



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, June 8, 2021
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, June 8, 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 Clerk Tamara Mercer

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **PUBLIC COMMENT**

- 5.1. Mayor Kaufman requested those that signed up to speak for public comments, to present at the podium.

Ms. Lynn Bernstein of 304 Lake Ledge Road thanked the organized structure set up and the Town's programs, events, and government as she recently moved here.

6. **FEATURED LOCAL BUSINESS**

- 6.1. Beech Mountain Resort- Talia Freeman Operations Manager

Ms. Freeman reviewed the latest news and summer programs for the Beech Mountain Ski Resort. She noted that everyone is aware of the incredibly busy winter season, and she updated the public on the plans for the

summer operations. The thanked the town for cooperating with the Resort and specifically the Police Department for their support and officer assistance in mitigating the traffic and crowds.

This is their ninth summer of mountain biking and summer concert series which runs from May 29th's opening day until October 2nd. The public can receive mountain biking lessons and rent equipment. There are 14 trails, daily lift rides, 18-hole disc golf, yoga sessions at the top of the mountain and live music at the Sky Bar. As well the brewery and restaurant are open with bike camps scheduled and the August concert series. She invited the citizens to enjoy the 4th of July fireworks and BBQ party. There will continue to be upgrades to the infrastructure with the expansion of snow making machines and they are renovating the ice rink.

7. PH1- PUBLIC HEARING ANNUAL BUDGET FY: 21- 2022

7.1. Public Hearing FY: 2021-2022 Annual Budget

Mayor Kaufman requested a motion to open the Public Hearing for the Annual Budget for fiscal year 2021-2022 and Councilmember Melang motioned to open the Public Hearing and Councilmember Gonyea seconded the motion. The motion carried unanimously.

No one elected to speak, and Mayor Kaufman requested a motion to close the Public Hearing.

Motion

Kelly Melang made a motion to Close the Public Hearing for the Annual Budget for fiscal year 2021-2022 and Erin Gonyea seconded the motion. CARRIED. unanimously.

8. PH2- PUBLIC HEARING NCGS §160D ZONING LAND USE ORDINANCE REVISIONS

8.1. Public Hearing for NC GS §160D- Zoning Ordinance Revisions

Mayor Kaufman requested a motion to open the Public Hearing for the NC GS §160D- Zoning Ordinance Revisions and Vice Mayor Accardi motioned to open the Public Hearing and Councilmember Gonyea seconded the motion. The motion carried unanimously.

No one elected to speak, and Mayor Kaufman requested a motion to close the Public Hearing.

Motion

Jimmie Accardi made a motion to close the Public Hearing on the Zoning Ordinance Revisions of NC GS §160D and Erin Gonyea seconded the motion. CARRIED. unanimously.

9. PH3- PUBLIC HEARING REGARDING REPUBLIC SERVICES FRANCHISE AGREEMENT & ORDINANCE

9.1. Public Hearing for Republic Services Franchise Agreement & Ordinance

Mayor Kaufman requested a motion to open the Public Hearing for the Republic Services Franchise Agreement & Ordinance and Councilmember Melang motioned to open the Public Hearing and Councilmember Gonyea seconded the motion. The motion carried unanimously.

No one elected to speak, and Mayor Kaufman requested a motion to close the Public Hearing.

Motion

Kelly Melang made a motion to close the Public Hearing on the Republic Services Franchise Agreement & Ordinance and Erin Gonyea seconded the motion. CARRIED. unanimously.

10. CONSENT AGENDA

10.1. Adoption of Minutes- April 21, 2021, Council Budget Retreat

10.2. 144 Wild Daisy Ln. sale of real estate property

10.3. Vehicle & Equipment Financing Proposal

Motion

Jimmie Accardi made a motion to approve the agenda items on the Consent Agenda as follows:

- The minutes of April 21, 2021, FY:2021-2022 Budget Retreat
- Accept the high bid for the sale of real estate property 144 Wild Daisy Lane, lot 262 Hemlock Hills, PID#: 1950-66-044-1000
- Resolution No. 2021-05 approving financing terms for \$920,000 with Truist Bank

Erin Gonyea seconded the motion. CARRIED. unanimously.

11. OLD BUSINESS

11.1. Ordinance No. 2021-02 for Solid Waste Commercial Collection to Republic Services

Mayor Kaufman requested a motion to open deliberations regarding an ordinance and franchise agreement between the town and Republic Services for solid waste commercial collection. Councilmember Melang made a motion to deliberate, and the motion was seconded by Councilmember Abernethy. The motion carried unanimously.

Following a question by Vice Mayor Accardi, Mr. Pudney explained the process for implementation noting that by September 30th the full implementation process should be completed. There will be a Republic representative on-site to transition into program and work with the businesses. The commercial business collections is a three-year contract, for multi-family units of 10 or more and for the commercial businesses on Beech Mountain.

There was further discussion of bins at the condominiums, dumpster and bin compliance, weekday and weekend schedule, pickup times and adding days for pickup, customer complaints, bear hits and penalties, and missed garbage pickups. Mr. Pudney said he will hold meetings in July and August with the businesses in order to clear up any concerns and questions. After the question and answer period, Mayor Kaufman requested a motion to approve the agreement and ordinance.

Motion

Weidner Abernethy made a motion to approve Ordinance No. 2021-02 a Solid Waste Commercial Collection to Republic Services, INC. and Erin Gonyea seconded the motion. CARRIED. unanimously.

11.2. Republic Services, INC Municipal Management Franchise Agreement for Commercial Collection

Mayor Kaufman requested a motion to approve the franchise agreement.

Motion

Jimmie Accardi made a motion to approve the Republic Services, INC Municipal Management Franchise Agreement for commercial solid waste collection and Erin Gonyea seconded the motion. CARRIED. unanimously.

12. NEW BUSINESS

12.1. HB 829 Resolution of Opposition

Mayor Kaufman stated that this bill is in committee in Raleigh, which would remove the ability for towns to regulate short-term rentals. As such the Council is in opposition of this House Bill. He requested a motion to approve the resolution.

Motion

Jimmie Accardi made a motion to approve the Resolution of Opposition to the proposed House Bill 829 and Erin Gonyea seconded the motion. CARRIED. unanimously.

12.2. NC General Statute §160D Zoning Ordinance Revisions

Mayor Kaufman stated that the Planning Board recommended approval at their regular meeting on Tuesday, May 25, 2021. The Planning Board also found the amendments consistent with the Comprehensive Plan. Staff recommends approval in order to be compliant with NC General Statutes.

Mayor Kaufman requested a motion to approve the Ordinance revisions to comply with the Statute.

Motion

Kelly Melang made a motion to approve NC General Statute §160D Zoning Ordinance Revisions Erin Gonyea seconded the motion. CARRIED. unanimously.

12.3. Annual Balanced Budget and Budget Ordinance

Mayor Kaufman requested a motion to approve the Annual Budget for fiscal year 2021-2022.

Motion

Jimmie Accardi made a motion to approve and adoption of the Annual Budget for Fiscal Year: 2021-2022 Erin Gonyea seconded the motion. CARRIED. unanimously.

13. TOWN MANAGER AND STAFF REPORTS

13.1. Town Manager's Monthly Report

Mr. Pudney announced that as of June 2, 2021 the Mayor signed and enacted the removal of the State of Emergency along with Watauga County under Governor Cooper's orders and we are back to normal operations.

Mr. Pudney the Public Works staff are moving into the new Public Works complex, which will be operational as the Town accepted ownership on Friday, June 4, 2021. Signage and a message board will be in place and the project is on-time and under budget.

The Convenience Center operations were reviewed by Mr. Pudney the hours will be reduced effective July 1st. It will operate 6 days a week for 8-hours a day, closed on Wednesdays. The operation will move to the new facility after the 4th of July holiday, so effective July 5th. There will be signage and message boards to direct traffic. The reduction in hours will save \$88,000. It was decided to add another Sunday a month in addition to the last Sunday a month for accepting homeowner construction debris. Mr. Pudney reiterated the decisions made regarding working with Republic Services for the commercial business garbage collections, such as the 90-day implementation process and that staff will meet with the business owners on the procedures, customer concerns and working out the kinks of implementation.

Mr. Pudney reviewed the new ordinance compliance under the adopted amendment to Chapter 50- Solid Waste Ordinance. For short-term rentals as follows:

- bear resistant bins for STRs by 12/21/2021
- direct mail notifications of rental requirements
- safety affidavits
- solid waste scheduled two-times per week

The new radio station will be running by the end of the week and was 100% funded by the TDA. The informational station will have signage to dial into 1620 am radio. The station will broadcast town news and events and during emergencies, the Police Department Dispatch will report on weather, road closures, and 4-wheel drive requirements.

Mr. Pudney reported on:

- EMS station funding
- Buckeye Creek Road paving
- Lake Coffey/Lake Santis water project
- Locust Ridge well drilling
- Shane Park camping
- Emerald Outback Trails and economic impact study
- Parks and Recreation Fishing Derby held on June 5th
- New playground at the Bark Park almost completed
- Wynn Memorial Park Dedication on July 4, 2021 at 2:00p.m.
- Fire Department Open House on Saturday, June 19th at Station Fire Station #2 from 2pm-4pm

Mr. Pudney made suggestions for the EMS funding as this fiscal year budget does not include that project. A loan was secured at 1.2% interest rate which freed up \$920,000 and a separate charge on the tax bill could be earmarked towards the EMS unit. He just needs direction from Council. There was a general consensus from Council to place the topic and public hearing on next month's agenda. Mayor Kaufman said we will hold a public hearing, on the EMS Station topic at the July 13, 2021 meeting.

The TDA is working with App State and their students will be conducting Emerald Outback surveys as to the trail system and the economic impact to the town.

There are board vacancy positions to fill on the Board of Adjustment as Mr. Brian Barnes resigned, and the Clerk's office has received several submissions for the TDA vacancy. Mayor Kaufman said to post that and place this on the August agenda.

There was no change by Council to formally address the Eagles Nest de-annexation request which was sent to Representative Greene by the property owners. Last month the town did not take a position and Mayor Kaufman said Council had not changed that position.

There was a discussion regarding the Golf Cart Ordinance. Mr. Pudney noted that the issue of allowing a rear facing passenger in the seat, could go before the Planning Board. Mayor Kaufman stated that the compromise two years ago was that there be no back seat passengers, for safety reasons. The ordinance specifically restricts a rear facing passenger in the seat. No additional action was taken on the subject.

In response to Councilmember Abernethy's inquiry regarding the revenue line for Parks and Recreation, Mr. Pudney said the Recreation Department reported \$16,000 in revenue sales from activities, programs, and membership dues.

- 13.2. Fire Department Report
- 13.3. Monthly Financial Report
- 13.4. Parks and Recreation Report for May 2021
- 13.5. Police Department Monthly Report
- 13.6. TDA June Report
- 13.7. Planning and Inspections Report 2021-05
- 13.8. Public Works Infrastructure Utility report

14. TOWN COUNCIL COMMENTS

- 14.1. Councilmember Melang said she was impressed with the tour of the new Public Works facility. The History Museum opens June 15th, and she is excited about the opening of the new playground.

In response to Councilmember Abernethy's inquiry regarding the Emerald Outback and trail usage and changes, Mr. Pudney said that the Town's easement expires in November of this year with the landowners. It was basically a short-term lease with the Leidy family and the terms were amended over time arriving at less and less available public use as the family sells property. There will be less trails and we will cut back on trail maintenance expenses, so there will be no capital expenditures from now going forward. Mr. Pudney stated that the details can be addressed in closed session as to land negotiations affecting future trail plans.

In response to Councilmember Abernethy's question regarding the TDA grants process, Mr. Pudney explained that the TDA offered more grants and to a larger portion of the community. A 2nd round of grants was awarded for improvements such as roofing, signage, painting, general business visual improvements and reinvestment into the business corridor. Mr. Abernethy recognized that the Beech Mountain Parkway improvements are working as

the landscaping and grass seed looks nicer. It is a facelift, and this all adds up. He thanked the Public Works Department for a good job.

Mayor Kaufman referred to the TDA grant awards, and asked about the amounts to be made public. Vice Mayor Accardi noted that they would be in the minutes, to which Town Clerk, Ms. Mercer replied, that the information was posted on-line for the next day's TDA meeting on June 9th and could be found in agenda packet where all grants and the monies received were listed.

Vice Mayor Accardi thanked Mr. Riley Hatch for his continued work on the new Public Works facility. He suggested that Council hold a town hall meeting on the topic of sanitation, solid waste procedures and policies, to which Mr. Pudney said the Town Hall meeting will be scheduled. (Note: The Town Hall meeting was scheduled for August 17, 2021 at 5:00 p.m. at the Buckeye Creek Recreation Center.)

Councilmember Gonyea welcomed back our summer residents and she congratulated the winners of the Fishing Derby thanking the Parks and Recreation staff for a job well done. As well, she thanked Riley for the opening of the new Public Works Facility and Steve for his role drafting the budget. The new playground, funded by the TDA is an exciting focal point. She thanked the citizens for attending the Council meeting, as meetings returned to normal in-person attendance.

Councilmember Abernethy stated the project money spent is monies reinvesting in the Town's long-term growth and the community is being fiscally responsible. He requested that citizens email council if they have suggestions.

Mayor Kaufman opened a question-and-answer period between the attending citizens and council which focused mainly on sanitation, solid waste procedures and the ordinance allowing for a garbage waiver by signing an opt-out form. The opt-out form must be received by August 1st, 2021. There was a lengthy comment period and open-ended dialogue between the public and the council members.

15. CITIZENS' AGENDA COMMENTS

16. ADJOURNMENT

- 16.1.** There being no further business, Mayor Kaufman requested a motion to adjourn at 5:20 p.m.

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

Town Clerk

Mayor, Town of Beech Mountain