



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, April 13, 2021
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, April 13, 2021, 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.
Note: Vice Mayor Accardi called in remotely via the Zoom link.
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT- NONE RECEIVED**
5. **CONSENT AGENDA**
 - 5.1. Adoption of Minutes - Special Work Session February 25, 2021 minutes
Incomplete - regular meeting March 9, 2021 minutes
 - 5.2. FY 2021 Budget Ordinance Amendment #4
 - 5.3. Water and Wastewater Systems Capital Improvements Plan
 - 5.4. Authorizing Resolution Application for Funding
 - 5.5. Resolution Opposing SB 349/HB 401 and HB 291

5.6. Proclamation for Arbor Day

Motion

Weidner Abernethy made a motion to approve the Consent Agenda items following list:

- Adoption of Special Work Session February 25, 2021 minutes
- FY: 2021 Budget Ordinance Amendment #4- to amend the General Fund as detailed
- Resolution No. 2021-02 to adopt the Water and Sewer Systems Capital Improvement Plan FY: 2021 - 2036
- Resolution No. 2021-04 Application NCDEQ for Drinking Water Improvement Project
- Resolution No. 2021-03 Opposing HB401/SB349 & HB291 Zoning and Building
- Arbor Day Proclamation for May 1, 2021

Erin Gonyea seconded the motion. CARRIED. unanimously.

6. NEW BUSINESS

6.1. Call for Public Hearing: Solid Waste Ordinance 'bear proof container' Revisions

Mr. Pudney noted that the proposed changes to the Solid Waste Ordinance would be posted to the website for the public's review before the May Public Hearing. Predominantly the changes to the ordinance will require single-family short-term rentals to install metal bear proof trash containers for curbside trash collection. The ordinance will include the definition of a short-term rental which amends the requirement for the bear proof bins.

Mayor Kaufman summarized the options moving forward with commercial garbage collection and there was discussion on the topic of the contractor Republic Enterprises, the taxpayers' expectations, the dumpster sizes and procedures, and the changes made to the procedures, wherein Mr. Pudney reiterated we will not be permitting businesses to bring their garbage to the Convenience Center as of July 1st and he is working on the directive from Council in order to get a budget in place by July 1st.

Vice Mayor Accardi noted they will delve into this topic at the April 21st Council budget meeting. Mayor Kaufman reiterated his opinion that we do not need to be the collector of the commercial/ business garbage, to which Councilmember Abernethy agreed that the costs at over \$700,000 to do that is not an option.

Motion

Barry Kaufman made a motion to hold a Public Hearing on the proposed changes to the Solid Waste Ordinance at the next regularly scheduled meeting, Tuesday, May 11th, 2021 at 4:00pm. seconded the motion. CARRIED. unanimously.

7. TOWN MANAGER AND STAFF REPORTS

7.1. February Finance and Budget Report

Mr. Pudney stated that current the town is at the 67% benchmark spent for the fiscal year. We have collected revenues at 100% from water and sewer due to population increase over the winter. Mr. Pudney stated we are good shape with sanitation revenues and fees. We have implemented controls at the Convenience Center. These controls better manage our costs. He reiterated the costs to dump had risen 100% so it is obvious controls are working.

Mr. Pudney pointed out the reserves in General Fund as some projects completed came under budget.

7.2. Town Manager report

Mr. Pudney provided the following Manager's report. He said under the Governor's executive orders the mask mandate stays in place as well as the 6-foot social distance. Gatherings have increased to 50 people inside and 100 people outside. He added that due to the Council Chambers size, we have maximum of 15 people for the square footage which means the public may still only attend remotely.

He made a correction as not all Town park trash bins are bear resistant. There were a few non-compliant bins and Parks and Recreation have picked those up. He added that bear proof containers will be installed.

- TDA funded projects & report (\$260,000)
- Playground funded & under contract for construction
- Bathroom at Bark Park architectural design in house & will go out for bidding
- Forked Trail – excavator equipment cost \$35,000 and site planning, staff is working on easements
- Informational radio station for PR events and emergencies, AM 1620 under construction
- Town entrance signs under construction & Buckeye Creek Road
- Visitor Center / Town Hall expansion partnership under design
- Sledding hills- Council's decision regarding sled hill #1

Mr. Pudney stated the Town's new website is live as of April 5th. Thank you to councilmembers Gonyea and Melang. He said that at the February Budget Retreat, Council identified their goal that an EMS medical services station needs to be housed on the mountain. Mr. Pudney has been working with Watauga and Avery counties.

Avery County – dedicated 24-hr unit on Beech Mountain not to exceed \$405,000 annually. Commit not to use the unit as an out

of county transport. A 90-day implementation period, billed quarterly. Housed in fire station.

Watauga County - \$430,000 for a 24-hr unit dedicated to Beech Mountain. Commit not to pull the unit for off mountain for responses.

Mr. Pudney stated the town would require an RFQ for engineering the Lake Coffey /Lake Santis water project and this process is underway. He reviewed the contract services with the firm West Engineering Consultants. He stated he met with Ryan Costin, of the Resort and the plan is to have a long-term 50-99-year lease between the Town and the Resort for the water reservoir property as owned by the Resort, which is a better benefit to the town. He added this is a feasible project according to the preliminary engineering data. The State approved the concept, and we are now working with the Wildlife agency on details such as the reservoir needs trout ladders, etc.

He pointed out the upcoming Watauga Water Intake Project meeting on Thursday. The meeting will address various stakeholder input and comments. They are working on plans such as the through route, site design, property easement and purchasing. Public Works is currently working on the water wells. The lower one on Pinnacle Ridge is completed and the 24-hour drawn down is underway where we will have the capacity measurements and with these numbers we will move forward and contract the design of the well.

The next water well survey is finished and will start soon. Mr. Pudney pointed out that we must build an access to the well for ingress and egress. Next Mr. Pudney discussed short-term rentals (STR) regulations. This issue is a complaint driven issue and the town received many complaints from residents throughout the season. Mr. Pudney will ask the Planning Board to study and formally address the concerns and give recommendations to Council. Various problems are occurring including parking capacity, noise, garbage, zoning etc. Mr. Pudney inquired if Council agreed with this approach to which, there was a general Council consensus that the Planning Board should vet the issue and provide a recommendation.

Attorney Eggers weighed in on the legal complications for other cities and towns. He said it the complex issue encompasses tax filing, and for purposes of zoning and land use as a public record.

Mr. Pudney said that the Town was working with the TDA Director, Kate Gavenus on a Memorandum of Agreement. This draft will better define the roles and responsibilities between the town and shared costs as the partnership is not clearly articulated in a policy. The director will produce an MOU with the Attorney's Office to determine the handshake agreements that should have been put in writing.

Mr. Pudney added that to re-cap for the 'Solid waste ordinance the manager's office would recommend at least 6 months to the end of year for compliance with installing bear bins.

Mr. John Merritt has designed many plans for the Town, and he has received his NC architect license, although he was licensed in Florida.

The next Budget workshop is scheduled for April 21st at 10:00 and lunch will be provided. The meeting will be on Zoom as well as the YouTube channel.

- 7.3. Department of Infrastructure Report
- 7.4. Fire Department Monthly Report
- 7.5. March 2021 Recreation Report
- 7.6. Police Department Monthly Report
- 7.7. TDA April Report
- 7.8. Planning and Inspections Report 2021-03

8. TOWN COUNCIL COMMENTS

- 8.1. Mayor Kaufman asked Councilmember Abernethy for comments to which he replied he had none.

Councilmember Melang inquired about the Convenience Center permit placards, to which Mr. Pudney stated the residential placards would be yellow tags sent to property owners, in order for residents to dump trash. He pointed out that this year they have been mailed out earlier. This week the attendants at the Center will accept both tags until July 1st, wherein the new tags will be required. We collected counterfeited tags throughout the year so this year, each utility account has a specific permit number.

Councilmember Melang noted that the May 1st celebration event for the Town is on Facebook and the new website. She thanked the dispatchers on duty as they do a great job. She is excited about the new Bark Park improvements.

Councilmember Gonyea thanked the Parks and Recreation team which did a great job on the Easter egg hunt which was a great success. She too is excited for the new playground as this allows us to serve families. Vice Mayor Accardi did not have any comments either.

Mayor Kaufman welcomed back the clerk. He noted that the billboard sign needs to be repaired since a vehicle driver damaged it to which Mr. Pudney stated that the billboard was funded through the TDA and there is an agreement for its maintenance.

9. ADJOURNMENT

- 9.1. There being no further business, Mayor Kaufman requested an adjournment at 5:00 p.m.

Note: the minutes are not a verbatim record of the proceedings.

Motion

Erin Gonyea made a motion to adjourn the regular Council meeting and Kelly Melang seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain