



# MINUTES

## Regular Town Council Meeting

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

---

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, July 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  
Chief of Police Tim Barnett  
Captain Gary Miller

### 1. CALL TO ORDER MAYOR KAUFMAN

### 2. ADOPTION OF AGENDA

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

#### **Motion**

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

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

### 4. PLEDGE OF ALLEGIANCE

### 5. PUBLIC COMMENT

5.1. Mayor Kaufman called for the Public Comment portion of the meeting and requested those wishing to speak to address Council.

Ms. Eva Jones of 100 Skiway units 5 -8, objected to the ordinance for requiring metal garbage bins which are rusting. The animals, bears racoons etc. all destroyed the garbage containers. She stated she brings roadway trash she collects from friends and neighbors to the Recycle Center. As a four-unit owner, she pays \$27 per month for the units. The bears hit the garbage and she takes the garbage to the center. There is an overabundance of bears.

Republic Service has not gotten back to her. She wants to know what type of dumpster must be installed as she will lose two parking spaces. As a resident she parks in the overflow. The regulation is unfair, confusing, and perplexing. She continued to explain the problems with placing a dumpster on her property due to the slope. She is opposed to the ordinance. We built a multi-million-dollar Convenience Center, and the town is trying to minimizing the usage of the complex. She has downsized and is told she must sign up with Republic Services, so she is not getting service and she is against this. There is no space for dumpsters at her residence.

Ms. Sandy Carr of 505 Pine Ridge Road thanked the Staff for the 4th of July week of many events produced by Parks and Recreation. There are new families and more children on the mountain to enjoy these events. The Town is under budget for the previous fiscal year end report, and we added the park project. During the Buckeye Lake July 3rd event, 50% of the attendees were visitors. The Town has had a productive year. Ms. Carr thanked the residents, staff, Police Department, and Council for investing in our infrastructure. We are investing in our community.

Mr. Ben Swadley of 207 North Pinnacle Ridge Road said he has lived here full-time for two years. He thanked everyone. He rides bicycles, that is why they relocated to Beech Mountain as here is a community to raise a family. It has been an incredible experience. Mr. Swadley complemented the roadway crews. The Trailways are consistently user friendly. He appreciated the collaboration between the TDA and building a new playground for the Town. The Parks and Recreation support for mountain biking and hiking trails is exceptional. There are three new trails and added to miles available and he is looking forward to the economic survey being conducted on the EMO (Emerald Mountain Outback). He understands that the parking is gone from EMO and that the Town lost the West Bowl connector trail, but he appreciates the Town's focus on trails.

Mr. Carl Marquardt of 137 Raven Road and 500 Beech Mountain Parkway said he is speaking on behalf of other multi-family owners as the new garbage ordinance is not clear and not equitable. The new regulations should have been a requirement for all zoning and homeowners. He asked why there are restrictions on utilizing the Convenience Center and added restrictions upon the taxpayers who do not vote but pay taxes. The regulations should apply to all taxpayers and not carved an opt-out clause for full-time residents.

Mr. Tim Curtis 1414 Beech Mountain Parkway was not happy we lost the West Bowl site. He had heard the EMO trails were at risk and he is very concerned for our recreation areas and environmentally sensitive spots. He

hopes the land lease for the EMO is renewed. He thanked everyone for listening to his concerns.

## **6. FEATURED LOCAL BUSINESS- WHITE WOLF LODGE REPRESENTATIVE TRISHA MOORE**

- 6.1. Mr. Pudney introduced Ms. Trisha Moore who is the General Manager at the White Wolf Lodge.

Ms. Moore said they moved here a year ago and her husband is also a general manager. She recounted how Larry and Laura Wattren bought the building for a ministry to fund women and children's programs. There is a 63-bed bunk room for youths and 24 beds upstairs. The Wattren's have since moved to Florida, and now it is she and her husband run the business.

Ms. Moore reviewed the restaurant amenities they provide including rentals for carts, sling shots, bicycles, and ski equipment. There is a new menu and she offered everyone in the town 10 % off. She thanked the town for including them and welcoming their new ideas for the business.

## **7. CONSENT AGENDA**

- 7.1. Adoption of Minutes- Town Council regular meeting May 11, 2021, and Town Council regular meeting June 8, 2021
- 7.2. Amending the FY 2020 - 2021 Budget Ordinance
- 7.3. Solid Waste Franchise Agreement with Republic Services
- 7.4. Amend Commercial Water and Sewer Fee Schedule- Staff recommends approval of the commercial rate adjustment to equal the current residential rates.

In response to a question by Councilmember Abernethy, Mr. Pudney stated that there was an error on the Republic Services contract which was corrected. The contract agreement took effect July 1st. This revised submission corrects the error. Mr. Pudney reviewed the timeline of implementing the contract for garbage pick-up by Republic Services and by December 30th the transition shall be complete. We are working with the TDA and businesses conducting meetings individually. The town staff and Daniel Davis will continue to work with the public to facilitate the change. He explained further procedure details for commercial businesses and for multi-family container pick-up and routes.

- 7.5. Budget Amendment #2021-06 transfers Capital Reserve Funds to the Utility Fund for the purpose of expending on the Pinnacle Ridge/Gum Tree Well Site which qualifies as a System Development expenditure.

### **Motion**

Jimmie Accardi made a motion to approve the consent agenda, adoption of the minutes, Amending the FY: 2020-2021 Budget Ordinance, adopt the Solid Waste Franchise Agreement with Republic Services revised contract, Amend Commercial Water and Sewer Fee Schedule, approve the Budget Amendment #2021-06 and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **8. PH1- PUBLIC HEARING EMS STATION**

### **8.1. PH1- Public Hearing for Emergency Medical Services Station**

Mayor Kaufman requested a motion to open the Public Hearing on the Emergency Medical Services Station and Councilmember Melang motioned to open the Public Hearing Councilmember Abernethy seconded the motion and the motion carried unanimously.

Dr. Murray Miller of 107 Golf View Drive was in favor of the EMS Station. Dr. Miller reviewed his history as a resident of the mountain since 1994 as well as a board member of the Volunteer Fire Department. He noted he was an original founder of the Mountain Ambulance and Healthcare Foundation, a non-profit that contracted with Avery County for EMS and ambulance services. He recounted his own experience waiting for an ambulance and it took 1 1/2 hours for an ambulance to arrive to transport him for medical care. Dr. Miller reiterated he is in favor of an EMS Station on Beech Mountain, and he offered to donate money to start the project.

Ms. Nancy Hoyt of 107 Golf View Drive stated she was in favor of an EMS Station on the mountain as it is a desperate issue. For people on Beech Mountain experiencing a heart attack or stroke minutes count. This project is a lifesaving project.

Mr. Jay Krakovitz of 1514 Beech Mountain Parkway stated he supports and thanked Dr. Miller and the EMS Station as it is a life or death matter.

After no one elected to speak, Mayor Kaufman requested a motion to close the public hearing.

#### **Motion**

Kelly Melang made a motion to close the Public Hearing and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **9. OLD BUSINESS- NONE**

## **10. NEW BUSINESS**

### **10.1. EMS- Emergency Medical Services Station**

Mayor Kaufman requested a motion to approve an Emergency Medical Services Station.

Mr. Pudney thanked Council for approving the EMS Station and said that Staff and Council have been in discussion for the last four months regarding costs, funding, procedures contracting with either Watauga or Avery counties and the path moving forward. Mr. Pudney said funding is available in this budget as well as Dr. Miller's generous contribution. As Council elected to approve, Staff will begin executing the plan within 90-days and start implementing an EMS Station.

### **Motion**

Kelly Melang made a motion to approve an Emergency Medical Services Station on Beech Mountain and Weidner Abernethy seconded the motion. CARRIED. unanimously.

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

### **11.1. Finance and Budget Report - May 2021**

Mr. Pudney presented the Finance Department's Report and explained that all departments are in-line with their budget benchmark. Reference was to page 56 Financial Summary Report. Mr. Pudney explained how procedures were presented in the past and how we appropriated funding and fund balances to reflect expenditures. He reviewed the two budget amendments and explained the reasons for those amendments.

He reviewed the process for providing the capital expenditures in the past reports. He explained how financing reports are now presented in the summary. We have split the capital projects out separately and this can now be monitored as to each department. For example, the Fire Department, those line items are above the benchmark for expenditures due to up-front costs, but will come back into line before the end of the fiscal year.

The Reserve Fund contained almost 1.5 million dollars for funded Capital Expenditures and the projects detailed in the budget, however all of those funds were not used and are returned back to the Reserve Fund. So, 1.2 million dollars are returned as we have completed projects that came in under budget. We used approximately \$186,000 to accomplish those projects and how this was done was we had additional revenues this year. The Tourism Development Authority also had a banner year and the TDA funded those Capital Projects, not the taxpayers. He also highlighted that the individual department heads managed their budgets and came in under budget. So, 1.5 million dollars was budgeted and appropriated, but out of fund balance we are returning 1,230,090.00 dollars to reserves.

In response to the Mayor's question regarding sanitation, Mr. Pudney explained that as an enterprise fund, Sanitation must fund itself. We increased the rates so the enterprise fund shall balance itself. He said we have implemented changes to the multi-family and the commercial garbage

collection and Convenience Center operation changes, and all these changes cut expenditures and are running a smoother operation.

In response to Councilmember Abernethy's inquiry regarding the Water and Sewer Funds, Mr. Pudney stated where the benchmark is, and he explained 89.5% on July report will be adjusted on next month's report to show June 30th end of year balance.

Mr. Pudney continued to present the Manager's Report and he said that for the Parks and Recreation budget, Council directed staff that the users should pay more for those programs. The public has participated more, and the users are willing to pay for those Recreation programs, so this has offset costs. He pointed to the financial report of \$20,000 in revenue for that line item.

Mr. Pudney reiterated the changes to our solid waste and sanitation operations as staff continues to monitor those procedures to move cars through the Center, the new hours are 7:00 a.m. - 3:30 p.m. and it is closed on Wednesdays. The goal is to keep costs down. We have been working with the public as there is confusion. We added additional printing flyers, notices on the website, letter notifications are in the utility bills, and we have posted signage along the roadways.

On Monday, July 19th the collection crews will service residential properties twice per week curbside pickup. Your days will either be on Monday & Thursday or Tuesday and Friday. Crews need residents to post their red flags up on bins as this notifies the route crew to pick up the garbage.

Project updates:

- Playground at the Bark Park dedication and ribbon cutting was held on July 1st
- Wynn memorial and Mooradian Park dedication was held on July 4th
- New Parking lot is under construction. Discussion with parking services underway.
- Old sledding hill decommissioned. Trees are being planted.
- New sledding hill safety improvements underway with increased width area. Mr. Pudney noted this will be ready for this winter.
- Informational radio station on the air at 1620 am
- Town of Beech Mountain message boards are located on NC Hwy 105 and Tynecastle Hwy
- Perry Park Pavilion completed
- Lake Coffey Reservoir – Legal is working on the agreement
- New Public Works Facility grand opening and ribbon cutting scheduled for Thursday July 22 at 5:00 pm.
- Beech Mountain Parkway roadway striping and painting is occurring for the next month
- Reflectors to be installed in the fall
- New 911 telephone system goes live in August
- Bark Park bathroom out for contract bids

As to garbage collection, Mr. Pudney said we will continue to work with the commercial business accounts and multi-family units throughout August in order to come into compliance, and with homeowners whose properties are rentals. The town has extended the curbside garbage pick-up opt-out waivers to September 1st. This is allowed for single-family residents who do not rent their property.

On Tuesday, August 17th, Council has scheduled the Town Hall meeting at 5:00 p.m. at Buckeye Recreation Center regarding the topic of Solid Waste/Sanitation. Staff has experienced people who are angry, and people dumped outside the facility or thrown garbage over the fence at the Center. The Police Department has investigated incidents and identified the offender, and we have returned the trash to the owners, or the Police have asked them to come back and clean up their trash or a citation will be provided to those who break the law.

An affordable housing task force is formed and the TDA director is setting up those meetings. Mr. Pudney stated the Planning Board report on short-term rentals is being vetted by the board members and will present a recommendation upon their findings.

Mr. Pudney announced there is an issue with the name of Water Tank Road. In December of 2012, the Council elected to change the name to Bark Park Way. At that time, the changing of the name ended there. Currently the road is properly addressed. In response to Councilmember Abernethy's question, Mr. Pudney said that no action was taken in 2012. The process for changing a roadway needs to go through the County's addressing system and through communications 911 data base, etc. The legal process would need to be executed and recorded in order to correct the issue if Council wishes to follow through. There was a general consensus from Council to change the name so stated Vice Mayor Accardi, Councilmember Gonyea, and Mayor Kaufman said to proceed with the formal process to change the name of the road to Bark Park Way.

- 11.2. Police Department Monthly Report
- 11.3. Fire Department Monthly Report
- 11.4. Finance Department May 2021 Report

**Motion**

Review

- 11.5. DOI REPORT
- 11.6. Planning and Inspection Monthly Report 2021-06
- 11.7. Recreation Report June 2021
- 11.8. TDA Report July 2021

**12. TOWN COUNCIL COMMENTS**

- 12.1.** Councilmember Abernethy thanked Dr. Murray Miller and those who spoke in support of the EMS Station. He noted the changes to the procedures for sanitation.

Vice Mayor Accardi thanked Councilmember Abernethy who championed the EMS Station. He stated that we are experiencing growing pains with the trash pick-up changes and not all are happy with the new protocols. He pointed out the building reports provided by staff. In 2020 there were 262 and already this year we have 364 permit requests. He said the building inspectors are performing a great job and he thanked Jeff Fish and John Merritt. Parks and Recreation are doing a great job and thanked the TDA Chairman, Sandy Carr and the TDA Director, Kate Gavenus for putting the money collected through the TDA to good use. In response to his inquiry, it was noted that Watertank Road speed limit is 25 mph.

Councilmember Gonyea thanked the citizens in favor of the EMS Station. She said there are now 584 full-time residents on Beech Mountain, and we cannot afford not to have a full-time EMS ambulance here. She congratulated the TDA on building the playground. We are experiencing growing pains and we need to keep the integrity of the town.

Councilmember Melang discussed the metal bins and rental property trash and reported bear hits. The Fourth of July weekend events were all a success and Councilmember Melang supports the EMS Station on Beech Mountain.

Mayor Kaufman stated the new town banners were designed by TDA Marketing Manger, Armando Garcia and the design looks great. There are more children at park than dogs now, and the playground was a great investment. We need a lower speed limit. He stated that the Convenience Center attendants will take garbage out of cars, so this moves the line quicker for residents. Take caps off of bottles when recycling.

## **13. CITIZENS' AGENDA COMMENTS**

- 13.1.** Mayor Kaufman held an open conversation and question and answer period with citizens. The topic of sanitation was discussed. The trash and garbage procedures were discussed.

In conclusion, Mayor Kaufman stated on August 17th at 5:00 p.m. at Buckeye Recreation Center a meeting will be held to further discuss Sanitation. Correction Note: This meeting is a Town Hall meeting, not a Public Hearing as was referenced.

## **14. ADJOURNMENT**

- 14.1.** There being no further business, Mayor Kaufman requested a motion to adjourn the meeting at 5:40 p.m.

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

**Motion**

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

---

Town Clerk

---

Mayor, Town of Beech Mountain