



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, November 10, 2020
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, November 10, 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

1.1. Mayor Kaufman noted the council members in attendance were: Weidner Abernethy, Jimmie Accardi, Erin Gonyea and himself, while council member Kelly Melang would be on the Zoom video conference call. The Mayor added that he would take a roll call for voting purposes.

2. ADOPTION OF AGENDA

2.1. Mayor Kaufman requested an adoption or revision of the agenda.

Motion

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

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

4.1. Mr. Pudney noted that the Public Comments were submitted as follows:

1.) Ms. Donna Harris:

Email received Tuesday October 13, 2020 at 2:55 a.m.

150 Hornbeam - comments regarding the fire pit burning

I do not personally know Barbara Sugerman but have kept up with her posts regarding the constant fire pit burning by the resident of 150 Hornbeam. It is my understanding this is a rental property therefore the resident would have no purchased interest in the property. Fire pits are correctly used for visitors and pleasure but to burn the pit for any other reason is not. The fire pit should always be attended and with the chance of burning down our beautiful mountain, never left unattended.

As everyone should know by now, smoke is not healthy when inhaled. I have compassion for Mrs. Sugerman and every homeowner in that area should have as well. What would you do if someone were constantly burning a firepit and the smoke is permeating your home and your lungs. Many of us on the mountain have heart issues which makes it difficult to breathe in the best of circumstances. I do not know if that is the case but judging by her posts, she is having health issues from the smoke.

Is there nothing we can do as a community of good neighbors to put a stop to this situation? Thank you for consideration of Mrs. Sugerman.

Signed,

Donna Harris

2.) Mr. Jose R. Suarez

Office of the Clerk

Beech Mountain, North Carolina

October 28, 2020

Dear Council:

I ask that the below request be read at the next Beech Mountain Council Meeting to be held the 2nd week of November 2020. I am currently living on 116 Fairway Drive and have discovered that once the trees have started losing their foliage that the LED street lights being used in the area surrounding the golf course (in particular the light post outside the golf club shop and most importantly the one 30 yards east of Lady Slippers Lane and Grassy Gap Loop Rd. are sending their emissions 500 yards in circumference. The below enclosed American Medical Association guidance of June 14, 2016 defines such LED lights as pollutants because of the following:

“...blue-rich LED streetlights operate at a wavelength that most adversely suppresses melatonin during night. It is estimated that white LED lamps have five times greater impact on circadian sleep rhythms than conventional streetlamps. Recent large surveys found that brighter residential nighttime lighting is associated with reduced sleep times, dissatisfaction with sleep quality, excessive sleepiness, impaired daytime functioning and obesity.”
The detrimental effects of high-intensity LED lighting are not limited to humans. Excessive outdoor lighting disrupts many species that need a dark

environment. For instance, poorly designed LED lighting disorients some bird, insect, turtle and fish species, and U.S. national parks have adopted optimal lighting designs and practices that minimize the effects of light pollution on the environment.

I request that the Council consider talking to Mountain Electric and discusses with them the possibility of adding “less transparent” dimmers to such lights or replace them with the “non-blue light” emitting yellow lights so that we can:

- Not only protect our community’s humans against such toxic emissions of blue light
- But also protect our incredible animal biosphere that roam our stunningly beautiful natural environment (we truly are privileged)
- Enjoy the beautiful night scenes (stars, moons, forest shadows...) and not feel like we are in the middle of 5th avenue in NY or any other major metropolis
- Sleep with un-shuttered windows and enjoy at night or when we wake up in the morning the impressive nature that surrounds us

Based on Ms. Rebecca’s suggestion, I will be calling Mountain Electric to discuss this matter but I believe that as the Council that protects our well-being, you have a lot more clout to make the above required changes to protect our health while still providing safe lighting for the drivers and pedestrians of our amazing community.

Sincerely,

Mr. Jose R. Suarez

A 59-year-old survivor of 2017 double lung-transplant and double heart bypass survivor that can play one hour of non-stop tennis with Tim Smith hitting 60 to 80 mph drives who because of my medical history is more cognizant of the damaging impact our environment has on our health and is thus trying to protect all mammals in our community from the toxic effects of light pollution.

AMA June 2016 Guidance Follows

AMA adopts guidance to reduce harm from high intensity streetlights

JUN 14, 2016 CHICAGO — Strong arguments exist for overhauling the lighting systems on U.S. roadways with light emitting diodes (LED), but conversions to improper LED technology can have adverse consequences. In response, physicians at the Annual Meeting of the American Medical Association (AMA) today adopted guidance for communities on selecting among LED lighting options to minimize potential harmful human and environmental effects.

Converting conventional streetlight to energy efficient LED lighting leads to cost and energy savings, and a lower reliance on fossil-based fuels. Approximately 10 percent of existing U.S. street lighting has been converted to solid state LED technology, with efforts underway to accelerate this conversion.

"Despite the energy efficiency benefits, some LED lights are harmful when used as street lighting," AMA Board Member Maya A. Babu, M.D., M.B.A. "The new AMA guidance encourages proper attention to optimal design and engineering features when converting to LED lighting that minimize detrimental health and environmental effects."

High-intensity LED lighting designs emit a large amount of blue light that

appears white to the naked eye and create worse nighttime glare than conventional lighting. Discomfort and disability from intense, blue-rich LED lighting can decrease visual acuity and safety, resulting in concerns and creating a road hazard.

In addition to its impact on drivers, blue-rich LED streetlights operate at a wavelength that most adversely suppresses melatonin during night. It is estimated that white LED lamps have five times greater impact on circadian sleep rhythms than conventional street lamps. Recent large surveys found that brighter residential nighttime lighting is associated with reduced sleep times, dissatisfaction with sleep quality, excessive sleepiness, impaired daytime functioning and obesity.

The detrimental effects of high-intensity LED lighting are not limited to humans. Excessive outdoor lighting disrupts many species that need a dark environment. For instance, poorly designed LED lighting disorients some bird, insect, turtle and fish species, and U.S. national parks have adopted optimal lighting designs and practices that minimize the effects of light pollution on the environment.

Recognizing the detrimental effects of poorly-designed, high-intensity LED lighting, the AMA encourages communities to minimize and control blue-rich environmental lighting by using the lowest emission of blue light possible to reduce glare. The AMA recommends an intensity threshold for optimal LED lighting that minimizes blue-rich light. The AMA also recommends all LED lighting should be properly shielded to minimize glare and detrimental human health and environmental effects, and consideration should be given to utilize the ability of LED lighting to be dimmed for off-peak time periods.

The guidance adopted today by grassroots physicians who comprise the AMA's policy-making body strengthens the AMA's policy stand against light pollution and public awareness of the adverse health and environmental effects of pervasive nighttime lighting.

Signed,
Jose R. Suarez

3.) Ms. Debra D. Miller

To the Town Council of Beech Mountain for Inclusion in the November 10, 2020 Meeting:

2020 has been a difficult year. A lot of us have seen our livelihoods and families affected by the pandemic, missing birthdays, anniversaries, holidays and sadly yes, loved ones. We've been isolated and grappling to find any sense of "normal". And that's what makes the Town Council's removal of the wonderful and whimsical decorations we have come to know and love all the more difficult. Of all years to ban Susie's creations, 2020 was not it.

The disappointment with the ban was further frustrated by the Town's lack of response to my inquiries. On September 28th, I wrote:

I so loved the whimsical seasonal decorations, the circus one was my

absolute favorite. I missed them this year and assumed it had something to do with Covid-19. As I've learned from a response from Bob Putney, the characters violated some signage ordinance. That I don't understand and would appreciate further explanation.

This year's fall decorations are pretty but not unique and lack the same charm as the previous years. I would very much like to see the same kind of creative decorations we've had in the past. I looked forward to seeing them and they never failed to make me smile. Please let me know what we can do to bring back the fun that helped make Beech Mountain extra special. I got not a single response nor acknowledgement of my communication with the Mayor, Town Manager, and every member of the Council. On October 20th, I wrote again:

I am disappointed that I have not received an acknowledgement of receiving my e-mail or a response to my concerns. It may seem like a small or trivial matter to some but being heard isn't a small matter for me. Frustration has been growing among members of the community who are experiencing the same lack of response from the town. In my experience, this tends to fester the longer left unaddressed. Please do me and others the kindness of answering. This time I received three replies, none containing answers to my questions. The responses ranged from the proforma "Debra I assure you every email we receive is important, we will look into some of your suggestions." to false assurances, "Thank you for your email, Ms. Miller. I have full confidence that our Town Manager has responded to the different emails about decorations. I do appreciate your input." to excuses and deflection, "Ms. Miller, I do appreciate the dialogue. I assure you and hope you agree our Town's leadership and direction from our Manager, staff, and Council is the best it has been in years and years. We have a long to-do list from years of neglect. Progress is being made in great strides however, I realize all decisions we make will not be met with the same opinion. I copied Mr. Pudney and our Council to keep everyone up to speed with the concerns of our taxpayers.

Again, not a single response to address my concerns and no reply from the Town Manager. What began as a simple question about the decorations that made this town unique and special for residents and visitors alike turned into a growing frustration. Beech Mountain is a small town. We have a local governing body of six, giving Beech one of the highest ratios of citizens to public officials in the state. We should and do expect good governance which includes responsiveness, accountability and transparency, the cornerstone of all three being communication. And responsibility. I find blaming previous councils for the lack of response to concerns raised during this Town Council's tenure offensive and unacceptable.

As frustration with the lack of communication to a simple issue mounted, I delved into the information I could find regarding the ban. Here's a portion of a letter provided to another member of the community from our Town Manager:

Although not specifically mentioned in your inquiry, the issue of Human Facsimile (mannequins) displays has been discontinued as it is a violation of the current Town Ordinance regarding signage. The Town was approached by a local business requesting the ability to use similar characters, the request

was denied based upon the Ordinance. It was then pointed out that the Town was technically violating the same ordinance and the decision was made to discontinue those specific displays. I trust you will agree that the Town should set the example by conforming to the same requirements others are held to. I believe you will be pleased with the renewed beautification efforts taken by the Town this summer to include improved "Holiday Decorations" as we strive to make the Town as attractive as possible. Please let me know if you have any questions. –

Bob Pudney, Town Manager

My next step was to review the ordinance. Having done that, I wrote to the Mayor, Town Manager and Council again on November 5th. Greetings, I received several replies regarding my concerns and while I did receive responses, none offered explanation or answered my questions regarding the town's beloved decorations. I was able to talk with a number of town members who share my disappointment that we no longer have Susie's joyful and whimsical creations. I did receive a copy of the ordinance purported to prohibit them. After reviewing the ordinance, I believe that the "human figure" decorations were banned inappropriately due to a misreading of the ordinance:

The language reads, "Facsimiles; three dimensional structures. Displays of letters, logos, trademarks, emblems, pictures, and the like, on such items as oversized facsimiles or three-dimensional structures of chicken buckets, human figures, tin cans, and the like, shall be prohibited."

This does not prohibit human figures, it prohibits letters, logos, trademarks, emblems, pictures, etc. on oversized human figures, etc. I wondered why "human figures" was included under a signage ordinance and now I know. This ordinance is intended to prohibit retail signage such as a giant KFC bucket or an Elias Big Boy or a Campbell's soup can. In short, there is no prohibition on Susie's creative displays as they are not oversized with logos, etc.

Having reviewed the signage portion in full, I did find that the town is violating the prohibition of flashing lights. See (B) and (C) which would include both the portable flashing sign stationed at the entrance to Beech Mountain as well as the speed indicator sign located near the Buckeye Recreation center.

As we can see, the ordinance does not apply to decorations, it applies to signage. Which brings us to the next issue. A member of our community has had ongoing issues with smoke as a result of a tenant regularly burning large amounts of wood outdoors. As I understand from the Town Council Minutes, this issue has likewise been addressed on numerous occasions. That case unlike the decorations, affects the health of members of this community, property damage and property values. My understanding is that the smoke issue has been ongoing since July 2019 has yet to be resolved. In that case, the Town cites the lack of an ordinance as a reason for its inaction. North Carolina law defines a public nuisance and criminal penalties for the failure to abate the nuisance. Existing law ignored in two cases, misinterpreted law cited in another.

In conclusion, I believe that the Town has the duty to respond to every

member of the community promptly and respectfully, make the reason for its decisions to act or not act consistent and according to applicable law, be transparent in all cases on the reasons for its actions or failures to act, and put the good of all ahead of the beliefs or wants of the few. I look forward to a response to the issues raised in this statement. As it has already been a month and a half since first addressed, I would like your response on restoring the decorations within the week.

Thank you.
Debra D. Miller 135 Teaberry Trail

4.) Ms. Barbara Sugerma:

To: The Beech Mountain Town Council: To be read and considered at Town Council Meeting on November 10, 2020.

I really do not know what more to say to you after appealing to you for relief since August 2019. We have sent you numerous articles from the CDC, the EPA, plus articles from many scientific journals and publications explaining the health dangers of inhaling smoke from wood/ leaf burning fire pits. There has been no response from you that these facts, not opinions, are being taken seriously by anyone. Anytime we do get a response, it is just words, excuses and back pedaling the seriousness of the situation.

We've heard over and over again that you are working on a solution. Well, it's been a year and three months, to date, and nothing has been resolved. In speaking with other Town Managers, there is absolutely no reason they know of that we continue to be poisoned by the abuses of normal use of fire pits.

You have in your records the Police Reports of our calls for help when the smoke is so thick and we have desperately called the Police for help, even though they cannot do anything about it unless it is unattended. However, the Police never seem to find the source or smell smoke. I and others usually find the source eventually, but we also have no power to do anything about it. You have in your records, all the text messages and emails dating back to August 2019, also of all of our calls begging for help as we try to breathe in our homes. There is NEVER any resolution since the current Ordinance is so pathetic and offers no help to those of us suffering smoke inhalation.

What is also so very, very upsetting is that as we suffer smoke inhalation and also suffer with related health issues, we are also suffering the lack of response, help, cooperation and resolution from the Town in which we reside, pay taxes, respect the laws and are considerate neighbors. This consideration is not at all reciprocated. It is in fact, the opposite.

It has become very clear to us that this person on Hornbeam is being protected for some reason and is allowed to burn whenever he wishes, for as

long as he wishes. We know the owners of the property reside on Beech Mountain and that two members of the family are fire fighters on Beech Mt., which is Bob Pudney's crew as Fire Chief. If true, this is a flagrant case of conflict of interests, (the good old boy network) and is certainly not what is normal and expected from a Town Council.

In addition, as Beech Mt., now has so many AirB&Bs and the mountain has so many folks here during the pandemic, there is another problem. The owners have built fire pits on their properties. The renters come in and have no idea what is legal to burn and that the smoke then travels all over. There is an AirB&B at 104/6 Pond Creek Lane and another one on Shagbark. The smoke from these fire pits are adding to an already toxic situation. The renters are unaware, but the owners of these properties need to be notified and with a new Ordinance, the problem can be solved.

Again, I have been coming to Beech Mt. since 1996, built our home in 2001 and moved in May 2002 and have never, ever smelled smoke until August 2019. Now, it is spreading around with the rental properties and others. There is no relief in sight as there has been no action from the Council to help. Saying you are "working on a solution" are just words. We need action. I feel like I am being evicted out of my beautiful home through no fault of my own. I also have invested a lot of money in air purifiers and I now have to repair the smoke damage to the building, after having it pressure cleaned two months before this nightmare began last August 2019.

I am also well aware and supportive of the situation with the decorations on Beech Mountain which have been eliminated. This was done with no input from the citizenry and no responses that make sense from the Council. This is a very sad and sorry state of affairs. While the decorations are a very important issue, inhaling toxic smoke-filled air in and around our homes is dangerous and unnecessary, yet it continues and is spreading. Other municipalities, counties, towns in NC have sensible Ordinances that have been sent to you all numerous times. Yet, here we are still giving you every opportunity to safely upgrade and institute protection with a new Ordinance. As elected official you have the obligation and the right to address this public nuisance that has gone unabated for far too long. Citing the removal of the Town's Nuisance ordinance does not negate the responsibility. Either restore the original ordinance and enforce it or enforce it with the assistance of the county under North Carolina law:

Chapter [130A](#) - Public Health. Hoping this Public Comment gets your attention. Small issues that are ignored become major issues to the detriment of everyone involved.

§ [130A19](#). Abatement of public health nuisance.

(a) If the Secretary or a local health director determines that a public health nuisance exists, the Secretary or a local health director may issue an order of abatement directing the owner, lessee, operator or other person in control of

the property to take any action necessary to abate the public health nuisance. If the person refuses to comply with the order, the Secretary or the local health director may institute an action in the superior court of the county where the public health nuisance exists to enforce the order. The action shall be calendared for trial within 60 days after service of the complaint upon the defendant. The court may order the owner to abate the nuisance or direct the Secretary or the local health director to abate the nuisance. If the Secretary or the local health director is ordered to abate the nuisance, the Department or the local health department shall have a lien on the property for the costs of the abatement of the nuisance in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein.

(b) The Secretary of Environment and Natural Resources and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this Chapter. (1893, c. 214, s. 22; Rev., ss. 3446, 4450; 1911, c. 62, ss. 12, 13; 1913, c. 181, s. 3; C.S., ss. 7071, 7072; 1957, c. 1357, s. 1; 1983, c. 891, s. 2; [1997443](#), s. 11A.62; [2006255](#), s. 13.5.)

Hopefully and respectfully,
Barbara Sugerman

5.) Mr. Logan Miller
Dear Town Council,

I am speaking on the behalf of many citizens. People are tired. We're tired of having government that doesn't listen to us. You all have taken your positions for granted. You are the ones who can make things right. It is so simple to instate a law that prohibits any activity, in this case indiscriminate abuse of the existing lack of an effective and safe fire pit ordinance, that creates disturbance of any kind from taking place. You have had plenty of time all summer long, as citizens have been sending in complaints, to instate this law. Instead, you continue refusing to take proper steps to eliminate the smoke issue, which has been going on for well over a year now at 150 Hornbeam Rd. You are implying that people shall do whatever they want, even if it is having a serious effect on someone else's life. Our clean mountain air is also being polluted by tons of smoke being emitted and lingering around for who knows how long. Every citizen should be enjoying the time they spend On Beech Mountain, but you have made this impossible and citizens are still suffering to this day because of your inaction.

I am begging you, please do something.

Thanks,
Logan Miller"

Mr. Pudney added that the aforementioned public comments received were included in the Town Council agenda packet, available on-line as well as a part of the Council minutes record.

5. CONSENT AGENDA

- 5.1. Adoption of Minutes- regular meeting for October 13, 2020 & closed session minutes for October 13, 2020

Motion

Erin Gonyea made a motion to adopt the Consent Agenda which included the Town Council regular meeting minutes of October 13, 2020 and the closed session minutes of October 13, 2020 and Jimmie Accardi seconded the motion. CARRIED. unanimously.

6. OLD BUSINESS

- 6.1. Health Insurance report

Mr. Pudney provided the Council with the Employee and Staff committee Health Insurance Report. He reviewed the history and timeline of contracting with the NC League of Municipality's MedCost Health Insurance and stated the Town Council had inquired into the employee dependent benefits and specifically the employees' contribution side to that plan. There was concern that the employee's contribution for their dependent coverage should be addressed and Mr. Pudney organized an employee and staff focus group to research the costs. The focus group met throughout the year and circulated an employee survey polling the employees who cover their dependents on the health care plan. The employees in the focus group stated that they appreciated the opportunity to come up with a solution to present to Council. The focus group has allowed for employees to give input, for discussion, to give opinions and to share suggestions.

Mr. Pudney said the committee agrees that an increase in dependent coverage costs could be implemented on an incremental basis over a three-year time period in order for the Town and employees to budget the increase. Mr. Pudney pointed out that for the employees it was important that the Council consider not changing the provider again, as has happened in the past wherein the plan provider was changed due to cost increases causing the employees to be unhappy with the plan. The employees acknowledged the value of the preventative care built into the current benefits, which has helped the employees' portion of lowering premiums, which in turn keeps the taxpayers' costs down. The employees are impressed with the Teledoc program, which allows for remote and virtual doctors' visits. The wellness programs are also important to the employees under the MedCost plan.

Mr. Pudney stated that the insurance provider reported the Town's Medical Loss Ratio is at 68.4%, which means we are doing very well in comparisons for the year and with other organizations. Our customer representative identified that the employees are using the emergency room but would investigate if they were all warranted. The workforce is using urgent care and Teledoc and this adds up to the savings and keeps premiums down and Mr. Pudney noted the employees worked hard to achieve that.

In response to an inquiry by Councilmember Melang, Mr. Pudney said the percentage was based on current costs. He noted this was not compared to typical businesses in the corporate sector, which usually pay a portion of employee health insurance coverage, whereas for in the town, the town pays 100% for employees only coverage. He provided the NC League of Municipalities survey of State comparisons. In the report of comparisons for other cities, towns and districts, the report shows dependent coverage ranges from 0 to 65% across the state. He reiterated this was for the dependent coverage. He stated we are looking at entire benefit packages offered in order to attract and retain quality vested employees.

Councilmember Abernethy acknowledged that less turnover creates a more efficient workforce and he asked for more clarity as to what the employees expectations were, to which Mr. Pudney answered that currently, we were asked by Council to focus on the depend care coverage which is currently at 82% paid for by the town. Councilmember Melang wondered if this was a part negotiation to arrive at middle ground. Mr. Pudney acknowledged there is no negotiation, as the elected officials decide the contribution amount. He reviewed that in July during the budget discussion, there were comments considering an increase in the employees' side for dependent coverage. He pointed out that this was after open enrollment had already occurred for the employees who were given the costs for the year at that time. Mr. Pudney suggested a focus group be formed to address the issue for next year's budget. The focus committee of employees asked for an incremental increase, stability, and to maintain a quality health plan. So, the employees are not negotiating they surveyed staff and arrived at the conclusion.

In response to Vice Mayor Accardi's inquiry regarding how secure the plan coverage is from year to year and to how much the costs fluctuate. Mr. Pudney acknowledged that the costs fluctuate and changes, and this or past councils cannot bind a future council to a contract. As always, this is a risk going forward and does not a guarantee the costs, but the focus group of employees asked if council would consider the conclusion. Moving forward this will be placed on the agenda for discussion at Council's budget retreat in 2021.

There was further discussion, regarding the increase of employee costs for dependent care to arrive incrementally at a 60/40 split, where the town would pay 60% and the employee would pay 40%, it was reiterated that the town currently pays 82%. It was noted that there is the new Urgent Care facility in Banner Elk, Ballad Health Care which people are taking advantage of for clinic needs. Councilmember Abernethy stated while he understood he would not be popular he believed the town should pay 40% of the dependent care coverage and the employee 60%. Mayor Kaufman added that in the coming year, we would have the projected costs for a good comparison and could address a compromise for total costs of the package.

7. NEW BUSINESS- NO ADDITIONS FROM COUNCIL

8. TOWN MANAGER AND STAFF REPORTS

8.1. Mr. Pudney presented the monthly report from the Building Inspections Department which indicated a continual increase of building and permit requests on the mountain. He pointed to the increase of water usage. Staff have been discussing the occupancy trends and we are 34% above average for occupancy as the population continues to grow on the mountain. This data was compared to the same data last year. Mr. Pudney added the conclusions are supported and correlates to the solid waste management increase as well. The Tourism Development Authority reports corroborates this information with the increase in home sales comes the increase in population, particularly the younger age group.

Mayor Kaufman stated the TDA has been advertising to tourists and since that has been successful and the demographics are changing, we now have new families relocated to the mountain. We no longer need to promote towards occupancy of the mountain as it is also accessible from Buckeye Creek Road on the Tennessee side. That marketing is successful, and we can now focus on economic development and the plan for 2021.

Mr. Pudney replied that he has been working with the TDA Director, Kate Gavenus on transferring the marketing budget since the mountain is full and it does not make sense to continue to market and promote home ownership when the inventory is low. Marketing towards business is the reason for transferring those dollar amounts.

In response to Mayor Kaufman's inquiry regarding the TDA grant program, Mr. Pudney stated that during Covid-19 the program was temporarily halted. The TDA is working with the purchaser of Kat's Overlook, the new business in the commercial site referred to the Blue Building. The marketing plan for the High-Low Trail includes Watauga Lake, Buckeye Lake and Tennessee and is in process to attract and increase businesses for economic development. Mayor Kaufman requested that information to be included in the monthly report to keep council informed. To which Mr. Pudney agreed that information will be included as an Economic Development report of progress and information.

Vice Mayor Accardi added that the requirements of TDA does not allow an outside entity to dictate how the money is spent as the TDA adheres to the legal requirements for expenditures. Mr. Pudney added that the legally encumbered monies and grants programs are on the TDA agenda for this Thursday November 13, 2020.

Mr. Pudney reviewed the Parks and Recreation report and noted Shane Park was completed and the final payments were to be disbursed. There was one overnight 'test' camper at the weekend. Comments received was that they are the nicest campground bathrooms ever used by the campers. Staff are beginning to market that amenity with the on-line registration. It costs \$20 to use the campground site per night. No RVs are allowed it is for tents only, each campsite has one fire pit and there is the group fire pit at the lake.

The financial report is not as rosy this month stated Mr. Pudney as many projects completed and payments were disbursed. He pointed out on the 1st

page of the report we are at the 25% mark for the year in the budget. The figures show we are over the benchmark for the year, but we accounted for this. Revenues lag due to tax bills were just sent out. He noted the detailed expenditures in the line items are over budget at 31%. The Fire Department has purchased equipment and we will be reimbursed by State. The Planning Department is at 59% of their budget and this is due to the Greenway side-path with that final payment disbursed from Planning.

Parks and Recreation is at 50% due to the completion of the Shane Park project. We are awaiting the \$50,000 contribution payment from TDA. Other projects include Upper Pond Creek improvements, road maintenance, landscaping, and paving is also a high expenditure and will remain high due to salting and grading. Therefore, stated Mr. Pudney we are at 34.99%, which is 10% above are budget benchmark right now and there was a question answer period regarding the project locations and status of projects explained by Mr. Pudney.

8.2. Fire Department Monthly Report

Chief Pudney presented the Lifetime Achievement award from the Avery County Fire Fighter Association to Mr. Jim Brooks for 48+ years of service as he continues to serve the community. Newland Fire Department held a recognition ceremony and Mr. Pudney said Mr. Brooks gives 100% of his time and service to the community and is a bedrock of the Town of Beech Mountain's Volunteer Fire Department and congratulated Mr. Brooks.

Mr. Brooks thanked the Town and Chief Pudney and fellow Fire Fighters as this is a rewarding career and he enjoys serving the community and the mountain. He encouraged folks to volunteer and join the Fire Department.

8.3. Covid-19 Update and Town Manager's Administrative Report

Mr. Pudney reviewed the status of Covid-19 Phase 3 pursuant to the Governor's State of Emergency which was modified November 13, 2020, requiring the Town to continue to cancel boards and committee meetings or hold them remotely due to the capacity requirements of the space. He noted that the Covid-19 cases in Watauga County are stabilizing, reduced and/ or being managed by the Health Department. We do have a Board of Adjustment request pending, but since that is a quasi-judicial matter and is important, Planning Department is concerned regarding the delay.

Mr. Pudney reviewed the status of the water wells and the drilling. At Sage Knoll by Pinnacle Ridge Road, that well is drilled and we will be completing a 24-hour drawn down test and the water quantity and quality testing. He noted the second well drilled revealed poor results even down 800 feet so that well was abandoned. The 3rd well awaits completion as to how it will turn out. We have to make sure we have flow capacity. These projects are funded. Mr. Pudney noted there are access issues at Lower Pond Creek, where we need to install a road.

In response to Vice Mayor Accardi's inquiry, Mr. Pudney said we have \$50,000 vested in the well that did not produce and after appropriate testing it will be approximately \$100,000. The costs for the successful well include, engineering, treatment, and piping the water into the system, which will be at approximately \$250,000 for a successful well as well water must be treated. There was further discussion about the Watauga Water Intake Project as to planning, surveys, and working with the County and State departments. Costs and funding including the engineering, the financing, and scheduling timelines were reviewed.

Mr. Pudney reviewed the infrastructure projects with the water and sewer line statuses. He thanked the Beech Mountain Resort and Ryan Costin who provided the use of their parking lot #4 for the Town's materials and set-up area. We can go back in in the spring and utilize that staging area again since it is so close other improvement projects.

Mr. Pudney stated that he has located a vendor who can install the road reflectors that Mr. Abernethy had suggested. The vendor is available to give us a bid for the next season. It is approximately \$40,000 to add road reflectors which would not be scheduled during this winter. Mr. Pudney added with Council's permission, he would include that in the upcoming Town Council Budget Retreat and Council can discuss it for FY: 2021-22.

Mr. Pudney provided an update on the new Public Works facility and detailed the progress noting that the roof, walls, doors, and heat were installed this week due to good weather. The roadway pavement, concrete, and contractor pads were underway and the road for the water tank is paved. He discussed an issue with the catch basins. Oz Road paving is complete. The Pinnacle Inn was impacted with construction debris which was blowing onto the trees and the contractor was informed of the problem and they are working on this detail. In response to Councilmember Melang's inquiry, Mr. Pudney said the town paid 100% of the Oz Road paving.

Mr. Pudney discussed the problems learned by Staff after 6 months of implementing the new procedures at the Convenience Center. After 6 months of operations requiring the public to use the issued placards, we found the private short-term rentals complained it did not work with their business model. With the ski season approaching, the issue will continue to be a problem. Mr. Pudney explained how we could produce a temporary or single use pass for dumping at the Convenience Center for short term renters at a suggested \$5.00 fee. Adding this feature for the public to purchase and use will also help the permanent residents who have complained that they have lost their placards. Mr. Pudney explained that it can be purchased at Town Hall in bulk of 10 passes, the recycle staff attendant would collect the pass since it is a one-time use, and it gets turned back into the town. This eliminates the issues with lost passes and solves trash dumping outside of the recycle center.

There was a lengthy question and answer period on this topic. Mayor Kaufman called the question and asked for motion to approve Staff issuing a \$5.00 temporary tag to be purchased at the Town Hall.

Motion

Erin Gonyea made a motion to approve issuing a \$5.00 single-use Convenience Center pass and Jimmie Accardi seconded the motion. CARRIED. unanimously.

8.4. Planning and Inspections Report 2020-10

Staff Town Services Planning Group has been meeting researching the occupancy data and determining the growth of the Town. The research, report and findings will be presented to Council at the February 9, 2021 regular meeting.

8.5. Police Department Monthly Report

There was discussion regarding 'short term rental' noise complaints from residents and the enforcement of the noise ordinance. Mr. Pudney stated with the ongoing issue, Staff can research a 'short term rental' ordinance to address noise ordinance complaints, illegal parking, and occupancy violations. The Zoning Official would research benchmark ordinances and draft an ordinance. Mr. Pudney stated complaints have been received for reasons such as parking hazards, occupancy load, regarding zoning violations for regulating short term rentals.

8.6. Councilmember Melang said she had a statement to read and congratulated the Marine Corps on their 245th Birthday event on November 10, 2020. She noted that all public comments received from the public to Council are read and considered. She has full faith in the Town Manager to address issues. Legislation should not be adopted that only affects a small percent of the town but would regulate the entire town.

8.7. October Recreation Report 2020

Parks and Recreation Department to host a Holiday Parade down Beech Mountain Parkway to Town Hall on December 23, 2020 at 4:00 p.m. This is in collaboration with the Resort, Fire Trucks, Police and Public Works will participate and there will be a float for the Mayor and Town Council members.

Mr. Pudney thanked our honored Veterans for their service to our country and no curbside garbage pickup on Veterans Day.

8.8. TDA November Report

8.9. Financial Report for September

8.10. Public Works Infrastructure Utility report

9. TOWN COUNCIL COMMENTS

9.1. Councilmember Abernethy address the questions and concerns regarding fire pits and asked how frequent fire pit burns occur on Hornbeam Road been occurring and what has been the Town's response. Mr. Pudney stated that there have been active fire pit burning until the Staff issued a citation for an abandoned fire burn. He stated that with at each complaint,

either himself as Fire Chief or the police patrols, and/or both departments have investigated the fire pit burning complaints. A violation was found only one time, and when the police found no-one manning the fire pit, then a citation was issued. Councilmember Abernethy acknowledged the Public Works accomplishments as there is no longer trash and leaves and/or uncut grass. The Town is moving in the right direction, but not all are satisfied.

It was noted at 5:15 p.m., that Council member Melang was no longer on the Zoom conference call, to which Attorney Eggers acknowledged that Council could still proceed as the membership in attendance (four) was still a quorum even though Ms. Melang was no longer present.

Vice Mayor Accardi stated that ski season is approaching, and he discussed the holiday decor such as the ornament ball and 'old man' winter. He was concerned about continuity when Susie Knepka retires, and the ornament ball repairs. The new Greenway bus stop will house the 'old man' winter and Mr. Pudney said we pay for a storage unit temporarily, after which the holiday decor storage will be moved to the greenhouse when completed. The materials will be inventoried.

Councilmember Gonyea stated the Town is on the right path working together on compromises. There is so much growth that we are shifting and changing processes to accommodate the young faces. The bear proof containers are working.

Mayor Kaufman addressed issues on Winter Road and speeders on Village Road.

10. ADJOURNMENT

10.1. There being no further business, Mayor Kaufman requested a motion for adjournment at 5:45 p.m.

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

Motion

Erin Gonyea made a motion to adjourn the regular meeting and Jimmie Accardi seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain