



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, August 11, 2020
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, August 11, 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

2. ADOPTION OF AGENDA

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

Motion

Jimmie Accardi made a motion to adopt the agenda and Weidner Abernethy seconded the motion. CARRIED. unanimously.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

4.1. Ms. Sugerman's statement as submitted:

Kindly print out all the photos attached for the Council membership to see for this Tuesday's council meeting. They all need to see the smoke damage to my home. Checkout the smoke damage to the front of the house. It had been pressure cleaned a year ago in June. this is what we are breathing and now I have the expense of repairing the smoke damage. No one would want this to

happen to their homes. That is why normal rules for fire pit use would protect everyone from any abusive use of fire pits.

To follow-up I am resending my message from July 14, 2020, since the problems and misunderstanding still exist. This message in no way is an effort to ban fire pits.

However in the era of COVID-19, when constantly having to breathe toxic smoke-filled air, priorities have changed and it might be wise to ban burning for the time being. Smoke is toxic effects the immune system and could make one more susceptible to Covid. Then the Ordinance could be brought u to current air quality standards and protections from overuse. This is an urgent plea to add rules or regulations that spell out the proper and normal use of fire pits for everyone's safe enjoyment.

There are numerous other towns, municipalities and counties that have already included these protections and guidelines in their codes. This could be a positive plan for the entire community and is way past due. the current Ordinance is not up to date and does nothing to protect innocent neighbors. This action would protect everyone form what is going on in our area. No one wants smoke in and around their homes form abusive burning that has nothing to do with the intended and normal use of fire pits.

It seems that the Council's position is centered on the idea that to stop one person, isn't fair to punish the whole community. This is an erroneous concept. This one person is punishing innocent citizens and causing a lot of suffering. Having sensible and fair regulations as I have sent to you from other towns would protect everyone from the nightmare I and others have been experiencing now for a year.

It also has been a colossal waste of time for the Beech Police having to go there every time we call to complain about more smoke and breathing issues. It is a drain on their resources that is truly a shame. By the time they get to the property, the fire might be out, but the Smoke stays and goes all over the place. No one would be calling the Police if there was not a major issue. It hurts me every time I have to call them, but they must have a record of the complaints. In addition, just because an officer may not smell the smoke has absolutely nothing to do with the fact that if we call and say there is smoke in our homes, there IS smoke in our homes.

I and others have been put in the position of being "the problem ". I fiercely resent being in this position, all due to no action or help on our behalf.

I have spoken with other Town Managers and without exception, I have been assured that they and their Councils would have stopped this abuse right away whether they had specific codes or not, since it is a repeated danger to others. Smoke inhalation is extremely dangerous and, in this case, completely unnecessary. Yet, it continues. I was very surprised that these folks were so forthcoming, but each one found it to be a shocking situation.

The owners of the property at 150 Hornbeam, where their tenant resides and is responsible for the burning, are actually Beech Mountain Volunteer Firemen.

It is beyond comprehension that the Town Manager and perhaps, Council members were or are not aware of this fact for a year now. These men have allowed their tenant to continue the burning, endangering our health, well-being, our air and so on and apparently never disclosed that they own this property. Absolutely shameful.

This past Saturday evening and night, there was burning again. I did not call the Police when I smelled the smoke in my home this time. I always keep my windows closed tight because I never know when the smoke is coming in again. If I then have to turn on the a/c, the smoke smell comes in through the a/c. It's a lose/lose situation. It's truly a NIGHTMARE that I don't wish anyone who lives on Beech Mt. to ever have to experience. I woke up in the morning after a very fitful night with swollen eyes, a sore throat and a pounding headache all from the smoke smell in my home. In this time of Covid, when we all are trying to keep our immune systems as strong as possible, this unnecessary wear and tear on my immune system is beyond frightening.

How is it okay to allow this one person to continue burning away day and night for however long he decides to sit there, have wood delivered by truck and that's okay. But, our complaints, our health, etc. is not concern enough to take action by the Council.

Also, under the General Nuisance Clauses of your Charter, there are many clauses and regulations that can be used to clear all those piles of wood from this property. All that wood is a fire hazard in itself, is an attraction to vermin, is an eyesore and absolutely diminishes the property value of the area.

The bottom line is that currently this person is abusing the current Ordinance and using his fire pit as it is not intended to be used and causing physical, emotional, air quality and property damage to surrounding families, and he is allowed to do so.

I hope you all agree that this is not right. Innocent people who are supposed to be enjoying clean mountain air, peace, happiness and enjoyment of our homes and lives here in Beech Mountain as it is advertised are suffering and have no protections. It makes absolutely no sense.

I hope something positive comes very, very soon to fix this deplorable situation to protect your law-abiding citizens who are trying and suffering for a year now to fix this problem. Hopefully, with your understanding and cooperation, so that it can never happen to anyone else ever again.

Barbara Sugerman

Ms. Sugerman added this link submission regarding fire pits from the CDC:
<https://www.cdc.gov/coronavirus/2019-ncov/php/openburning.html>

4.2. Mr. Jim O'Connell's comments submitted regarding fire pit burns:

Dear Council Members:

I must continue to address the unresolved issue of our neighbor's ongoing and excessive burning of wood in his front yard -- a practice that has caused considerable discomfort and hardship for the occupants of homes penetrated by the resulting smoke.

In the July 14 Council meeting, Chief Pudney apprised the members of the wood burning issue and acknowledged the numerous related encounters the Town has had with this individual. As he noted, visits to the offender's property by representatives of both the fire and police departments have become common occurrences. The Chief then explained the legal challenges associated with enacting a "one size fits all" ordinance, but was hopeful he may find a solution to this particular problem in a non-legislative manner by August 1. As he expressed to the council members, "you wouldn't want this next door to your house every day." However, in spite of the Chief's efforts to resolve the situation, the burning continues.

Please know that we and our neighbors are by no means seeking the abolishment of authorized fire pits. We recognize that they represent a distinctive benefit of the mountain lifestyle. But we do believe that this continuous wood burning during all hours of the day and night (including into the early morning) legitimately constitutes a "nuisance." Aside from the smoke inhalation issue, we also have safety concerns, as we sometimes observe an unattended fire burning within an ember's reach of the several 6' high stacks of timber on the individual's property.

Daytime burnings aside, during the month of July alone there were at least a dozen instances of burning throughout the night. Just in the past week we've been awakened by smoke fumes beginning at 11 p.m. on Aug. 2 and 3; 6:00 a.m. on Aug. 4; 3 a.m. on Aug. 8; and 5 a.m. on Aug. 9. It seems the burning never stops.

Rather than sleeping with the cool breeze wafting through our open windows, we're instead forced to tightly close them most evenings. Even then, the smoke manages to seep in. On more than one occasion guests have awakened us in the middle of the night with their concern of a possible fire in the house. The pungent odor is, in fact, that strong. Some of us have respiratory issues that are exacerbated by the smoke.

What clearly separates this particular wood burning situation from any other on Beech Mountain is the excessiveness of the act. I'm sure the law was never intended to allow individuals to push their "rights" to the point where they jeopardize neighbors' health, comfort or quality of life.

The original Town of Beech Mountain Declaration of Restrictions included a clause that read, "No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the neighborhood." I wonder why, and when, such language was omitted from subsequent town ordinances.

On behalf of my fellow neighbors, I respectfully request that the Council determine a solution that allows us to co-exist with this individual and his highly unusual practice of continuous wood burning. Limiting burn hours seems the most logical course of action. The Town currently prohibits "loud and disturbing noises" between the hours of 10 p.m. and 7 a.m. Why not apply the same practice to neighborhood pit fires that can be every bit as disturbing as loud noises?

Thank you in advance for your thoughtful consideration.

Sincerely,

Jim O'Connell

*151 Hornbeam Road
Beech Mountain*

- 4.3.** Mr. Doug and Sandi Boylan comments submitted regarding the Convenience Center procedures:

We feel unhappy about the new process requiring a city-issued hanging tag for access to the dump. Our family owns a house at 206 Grassy Gap Loop Road, and the new process is causing some difficulties. Family members from around the country come to use our house, and at the end of their visits, they take the garbage to the dump on their way out of town. Because so many families use the house, taking the hanging tag home is not an option. Therefore, a round trip of 5.2 miles and 15 minutes is required just to get rid of the garbage, before actually hitting the road home. It is this final load of garbage that is the main problem

We have previously had a bear-proof wooden cage. It proved unsatisfactory because walkers casually dropped loose trash and garbage into the bottom as they passed by, so we removed the cage. Taking our own refuse to the dump on our way out of town has proven to be such an excellent solution until now.

We would like to ask:

How much money will actually be saved by the use of the hanging tags?

Will it result in a reduction of our taxes?

Will we pay the dump personnel more for the additional and onerous duties we have now given them enforcing this?

One possible solution might be to allow us to sign up family members for dump privileges. The Beech Mountain Club has a similar procedure for family members using their facilities. This could be done with an ID card or perhaps just by putting their names on an approved list.

Thank you,

*Doug and Sandi Boylan
205 706 9786*

- 4.4.** Ms. Cynthia Robinson comments submitted regarding fire pit burns.

I would like this and all the email correspondence read into the minutes of today's meeting and request they be addressed by the council.

My email inquiries were never addressed or responded to when asked how many complaints have been received regarding fire pits and if the Town Council would address the issue. I find it reprehensible that a written inquiry is ignored by this Council.

The minutes of the last meeting said they were just not going to address fire pits at this time that is not appropriate. This subject concerns the health of all residents and visitors on Beech Mountain and should be addressed.

Since my addressing this issue earlier I have discovered there are numerous people making complaints about the smoke from fire pits around Beech Mountain. Please consider banning fire pits due to the health issues they cause. Thank you for your attention to this matter.

Cynthia Robinson

I didn't doubt you were sorry, but I was looking for answers.

Yes, I was advised by the town there were currently no restrictions on fire pits, I was also told that due to the number of complaints the council was going to discuss the issue of restrictions on fire pits. In all fairness it may have been the previous council.

Please let me know if there is anything I can do to help the council regarding this. I hope to work with the council on this matter.

If the council were to consider restrictions on fire pits in the summer and fall months when most residents' windows are open for fresh air it would provide relief for the older or residents with health issues.

It is of particular concern at this time with COVID-19 (a virus that affects the lungs) causing numerous deaths that we take all necessary precautions to insure the lung health of our residents and visitors.

Outdoor recreational fires can become a considerable source of fine-particle air pollution. Children and teenagers, older adults, and people with heart or lung disease – including asthma and COPD – can be particularly sensitive to the health effects of particle pollution in wood smoke.

The excess of smoke can sometimes lead to lung irritation and have additional environmental concerns. Fire uses up the oxygen you need and produces smoke and poisonous gases that kill. Breathing even small amounts of smoke and toxic gases can make you drowsy, disoriented and short of breath. It's hard to assess the larger impact of backyard fire pits on local or regional air quality, but no one questions the fact that breathing in wood smoke can be irritating if not downright harmful. According to the U.S. Environmental Protection Agency (EPA), so-called fine particles (also called particulate matter) are the most dangerous components of wood smoke from a health

perspective, as they “can get into your eyes and respiratory system, where they can cause health problems such as burning eyes, runny nose and illnesses such as bronchitis.”

Fire pits can also be a fire hazard if you want another reason to review their use in a wooded environment. Disclosing a fire pit may be a requirement of a homeowner’s insurance policy. It may also be a good idea to check in with an insurance agent to understand any potential impact a fire pit may have on coverage. The local fire department could help determine if there should be any laws against having a fire pit in the yard.

Some counties and cities have laws that prohibit open flames in backyards, and others require your home to be inspected for general safety hazards. I believe fire pits are not a constitutional right, but we do have a right to have a safe and healthy living environment.

The town has an obligation to assure living conditions are safe and healthy. I would assume that includes the air we breathe, and fire hazards if it is possible to assure a healthy environment by passing a town ordinance outlawing fire pits then maybe it should be considered.

A notice of a discussion regarding fire pits by the council to the residents and taxpayers of Beech could possibly enlighten the council to an unknown nuisance experienced by the residents. A survey sent to residents might be helpful for your consideration. If you require resident input to place fire pits on the agenda, I can start a petition to see how many residents would like this addressed if you would like.

I do not believe eliminating or restricting fire pit use is going to hurt the town economically. I imagine people are going to rent on Beech Mountain whether they can have a fire pit or not. The rental house at 207 Shagbark has never been without a weekly seasonal renter in the 20 years I have owned my home. The fire pit is a new addition to the rental property. I see no downside to the town establishing an ordinance to eliminate or restrict fire pits, but I am biased due to the discomfort they inflict on me.

*Thank you,
Cynthia Robinson*

5. CONSENT AGENDA

- 5.1.** Adoption of Minutes- July 14, 2020 regular session and July 14, 2020 closed session

Motion

Weidner Abernethy made a motion to adopt the submitted minutes and Erin Gonyea seconded the motion. CARRIED. unanimously.

- 5.2.** Order to Collect

Motion

Kelly Melang made a motion to approve the Tax Department's Order to Collect and Erin Gonyea seconded the motion. CARRIED. unanimously.

5.3. Tax Refund

Motion

Kelly Melang made a motion to approve the submitted Tax Refund from the Tax Department and Erin Gonyea seconded the motion. CARRIED. unanimously.

5.4. Accept the Employment Agreement between the Town of Beech Mountain and Town Manager, Bob Pudney

Motion

Weidner Abernethy made a motion to accept the Employment Agreement between the Town of Beech Mountain and the Town Manager, Mr. Robert Pudney and Jimmie Accardi seconded the motion. CARRIED. unanimously.

6. PUBLIC HEARING TO AMEND CHAPTER 50: SOLID WASTE MANAGEMENT ORDINANCE- BEAR RESISTANT CONTAINERS

6.1. Public Hearing to Amend Chapter 50: Solid Waste Management Ordinance- bear resistant containers

Mayor Kaufman requested a motion to open the Public Hearing, and Vice Mayor Kaufman made a motion to open the Public Hearing which was seconded by Councilmember Melang and carried unanimously.

Mr. Pudney read verbatim the submission from Mr. David Hellenthal as follows:

Maybe it is late in the day, but I do not see clearly a link to a place where the public can make comments? Every building every house every public place on Beech Mountain should have bear-proof containers. It's just common sense. These containers will last many many year so it is well worth the initial expense. I am sick of seeing garbage strewed all over the mountain. Bear-proof containers could solve 80% of this problem. The fact that bear-proof containers are covered containers will also help solve the wind blowing of loose debris problem to a large degree. The human problem of discarding litter improperly is another matter to solve.

That is the comment that I would like to make. Thank you.

David Hellenthal

6.2. Mr. Pudney read verbatim the submission from Ms. Therese Barry as follows:

Dear Council Members,

Attached is a photo of a mess having come from a bear resistant trash bin. This photo was taken on Sunday 8-9-2020 at 12:45 p.m. The quality is poor as I took this through my car windshield. I know it is not possible to tell if this bin was not properly closed or if a bear figured out how to open it. Do not think that a bear opening such a bin is out of the realm of possibility! Consider these stories: various newspaper article links attached

I know that bears are not the problem, people are the problem Since people can't or won't use these bins correctly and if/ when bears figure out how to open them, messes such as this will increase. Mandating the use of these expensive bins is not the answer. Please consider huge increases in and strict immediate enforcements of fines for those whose trash is scattered about.

*Therese D. Barry
100 Squirrel Lane
Beech Mtn, NC*

- 6.3. Ms. Mercer noted that she received a phone call from Mr. Michael Harris of 702 Charter Hills Road, and he stated to her that he was "opposed the bear resistant container proposed amendment."

Motion

Kelly Melang made a motion to close the Public Hearing for the proposed amendment to Chapter 50: Solid Waste Management 'Bear Resistant Containers' and Weidner Abernethy seconded the motion. CARRIED. unanimously.

7. OLD BUSINESS

7.1. Bear Resistant Trash Enclosure Amendment

Following the Public Hearing on the issue, Mayor Kaufman requested a motion to open discussion to consider the proposed amendment. Vice Mayor Accardi moved to consider the proposed amendment for 'Bear Resistant Trash Enclosures' and Councilmember Gonyea seconded the motion. The motion carried unanimously.

Councilmember Melang stated that this proposed amendment adds language for metal containers and allows the homeowners to choose between either a wooden or a metal container for curb-side garbage pick-up. She asked for clarification on the procedure for a homeowner to build their own container. Mr. Pudney explained the procedure for an approval once a metal bin meets the spec requirements for approval which does not require a building permit.

Ordinance:

TOWN OF BEECH MOUNTAIN
Ordinance To Amend Chapter 50: SOLID WASTE MANAGEMENT
Ordinance No. 2020-05

WHEREAS, the Town of Beech Mountain is a Municipal Corporation and political subdivision of the State of North Carolina; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality of life for its citizens, visitors, and guests; and

WHEREAS, North Carolina General Statutes § 160A-174 authorizes the Town of Beech Mountain to enact ordinances and regulations to promote the health, welfare, and safety of the Town of Beech Mountain; and

WHEREAS, the Town of Beech Mountain is a rural, mountain community that is rife with wildlife, including raccoons, bears, and other animals; and

WHEREAS, human contact with these animals poses substantial risk for both humans and the animals; and

WHEREAS, solid waste receptacles that go uncovered or unprotected from animals such as bears and raccoons draw these animals into residential areas of the Town of Beech Mountain and increase the likelihood of contact with humans; and

WHEREAS, when bears and other animals interact with uncovered or unprotected waste receptacles trash and other rubbish is often left discarded by the animal on the streets and in and around the properties within the Town of Beech Mountain; and

WHEREAS, the Town of Beech Mountain currently has an ordinance which sets forth the manner in which solid waste is to be collected, stored, and ultimately discarded in the Town in Chapter 50 of its Code of Ordinances; and

WHEREAS, the Town of Beech Mountain desires to amend the existing ordinance to allow for metal bear resistant trash receptacles in order to limit animal exposure to solid waste and human interaction.

NOW THEREFORE be it resolved by the Town Council of the Town of Beech Mountain as follows:

SECTION I. Title V, Chapter 50.04: Definitions, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

45. Bear Resistant: A solid waste receptacle is Bear Resistant if the receptacle has, or is designed or marketed by its manufacturer to have, qualities or features that prevent bears from accessing the contents thereof when the door, lid, flap, or other covering is secured by its latch or other locking mechanism.

SECTION II. Title V, Chapter 50.11: Receptacles; Preparation of Solid Waste, of the Town of Beech Mountain Code of Ordinances is hereby amended to include the following:

(J) In the alternative to the receptacle standards set forth herein, a property owner may elect to utilize a Bear Resistant solid waste container. A solid waste container is approved as Bear Resistant if:

(1) The receptacle is specifically designed and marketed by its manufacturer as being bear proof or bear resistant by virtue of containing qualities and features specifically designed to prevent bears from accessing its contents,

(2) The receptacle is approved by the Town Manager or his or her designee as having sufficient bear resistant qualities or features, or

(3) The receptacle is certified as Bear Resistant by the Interagency Grizzly Bear Committee.

Any Bear Resistant solid waste container shall meet or exceed the following minimum standards or an approved equivalent:

(a) Sheet metal components shall be 14-gauge steel (b) Metal frame components shall be 1/8" x 1 1/2" (c) Expanded metal components shall be 1/2"-#13 (d) Hinges shall be capable of supporting the required loads (e) All structural components shall be welded together

(f) All exposed metal shall be painted with multiple coats of neutral or earth-toned epoxy paint to protect the structure from corrosion (g) No sharp edges shall be present, which may poke, slice, or otherwise injure Town staff accessing the container (h) Enclosures shall be capable of holding two (2) standard 35gallon containers (i) Containers shall not exceed 60" wide by 54" tall by 30" deep, without prior written approval

SECTION III. CODIFICATION. The provisions of Sections I through Sections II of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION IV. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council for the Town of Beech Mountain, North Carolina, at which a quorum was present, and which was held on the 11th day of August, 2020.

Motion

Weidner Abernethy made a motion to approve the amendment to Chapter 50: Solid Waste Management Ordinance No. 2020-05 and Erin Gonyea seconded the motion. CARRIED. unanimously.

8. NEW BUSINESS

8.1. Planning Board vacancy

Mayor Kaufman noted that Councilmember Melang would nominate candidates for the open vacancies on the Planning Board.

Councilmember Melang stated that on the Planning Board there are three open terms out of the five-member board, and she nominated Urs Gtseiger as a Planning Board member to which Councilmember Abernethy moved to appoint Urs Gtseiger and Vice Mayor Accardi seconded the motion. The motion carried unanimously.

Councilmember Melang nominated Gabe Joseph as a Planning Board member to which Councilmember Gonyea moved to appoint Gabe Joseph and Vice Mayor Accardi seconded the motion. The motion carried unanimously.

Councilmember Melang nominated Greg Welsh as a Planning Board member to which Councilmember Gonyea moved to appoint Greg Welsh and Councilmember Abernethy seconded the motion. The motion carried

unanimously.

There was a question regarding Mr. Urs Gsteiger's eligibility presented by Attorney Eggers and it was noted that the Attorney and Staff will review the Planning Board by-laws and the General Statute and follow-up with the matter. Attorney Eggers stated the matter could be tabled until further review or Council may elect to move forward with a footnote from the Clerk's Office. Council elected to proceed with the following: Clerk's note: "Upon review of the Town ordinance, it was determined that Mr. Gsteiger was properly qualified for this position and duly appointed."

9. TOWN MANAGER AND STAFF REPORTS

9.1. Mr. Pudney reviewed the June Financial and Budget Report- FY: 2019-2020 as submitted as the final report of the year. The Council approved the \$710,000 budget adjustment to pave Buckeye Creek Road. We used \$65,000 from reserves and the balance of the project funding came through other operations and adjustments from other departments and the rest remains in the fund balance. Throughout the year the Town accomplished the approved projects with sufficient funding to get that work done as per the Town Council directives.

The General Fund is healthy since we balanced other departments budgets and Mr. Pudney addressed those concerns as to how we were spending money and accomplishing all the projects. So for the departments that had fund excess, we adjusted those departments and we can better plan and manage the budgets for next year, to which Councilmember Abernethy agreed that the management of the funds from budget excesses allows us to better manage next year.

Utilities have struggled with a number of issues such as the Watauga Landfill 100% increase effected the sanitation department. The dumping cost increase at Watauga was not healthy but we looked at controlling the free dumping resulted in the permitting process at the Town's facility plus we had to increase the fees.

In response to Councilmember Abernethy's question, Mr. Pudney explained the sanitation procedures the cost of the placards, and the sanitation fees. As an enterprise fund, 100% of charges must go to sanitation costs.

Mr. Pudney pointed out the Utility report as submitted by Daniel Davis. The report identifies the new procedures which shows who was using the garbage dump without paying. We are experiencing a smoother operation, since beginning of usage at the recycle center the biggest problems are private rentals of homes through VRBO and Airbnb or other online remote rentals. The owners have the renters taking their garbage to the dump and that business model does not work. Staff has pointed out other garbage options such as installing the approved garbage bins, and to allow the already scheduled town garbage trucks to pick up residential garbage. For multi-family proper dumpsters would alleviate the issue.

The new permit process at the Convenience Center was further discussed such as the permit placard individual yearly cost of \$370.00 if there is not an utility account with the Town as well the Staff will continue to work out the kinks with the new procedure.

Mayor Kaufman revisited the issue regarding the vacant seat on the Planning Board and there was further discussion of the member requirements and the Attorney and Staff have clarified the town of Beech Mountain Charter, under the Ordinance for the Planning Board by-laws, and the General Statute as noted, (this issue was resolved after the fact as stated in the Clerk's minutes).

9.2. Department of Infrastructure Reports

9.3. Town Manager's Administration Report

Covid-19 update

- Phase 2 for 5 weeks
- Face coverings required
- Retail and rentals remain at 50% occupancy
- Town hall lobby open w/ masks
- Boards and committee meetings cancelled
- Positive test cases caused closure of Town Hall for four days

Mr. Pudney noted that the employees who had tested positive for COVID-19 are well and healthy and all recommended precautions were adhered.

Convenience Center/Solid Waste update:

- Permit process enforced after 20-day grace period
- Mixed responses, mostly from private rentals Airbnb, VRBO etc.
- Fielded calls from the public regarding options:
- Curbside pickup – recommended bear resistant bins
- Drop off at convenience center – permit required.
- Dumpsters for multiunit complexes
- Audited sanitation accounts:
- 25 permits for “out of town accounts” sold
- 113 “in town accounts not paying anything for garbage
-

Mr. Pudney noted that as Staff conducted an audit of the accounts and as the public gets used to the new procedures, Staff and the public are fine tuning the system. It was also noted that Avery County is accepting hazard waste materials on Saturday, August 29th in Newland and this was posted on the Town's website which is for Avery County residents only.

Mr. Pudney reviewed the on-going and upcoming projects as follows:

- Water and Sewer lines
- Fire hydrants
- Shane Park update and completion date set for September 15, 2020

- Greenway Streetscape Project 100% completed- Grand opening on 9/10/2020
- Beech Mountain Parkway roadway striping underway between the Town and NCDOT
- Paving Grassy Gap after water line replacement

Mr. Pudney noted that Public Works crews have detected three major leaks and Oz Road will be paved next. Emerald Outback trailhead has heavy use and the Parks and Recreation Staff are working with the property owners regarding parking issues. He announced that the Buckeye Creek Road paving ribbon cutting ceremony is scheduled for August 27th at 3:00 p.m. at the Westerly Hills trailhead.

Test water well bids are received, and we have moved forward with the contract with McCall Brothers Well Construction award for \$52,800.00. This project was budgeted for \$50,000. Development of a new Town website has begun, and the new Public Works Facility steel frame erection is underway. Staff is addressing a suitable buffer working with the residents and management at the Pinnacle Inn.

Fred Pfohl expressed his and his family's sincere appreciation for the acknowledgement and renaming of the Buckeye Recreation Center. He said it was one of the "best moments of his life".

Mr. Pudney mentioned the employee health insurance committee progress and we hope to have a recommendation by November of 2020. He mentioned the golf cart registrations. The Buckeye Lake sewer lift station improvement project is ready for accepting bids from contractors and roadway drainage issues. As well Mr. Pudney pointed out the TDA reports and financial revenues collected and the Town's Financial Report for moving forward with economic development to attract other businesses to the mountain.

- 9.4. Fire Department Monthly Report
- 9.5. Police Department Monthly Report
- 9.6. August TDA Report
- 9.7. Department of Infrastructure Reports
- 9.8. Planning and Inspections Report 2020-07
- 9.9. July Recreation Report

10. TOWN COUNCIL COMMENTS

- 10.1. Councilmember Abernethy stated that the Fire Department held 'live fire' training and exercises simulating fire conditions and physical skills and he appreciates the Emergency Services Staff for their expertise. He commended Council for accomplishing all the progress with the Beech Mountain Parkway improvements and various landscaping and lawn care maintenance of the gutters and ditches. He suggested the location of where a knee-wall could be added to enhance the aesthetic appeal of the Town.

Councilmember Gonyea discussed the Public Works infrastructure improvements and noted the aging water and sewer lines which replaced the leaks and erosion. She is impressed with the contractors working on the mountain and commended Ms. Suzy Knepek for landscaping design. Suzy works through the weekends planting noted Ms. Gonyea.

Councilmember Melang had received comments regarding bear garbage 'hits' and noted the work that Public Works crews are performing on all the garbage clean-ups and suggested more fines would get people to install bear resistant garbage bins or even the newly approved metal trash containers. The new procedures at the Convenience Center is working. She commended Parks and Recreation on the trails and park maintenance and project progress at Shane Park.

Mayor Kaufman thanked Mr. Pudney for his professionalism and decision to remain on as manager, the Town clearly looks better. Mayor Kaufman requested a motion to move into Closed Session.

Motion

Kelly Melang made a motion to convene to Closed Session pursuant to G.S 143-318.11 (A)(5) Property Acquisition and Weidner Abernethy seconded the motion. CARRIED. unanimously.

11. CLOSED SESSION - PURSUANT TO NC GS 143-318.11 (A)(5) ACQUISITION OF REAL PROPERTY

11.1. Other Business:

Upon a motion and unanimous decision to reconvene to open session, Councilmember Melang clarified her nominations for the Planning Board, the motion was amended as: Mr. Gabe Joseph would replace outgoing member, John Hoffman. Mr. Greg Welch would replace outgoing member, Robert (Robbie) Cavagnaro, and upon eligibility review of Mr. Urs Gsteiger's status, Mr. Gsteiger would replace outgoing member, Pete Chamberlin, to which the amended language carried unanimously.

Mayor Kaufman stated that in closed session Council reviewed a property purchase from owner, Mr. Sabol in the amount of \$3,500 and he requested a motion.

Motion

Kelly Melang made a motion to accept the Offer to Purchase the parcel of land Mayapple Lane, Sabol Parcel PID: 1941-09-05-8648-00000 from Mr. Sabol in the amount of \$3,500 and Weidner Abernethy seconded the motion. CARRIED. unanimously.

12. ADJOURNMENT

12.1. There being no further business, Mayor Kaufman requested a motion to adjourn at 5:30 p.m.

Clerk's Note: the minutes are not a verbatim transcript of the proceedings.

Motion

Kelly Melang made a motion to adjourn the meeting and Weidner Abernethy seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain