



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, September 8, 2020
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, September 8, 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
Town Manager Bob Pudney
Town Clerk Tamara Mercer
Director of Special Projects Riley Hatch

1. CALL TO ORDER BY MAYOR KAUFMAN

2. ADOPTION OF AGENDA

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

Motion

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

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

4.1. Mr. Pudney noted that the comments received from Ms. Barbara Sugerman regarding fire pit burning were posted on the meeting agenda packet website link.

From: Barbara Sugerman <blsuger36@gmail.com>

Subject: Message To Be Read At Town Council Meeting On September 8, 2020

To: The Town Council for September 8, 2020 Meeting: To Be Read During Public Comments.

Please do not ignore this. we expect (our right as tax paying citizens) that this will be read at the above listed meeting and duly considered.

It is impossible to give up and not pursue a resolution to our attempts to obtain relief from Smoke Inhalation due to the abuses of The Town's Lax Fire Pit Ordinance.

Our health, our safety and property damage have been severely affected for a year now. We must keep trying to get your attention, concern, understanding and actions to stop this problem that can affect anyone at any time, so we can then all safely breathe the fresh mountain air that Beech Mountain advertises, but has been long denied to us. Clean air quality is the reason we all have homes here. Especially during these times of Covid-19, we are at home more than usual and we are forced into inhaling toxic air quality in and around our homes. As Fall is now almost here, the smoke will probably get much worse, as it did last year. No one and I mean No One can believe that nothing can be done. It is a Public Relations Nightmare for Beech Mountain and must be solved as soon as possible.

I have been advised to submit the following questions for answers keeping in mind that Mr. Johnson's fire pits at 150 Hornbeam are being used as Open Burns according to the NC definition of an open burn.

1. How many fire pits can one have on one's property?
2. How large or small can these fire pits be in size?
3. Does NC or Beech Mountain allow truckloads of wood to be delivered routinely for the sole purpose of burning whenever, thereby smoking out the neighbors causing health problems, etc.?
4. Does Beech Mountain allow a house to be barricaded by Giant Piles of Delivered Wood all over the property creating a fire hazard and a home for vermin? According to your codes, wood must be removed post construction. How is this unsightly wood allowed to remain?
5. Does Beech Mountain allow a home to look like a lumber yard business and a militia compound all blocked off with huge wood piles and barricaded? This home is an eyesore and lowers the property values of the area.

Please check out: 15A NCAC-02-1903.

1A: "The material burned originates on the premises of private residences...."

1B: "There is no public pickup services available." We have pick up here.

This is the most applicable statute:

1E: "The burning does not create a Nuisance " !

F3: “camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel. There you have it.

The very last thing I ever wanted to do with my time is this, researching, and trying to get relief. It is unfair that we are all in this situation for a year with no action to solve the dangerous situation. I hope this statement which has numerous solutions is taken seriously towards a permanent solution so no one else has to ever live through this problem ever again.

Barbara Sugerman

5. CONSENT AGENDA

- 5.1.** Adoption of Minutes- regular meeting minutes of August 11, 2020 & closed session minutes of August 11, 2020

Motion

Jimmie Accardi made a motion to adopt the minutes of August 11, 2020, the regular meeting minutes and the closed session minutes and Weidner Abernethy seconded the motion. CARRIED. unanimously.

6. NEW BUSINESS

- 6.1.** SRF NCDEQ Wastewater Infrastructure Res. No. 2020-07 Sewer Project-

Motion

Kelly Melang made a motion to approve an application for the SRF NCDEQ loan for the Wastewater Infrastructure project, Resolution No. 2020-07 (Sewer Project) and Erin Gonyea seconded the motion. CARRIED. unanimously.

- 6.2.** SRF NCDEQ Water Infrastructure Res. No. 2020-06 for Drinking Water Project-

Motion

Erin Gonyea made a motion to approve an application for the SRF NCDEQ Water Infrastructure Res. No. 2020-06 for Drinking Water Project and Weidner Abernethy seconded the motion. CARRIED. unanimously.

- 6.3.** Res. No. 2020-03 to Apply for the Asset Inventory and Assessment Grant - Sewer

In response to Vice Mayor Accardi's question regarding the grant monies, Mr. Pudney stated that this grant would be a \$180,000.00 assessment grant at 80/20 split, which means the Town's match is 20% of the grant. With

Council's authorization, the town will apply for the grant which will allow the Public Works Department to 'camera' the sewer lines and ascertain repairs to the lines. These are State Revolving Funds loans and we are engineering the projects with West Consultants stated Mr. Pudney.

Currently the line replacement for the water and sewer project is underway in the Overbrook area for the replacement water and sewer infrastructure upgrades. Mr. Pudney explained that the resolutions allows the department to move forward with the next phase of the infrastructure project. Every two years we will move onto the next phase of the water and sewer line replacement and the resolutions allow project assessments to be studied, secure funding, bid the job, place it under contract and move forward at a new area of the town.

Council-member Abernethy inquired into securing a Federal or State bond for future infrastructure projects, for planning 15 years or 20 years instead of every two years. To which Mr. Pudney agreed although there are exceptions such as most sewer and water lines have been there for 40 odd years so we are still identifying the lines which need replacement. Projects are replaced by feet of piping method, this is in order to get the construction bids in from contractors. Most contractors in our area are able to commit to smaller jobs whereas a long-term development project may be too large for smaller contractors to bid. Therefore, projects are designed by number of feet per sewer line and per water lines at a few million dollars a project.

We are borrowing the funding from the State Revolving Fund loan program, assuming we have the debt capacity. The plan is for on-going projects every two years. Mr. Pudney pointed out that after the town's new water plant was funded and completed and we have continued to upgrade the rest of the system in order to work towards the Watauga Water Intake Project as per the next priority needs. We can expect that every two years the engineer's assessment will identify the next project until we catch up.

In response to Councilmember Abernethy's question, Mr. Pudney replied that the new water plant was funded through a USDA loan. The Finance Office, the Manager's Office manage the funds along with review and approval from the contracted engineer, as well the State Office signs off on the payout check lists.

Motion

Jimmie Accardi made a motion Approve the Resolution No. 2020-08 to Apply for the AIA Grant for a wastewater treatment assessment study and Kelly Melang seconded the motion. CARRIED. unanimously.

6.4. 2020 US Census Partnership Resolution of Support

Mayor Kaufman stated that the Resolution for a complete census count is being conducted by Federal employees who are already working the census count on the mountain. We encourage residents to participate in the census in order for funding to be allocated per capita. The citizen participation allows

Beech Mountain to receive a complete and accurate population count added Mr. Pudney.

Motion

Erin Gonyea made a motion to support the 2020 Census Partnership Resolution and Kelly Melang seconded the motion. CARRIED. unanimously.

7. OLD BUSINESS

7.1. Planning Board Vacancy-

Mayor Kaufman tabled the item and requested the Clerk to re-advertise the board vacancy in order to receive more applications from the public. He noted that during this time, the Planning Board meetings have been cancelled due to COVID-19.

Motion

Jimmie Accardi made a motion to table the item till October in order to allow staff to re-solicit for board member applications and Erin Gonyea seconded the motion. CARRIED. unanimously.

8. TOWN MANAGER AND STAFF REPORTS

8.1. Building Code ISO BCEGS Report- Building Code Effectiveness Grading Schedule Results

Mr. Pudney provided a review of the ISO BCEGS insurance services building report which evaluates residential and commercial building code effectiveness and classified the family residential property at '4' and the commercial and industrial properties at '3'. That ranks better than average. This is an independent evaluation and the classification provides advisory insurance underwriting and rating information to insurers and included the Fire Department rating. The report provides property and casualty rates and fire department insurance rates which leads to lower insurance costs to residents and businesses.

Mr. Pudney explained the bench-marking charts comparing Beech Mountain to other jurisdictions across the State and the national average. We will improve on the training and standard certificates, currently we are short staffed. Beech Mountain is located in a high wind zone, which includes our inclement winter weather as well we have earthquakes, all these hazards were evaluated in the comprehensive report and in summary our rating is above average. The study is conducted every five years.

In response to Council-member Abernethy's question, Mr. Pudney explained our procedure for adopting new building codes as recommended by the State.

8.2. Town Manager's updates and report

Mr. Pudney noted the Convenience Center garbage tonnage has increased in collections and stated this is because we have more people on the mountain and therefore more garbage, which is corroborated by the amount of water Public Works is selling. So, we have not had a decrease in garbage. The TDA report confirms record setting occupancy tax collected.

It was noted the amount of tree permits issued in July was high by Councilmember Melang and tree cutting requires a permit.

Mr. Pudney explained a problem with the Watauga County tax scroll as provided by Watauga County Tax Department, causing a delay in our municipal tax bills being mailed. There was a software problem resulting in incorrect valuations on the parcels. All departments are working together to rectify the issue. Avery County's was correct, so those tax bills were processed, this affects the parcels in Watauga County only. Beech Mountain and Blowing Rock both had incorrect tax scrolls from Watauga County. We are working with the County Tax Administration to solve the problem.

Mr. Pudney provided a Covid-19 update and stated the State is currently in phase 2.5 as of Friday September 4, 2020. This allows the Recreation Center to open with a capacity of 25 people indoors and 50 people outdoors, so Buckeye Recreation Center opened. Protocols implemented include social distancing, sanitary procedures in order to keep facilities clean and safe. We are still unable to hold the public council meetings since we do not have the room for 25 people in Council Chambers.

Mr. Pudney announced the final phase of Shane Park bathroom facility was almost complete and he said Parks and Recreation will hold a 'soft opening' on Friday October 2nd at 5:30 p.m. with Dr. Shane at the ribbon cutting ceremony. It is possible there will be a bigger grand opening in the spring.

The following projects were reviewed:

- Buckeye Creek Road paving dedication took place on 8/27/2020
- Public Works construction installation of walls and roof
- Sewer lift station II
- Pine Ridge Road, Oz Road & Grassy Gap Road-paving and striping
- Golf View Drive improvements for water lines, drainage, and paving
- Beech Mountain Parkway striping
- Wintergreen & Upper Snowbird Lane repairs
- Northridge Road culvert installation
- Cricket Way repairs
- Mayapple Lane storage yard
- Streetscape multi-use pathway ribbon cutting scheduled for 9/10/2020 at 5:00 p.m.
- Volunteer Fire Department new website launched
- Town's new website still under construction

Councilmember Melang suggested posting photos of the various projects and construction underway, to which Mr. Pudney agreed and directed staff to post. There was discussion regarding the newly implemented Convenience Center procedures for renters, owners, and the required placards at the recycle center. Mr. Pudney noted that the proper bear proof containers should be installed and used as a solution to the bears hitting the garbage.

- 8.3. Police Department Monthly Report
- 8.4. TDA September Report
- 8.5. Fire Department Monthly Report
- 8.6. July Financial Reports
- 8.7. Planning and Inspection Report 2020-08
- 8.8. August 2020 Recreation Report
- 8.9. Department of Infrastructure Reports

9. TOWN COUNCIL COMMENTS

- 9.1. Councilmember Melang acknowledged emails she received from citizens, one from Higgins regarding feeding the deer and one regarding a bearicade container which was opened by a bear. She pointed out that the bearicade containers were still keeping bears out of garbage. In response to Ms. Melang's question regarding Overbook Trail, Mr. Pudney stated that the road was closed due to construction on the sewer lines which were replaced.

Councilmember Abernethy complimented the roadway paving, striping and landscaping, which has given the town a nice facelift. Street maintenance and gutters are consistent and look good. He also pointed out that the Council packet Financial Report and Summary format is professional and easy to read.

Vice Mayor Accardi noted the progress of construction projects with all the dump trucks working on the mountain. He congratulated the TDA for successfully working with businesses and Director, Ms. Gavenus using creative methods in an unusual summer to promote businesses and the mountain as well as Buckeye Recreation Center. The Chamber of Commerce held a successful kite festival event. He added the new Public Works facility progress, and sees Mr. Hatch working diligently on the project.

Councilmember Gonyea agreed with the members' comments regarding events and the aesthetic appeal of the mountain. She cautioned that there are speeding vehicles not adhering to the speed limit. We have walkers, families, and dog walkers. Residents and visitors should be cognoscente. She also acknowledged the construction at the new Public Works facility and the major infrastructure work improvements to replacing leaking pipes and upgrading the system. She reminded citizens to contact Town Hall, the Town Manager or Council members with concerns. She addressed Ms. Sugerman's public comment on the fire pit burning and said she traveled to the area and looked for burning and did not perceive a problem around Hornbeam Road.

Mayor Kaufman discussed the recent events such as the Beech Mountain Parkway paving ribbon cutting and thanked the TDA for the marketing as they organized excellent news coverage of the event. He inquired into Oz Road and the equipment under the bridge, and Mr. Pudney responded that he met with the resort rep, and they are aware of the issue with the equipment and that they are not to damage the newly improved paved roadway. We are coordinating with the equipment owner in order for the machine to be removed without damage.

Mayor Kaufman suggested that citizens should check out the progress at the new Public Works facility as the project is very impressive.

Vice Mayor Accardi acknowledged a moment of silence in honor of the first responders during the 9/11 attacks.

10. ADJOURNMENT

- 10.1. There being no further business, Mayor Kaufman requested a motion to adjourn at 5:00 p.m.
Note: the minutes are not a verbatim transcript of the proceedings.

Motion

Jimmie Accardi made a motion to adjourn the regular meeting and Weidner Abernethy seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain