



# MINUTES

## Regular Town Council Meeting

4:00 PM - Tuesday, January 14, 2020  
Council Chambers

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The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, January 14, 2020, at 4:00 PM, in the Council Chambers, with the following members present:

**COUNCIL PRESENT:** Mayor Barry Kaufman  
Vice Mayor Jimmie Accardi  
Councilmember Weidner Abernethy  
Councilmember Kelly Melang  
Councilmember Erin Gonyea

**COUNCIL EXCUSED:**

**STAFF PRESENT:** Attorney Stacy Eggers, IV  
Interim Town Manager Bob Pudney  
Town Clerk Tamara Mercer  
Public Utilities Superintendent Daniel Davis  
Building Inspector John Merritt  
Building Inspector Jeff Fish  
Public Works Superintendent Matthew Clawson  
Director of Tourism and Economic Development Kate Gavenus  
Police Captain Renee Carpenter  
Director of Special Projects Riley Hatch  
Director of Infrastructure Robert Heaton  
Parks and Rec Director Sean Royall  
Finance Officer Steve Smith  
Chief of Police Tim Barnett

### 1. CALL TO ORDER

### 2. ADOPTION OF AGENDA

2.1. Mayor Kaufman requested Council to adopt or amend the agenda.

#### **Motion**

Jimmie Accardi made a motion to adopt the agenda and Erin Gonyea seconded the motion. CARRIED. unanimously.

### **3. INVOCATION- DEWEY CYCLONE BRETT**

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

### **5. COUNCILMEMBER PLAQUES PRESENTED BY MAYOR KAUFMAN**

- 5.1.
- former Mayor Renee Castiglione
  - former Councilman Carl Marquardt
  - former Councilman Wendel Sauer

Mayor Kaufman noted that while Renee Castiglione was not able to attend the meeting, he would be sure to give Ms. Castiglione her Beech Mountain Town Council plaque. He presented the plaques to former Councilmembers, Carl Marquardt and Wendel Sauer, to which they graciously accepted the Town Council plaques.

### **6. PUBLIC COMMENT**

- 6.1. Ms. Sandy Carr of 505 Pine Ridge Road recounted the history of Beech Mountain. She said our unique history included the bankruptcy of the developers, who had built the golf course, pool and club, the ski resort, and stables for horses. The bankruptcy lasted from 1975 - 1981, until citizens incorporated the Town under its Charter. Ms. Carr said a group of people solved big problems and saved the town. The year 2021 will be the Town's 40-year anniversary.

Beech Mountain's celebration can be a community partnership and Ms. Carr noted the milestone can include a birthday party combined with Arbor Day. The Town could also recognize our local veterans. She said the community has a year and half to prepare and there will be a media bonanza. Ms. Carr suggested a marketing tool could spotlight individual stories. Individual stories would be digitized and each week we highlight the selected story, which is basically a free marketing campaign. Ms. Carr added we shall come together on this project with the TDA, community and businesses to spearhead the event.

### **7. CONSENT AGENDA**

- 7.1. Adoption of Minutes- Regular meeting December 10, 2019

#### **Motion**

Jimmie Accardi made a motion to adopt the Consent Agenda which included the Council minutes of December 10, 2019 and Weidner Abernethy seconded the motion. CARRIED. unanimously.

### **8. NEW BUSINESS**

- 8.1. Board and Committee appointments

Mayor Kaufman requested Council to nominate candidates to the various

vacancies on the Boards and Committees and noted that Councilmember Melang would begin by addressing the Parks and Recreation Committee. After all motions were made and appointments completed, Mayor Kaufman noted there were many applications submitted and he thanked the citizens for taking an interest in serving and supporting the boards and committees.

### **Motion**

Kelly Melang made a motion to nominate Michael Holland to fill the vacant position on the Recreation Committee, fulfilling Ms. Melang's vacant term expiring December 2022 and Jimmie Accardi seconded the motion. CARRIED. unanimously.

### **Motion**

Erin Gonyea made a motion to nominate Greg Jackson to the Tree Board for a three-year term expiring December 2023 and Barry Kaufman seconded the motion. CARRIED. unanimously.

### **Motion**

Jimmie Accardi made a motion to re-appoint Sandy Carr and to nominate Sandy Carr as Chair to the Tourism Development Authority Board to a three-year term and for Calder Smoot to remain as Vice Chair to the Tourism Development Authority and Kelly Melang seconded the motion. CARRIED. 4-1 (opposed: Barry Kaufman).

### **Motion**

Weidner Abernethy made a motion to re-appoint Pete Chamberlin to serve on the Planning Board for a three-year term expiring December 2023 and Kelly Melang seconded the motion. CARRIED. unanimously.

### **Motion**

Weidner Abernethy made a motion to nominate Larry Tyner to serve on the Planning Board and to fill a three-year term expiring December 2023 and Kelly Melang seconded the motion. CARRIED. unanimously.

### **Motion**

Barry Kaufman made a motion to re-appoint Ron Nichols to a three-year term on the Board of Adjustment expiring December 2023 Weidner Abernethy seconded the motion. CARRIED. unanimously.

### **Motion**

Barry Kaufman made a motion to re-appoint alternate member Sara Welsh to a

three year term on the Board of Adjustment expiring December 2023 and Kelly Melang seconded the motion. CARRIED. unanimously.

### **Motion**

Barry Kaufman made a motion to re-appoint Jane Miller to a three-year term on the Tree Board expiring December 2023 Kelly Melang seconded the motion. CARRIED. unanimously.

### **Motion**

Jimmie Accardi made a motion to re-appoint Mandy Taylor to a three-year term on the Tourism Development Authority expiring December 2023 and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **9. OLD BUSINESS**

### **9.1. Shane Park update- Interim Town Manager Bob Pudney**

Mr. Pudney announced a Shane Park construction and progress meeting scheduled for January 22, 2020 at 9:00 a.m. at Town Hall. The meeting will include the architect and designer, Mike Norris, the Shane Park committee and Staff which will present the scope of the plan for the combined bathroom facilities and costs. The committee will receive the critical path timeline and discuss the modifications made as well as the long-term goals for the park.

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

### **10.1. Water Permit briefing by Daniel Davis, Utility Superintendent**

Mr. Davis stated that Buckeye Lake is under a new discharge permit from the State as of January 1, 2020. Buckeye Lake is controlled and owned by the Town, but the water is regulated by the State of North Carolina. He noted that we are told how we use it in compliance with the environmental release regulations. If there is a water shortage, we have a response plan for draught and draught seasons. There are mechanisms in place and the State Department measures the Lake levels and the river and stream flows. This permit is putting extra discharge amounts on our system. There are stream gages mounted above and below the damn at Buckeye Lake, and what comes into and out of the Lake is measured by those gages. This is also reported to the State under our permit regulations.

Mr. Davis reviewed how the State measures the water by seasons. He said the seasons are from January through April and the fall season is April 16th thru December 31st. There is a minimum release of 40% of our mean annual flow. He then reviewed the regulations in place with the new permit, noting that the CFS measurements are closely watch by State. To remain in compliance, the department submits quarterly flow reports to the State. When there is little water flow in July and August, the downstream flow gage will tax our water supply. He further explained the amount per thousands to millions of

gallons per day that flow through our system.

He explained the maximum flow rate and the usual minimum. The average daily flow for 2019 per day usage of water was about 430,000 gallons but the maximum was 730,000 gallons for a day's usage. In the dry period, the response requirement is trigger set, and as we progress through a draught, the trigger set does allow us to drop the release to match in-flow with out-flow. Mr. Davis warned that this means that with this stringent permit in place and the nature of draught conditions on the mountain, we will have shortages if not this year, then the next. It all depends on the rain and /or if we have a wet or a dry summer. The water conservation restrictions may need to be in place as stated in our ordinance, and we will ask the community to use less and to conserve water, depending on the conditions.

Mr. Davis provided a summary of the permit overview. Reiterating that the Town encourages people to use conservation efforts for water usage, if not rates will increase as per the rate chart for usage. To remain in compliance with the permit we must continue to pursue all reasonable steps towards future alternative water supply in accordance with the recommendations by the Division of Water Quality.

In response to Councilmember Melang's question, Mr. Davis said we may receive violations if we do not comply with the permit, but the State intends to work with the Town. It is in their purview to protect the environment but also work with Town. He reviewed the procedure for non-compliance. A notice of violation can carry a monetary penalty which may accrue daily for failure to comply with the permit.

There was further discussion regarding the water permit release requirements, the permit restrictions and the viable growth of the town. In response to Councilmember Abernethy's question, Mr. Davis said the only stream that serves Buckeye Lake is Buckeye Creek. He said reducing water usage by 5% is a good target goal. We are planning to be proactive for the future and to promote conservation. Mayor Kaufman stated the Watauga Intake Project is the only long-term viable solutions for Beech Mountain's water issues. Dredging in the lake is not a feasible solution as that only creates more volume, therefore that volume would count towards the release requirements and that doesn't solve the problem.

In response to Councilmember Melang's question regarding an appeal of the release requirements in the permit, Mr. Davis explained the history of the appeals made by the Town and working with the State Department for the last few years. We have performed our due diligence in trying to secure other water resources such as the well drilling and conservation efforts. Mr. Davis reiterated our response plan in stages, tier 1, tier 2 as the trigger is based on the elevations and when the water levels drop.

Mayor Kaufman said that when the Town went to the Watauga County Commissioners two years ago, there was about 350 people there to protest Beech Mountain's request to access the water. The Commissioners were not going to approve it, and we may need to appeal to the State Department of

Water Quality for help cooperating. We estimate we need 15%, until we have fines, we will be prepared to move forward, said Mr. Davis.

Attorney Eggers added that at the time the discussion with the County took place, the Department of Environmental Quality reclassified the watershed. The watershed classification applies to and protects the setbacks, the next step is to request a reclassification. A different designation would help the Town. We can work towards that and then re-approach the Watauga Commissioners.

Mr. Pudney stated Town Council has scheduled a work session on the topic of the Watauga Water Intake Project, for February 25, 2020 at 2:00 p.m. The contracted engineer firm, design professionals, Public Works and Finance Staff will be in attendance, and he encouraged citizens to attend.

**10.2. Business Acknowledgement- Poppy's Coffee Shop**

Mr. Pudney acknowledged newly formed local business, Poppy's Coffee Shop. He said the purpose of this business acknowledgement is to bring attention to the local businesses that help Beech Mountain to thrive. The local business community is the economic engine of the town, without our business community the town could not survive. Each month, we would like to introduce a local business to the public here at the Town Council meeting to show support and encouragement. There is no award presentation or plaque, simply an acknowledgement of the risk and hard work involved in operating a business here in the Town of Beech Mountain.

Today we are introducing Poppy's Coffee Shop, 1103 Beech Mountain Parkway, one of the Town's newest businesses. I would like to introduce the owner Taylor Reep, as we encourage all residents and visitors to stop by Poppy's for a cup of fantastic coffee.

**10.3. Fire Department Recognition Award- Captain Tim Holland, 45-year pin**

Fire Department Chief Pudney said that Captain Tim (Vern Jr.) Holland joined the volunteer fire department on May 1, 1975. at 18 years old. He has attended over 5,000 hours of training. Tim has responded to over 6,000 emergency calls, both fire and medical. He has served as the Fire Chief and he currently is assigned as the Fire Department Medical Officer. He currently serves as the vice-president of the board of directors. He has tested each and every fire hydrant each year for the past 20 years.

As a family, Tim's late father was a long-term Fire Department member and one of the founders. Tim's wife Jan, and son Michael currently serve as active volunteers. To which Mr. Pudney thanked the Holland family for their combined years of serving the mountain. He presented Captain Tim Holland with his uniform pin acknowledging his 45 years of service to our community.

**10.4. Mr. Pudney reviewed the upcoming schedule and said on January 23, 2020 at 8:30 a.m. the Town Council Planning Retreat for Fiscal Year 2020-2021 will begin. The Finance Auditor presentation is scheduled for February**

11th. The Convenience Center has a new chain-link fence and gates, allowing for more controls. No contractor or construction debris will be allowed at the dump. Staff will strictly enforce the ordinance. Signs are posted regarding the material restrictions. A bid has been accepted to install cameras at the Convenience Center.

The Town plans to close the bank loan for new Public Works Facilities Project. Preparation at the site is underway, with the retention pond and sewer line replacement installation. The work will continue weather permitting. Mr. Pudney congratulated Street Maintenance Superintendent, Matthew Clawson, as he has devised a new way to dispense the roadway salt. Mr. Pudney explained the equipment we were using, citing that the salt truck was too large to control on our small street and Mr. Clawson utilized the equipment we owned to invent a smaller salt spreader. The new salt mounts work well in a snow storm. The department is covering more miles in a safer manner. It is more maneuverable in ice and snow.

Mr. Pudney acknowledged the change in NCDOT procedures since the Town had issues on Beech Mountain Parkway in the last ice storm. An accident closed the parkway and the State, Avery County, and Public Works conducted a post incident analyst implementing the new procedures. We are combining resources. DOT has agreed to allow the DOT truck to remain on the mountain where we will resupply it.

The insurance adjuster, John Pendergrass will be meeting with Finance in order to negotiate with AMPs, the hospital insurance billing to work on the problems with AMPs billing. Town Council has directed management to solicit proposals for a town attorney, this includes accepting a proposal from the Eggers Law Firm. We are looking for at least three quotes, in order to review proposals for a decision in the future.

Mr. Pudney stated that a resident said they spotted a police officer and the Chief of Police picking up trash. Mr. Pudney encouraged everyone to pick up trash and he provided trash bags to the Council. DOT has scheduled a repaving of Beech Mountain Parkway on the Avery County side. We do not have a timeline for the Watauga County side of Beech Mountain Parkway as there is not a budget set yet, but we anticipate the repaving for the spring and summer season of 2020.

A business task force has been formed and a meeting will be scheduled as per the TDA Director Kate Gavenus, who heads that task force. Mr. Pudney lastly noted the restructuring of Town Hall offices. Mr. Hatch, Special Projects has been moved to Fire Station 1, as he is also the Assistant Fire Chief. The Tax, Utility, and Accounts Receivable desks are moved to the first office and we will be hiring an assistant at reception in Town Hall for the reception of visitors and citizens.

- 10.5.** Fire Department Monthly Report
- 10.6.** Police Department Monthly Report
- 10.7.** December 2019 Recreation Report

- 10.8. Department of Infrastructure Reports
- 10.9. TDA January Report
- 10.10. Planning and Inspections Report 2019-12

## 11. TOWN COUNCIL COMMENTS

- 11.1. Councilmember Melang expressed her 'thankyous' to the public and fellow councilmembers.

Councilmember Abernethy expressed his 'thankyous' to Mr. Brett for the invocation, Mr. Pudney and his wife, Connie Pudney, and to Council for a productive meeting.

Councilmember Gonyea expressed her 'thankyous' to the public and past councilmembers for their service. Ms. Gonyea said she wished to give her monetary stipend as councilmember back to the Town, either to the General Fund or the Council's budgeted fund in order to benefit the Town.

Vice Mayor Accardi expressed his 'thankyous' to the volunteers on committees and boards and to past Councilmembers, Carl Marquardt, Wendel Sauer and Renee Castiglione. He was very supportive of the joint meetings between the Town and the businesses. The joint meetings had a good turnout and with this approach, the partnership can implement new ideas.

Mr. Accardi stated that Council should look at the calendar to schedule Town Hall meetings at Buckeye Creek Recreation Center. This will allow for a relaxed setting between Council and citizens.

Mayor Kaufman agreed and encouraged citizens to provide their concerns and ideas to the Town. Past Town Hall meetings have been interesting and very informative, with good turn-outs by the public. He requested that citizens continue to provide ideas for the upcoming work session, and he added that all board and committee meetings are open to the public. Anyone can attend and can speak at a meeting. Meetings are not closed. Mayor Kaufman added that he enjoyed working with the past councilmembers: Renee, Carl and Wendel.

## 12. CITIZENS' AGENDA COMMENTS

- 12.1. Mr. Frank Steele said 'thank you' to the Council for working together. He said debates can be held in a profession manner and with clear vision, meetings should be uplifting for building and growing the Town.

Ms. Judy Elliot was concerned with the water issues and said she wants representatives to give the community guidance, to which Daniel Davis reiterated we have the public outreach programs in place for water conservation and for announcements. Largely the Town requests public support to conserve our water resources and to comply when the Code Red notifications sent out through the 911 system and the various social media and websites. The Mayor noted that a subcommittee may be formed to help write

our General Assembly representatives as well as the Staff working with the State departments.

### **13. ADJOURNMENT**

**13.1.** There being no further business, Mayor Kaufman requested a motion to adjourn. At 5:22 p.m. the meeting adjourned.

Please note: the minutes are not a verbatim record of the proceedings.

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Town Clerk

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Mayor, Town of Beech Mountain