issue of stabilization and drainage; the costs increased so the correct amount is \$18,500 for the entire Landing Zone Approach engineering and construction with the drainage stabilization.

Councilman Abernethy requests accurate numbers to make decisions and for there to be no miscommunication, to which Mr. Holloman agreed. Mr. Holloman had answered him that was an estimate but when the specs changed, and the road width increased, the scope of the work increased the costs. To which Councilman Sauer agreed, the need is for two-way traffic at the approach to the ball field, so it makes sense that the project scope changed. Mr. Holloman stated that at the Town Council retreat, the topic was reviewed and there were several options presented to Town Council and at the next regular meeting the item was voted by Council to increase the width of the road and to include the drainage engineering in order to stabilize the area. Mayor Castiglione and Councilman Marquardt confirmed this addresses the Town's future needs.

Councilman Abernethy congratulated Sanitation Director, Matthew Clausen on the Convenience Center as it looks 100% better. Councilman Marquardt reminded the citizens that the Town Council wished to hear from stakeholder's their comments on the golf cart issue and to notify the Golf Cart Committee and Council on suggestions.

## **12. CITIZENS' AGENDA COMMENTS**

**12.1.** Mr. Rick Miller addressed the road paving and the cost sharing program. Mr. Miller stated that when the program began, 51% must be in favor of the road paving and the share is a 50/50 percent cost sharing between the Town and property owners. Property owners can pave the road themselves and the Town can take it over, to which Mr. Holloman added that the road must meet DOT standards in order for the Town to take it over. He said there is a process for a private road to be accepted; wherein the engineering specs, construction to NCDOT standards and the dedication and acceptance by the Town would occur in order for the Town to take over the maintenance of a public road.

Ms. Mercer pointed out that the submitted bid for the Landing Zone Approach project, was submitted by a qualified HUB (Historically Underutilized Business), and Council approved a contractor who meets the State HUB requirement for a minority business.

## **13. ADJOURNMENT**

**13.1.** Adjourn

**Motion**

Barry Kaufman made a motion to adjourn and there being no further business the meeting adjourned at 4:30 p.m. and Wendel Sauer seconded the motion. CARRIED. unanimously.

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Town Clerk

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Mayor, Town of Beech Mountain