



# MINUTES

## Regular Town Council Meeting

4:00 PM - Tuesday, October 11, 2022  
Council Chambers

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The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, October 11, 2022, at 4:00 PM, in the Council Chambers, with the following members present:

**COUNCIL PRESENT:** Mayor Barry Kaufman  
Councilmember Weidner Abernethy  
Councilmember Kelly Melang  
Councilmember Erin Gonyea

**COUNCIL EXCUSED:** Vice Mayor James Accardi

**STAFF PRESENT:** Attorney Stacy Eggers, IV  
Town Manager Bob Pudney  
Director of Special Projects Riley Hatch  
Finance Admin Assistant Kelsey Wise

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **INVOCATION- CYCLONE BRETT**
4. **PLEDGE OF ALLEGIANCE**
5. **FEATURED PARKS AND RECREATION FALL ACTIVITY CALENDAR**
  - 5.1. Mr. Sean Royall reviewed the Parks and Recreation fall events and activities calendar. He noted that the department is under-staffed and thanked his team for all their hard work and overtime. The end of summer event Pack the Park was a success in September. Upcoming activities in October are the pumpkin carving, the Hayride, and the Haunted Trail Trick or Treat. The 'Chef Up' courses are in cooperation with the Avery County Cooperative Extension.
6. **PUBLIC COMMENT**
  - 6.1. Robert Hyatt of 3441 Beech Mountain Parkway, discussed the new tax rate, noting his taxes went up 27% from the last year. He inquired into the Annual Budget process and revisiting the tax rate. Mr. Hyatt is concerned about next year's budget and another tax increase.

Mr. Mitch Mulvey 3441 Beech Mountain Parkway agreed with Mr. Hyatt and said his tax bills went up and Beech Mountain is higher than his other residence and is concerned with the charges increased on the water and utility billing. (Please note: Mr. Mulvey next addressed the Public Hearing Text Ordinance Amendment) Mr. Mulvey said he was not against businesses but in favor of the entertainment ordinance. He does not want a Dollywood or Pidgeon Forge happening on Beech or more uncontrollable expansion. He said he understood that some establishments would be grandfathered in, but he asked the Council to keep what the town has, and not to increase uses so we become more prolific.

## **7. CONSENT AGENDA**

- 7.1. Adoption of Minutes September 13, 2022, Town Council regular and closed session meeting minutes
- 7.2. 2022 Tax Releases

### **Motion**

Kelly Melang made a motion to adopt the September 13, meeting minutes and release tax bill for the parcels as submitted to Council by the Tax Administrator and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **8. PUBLIC HEARING- OUTDOOR AMUSEMENTS**

- 8.1. Public Hearing Outdoor Amusements and Recreation

Mayor Kaufman requested a motion to open the Public Hearing on the proposed text amendment to the Code of Ordinances. Councilmember Abernethy moved to open the public hearing and Councilmember Gonyea seconded the motion. The motion CARRIED unanimously.

Ms. Lynn Bernstein of 304 Lake Ledge Road spoke in favor of the Ordinance. She agreed with Mr. Mulvey and added the great importance of establishing guidelines for outdoor amusements so that existing businesses know what the parameters are for expansion in the future and to maintain control of the Town.

(Please note: Mr. Mulvey addressed the Public Hearing Text Ordinance Amendment during the 'public comment' portion of the meeting) Mr. Mulvey said he was not against businesses but in favor of the entertainment ordinance. He does not want a Dollywood or Pidgeon Forge happening on Beech or more uncontrollable expansion. He said he understood that some establishments would be grandfathered in, but he asked Council to keep what the town has, and not to increase uses so we become more prolific.

All those given an opportunity to speak, Mayor Kaufman requested a motion to close the Public Hearing.

## **Motion**

Kelly Melang made a motion to close the Public Hearing on the proposed text amendment to the Zoning Code and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **9. OLD BUSINESS**

### **9.1. Zoning Text Amendment Outdoor Amusements and Recreation**

Mayor Kaufman requested a motion to discuss the Zoning Text Amendment Outdoor Amusements and Recreation and Councilmember Gonyea moved and Councilmember Melang seconded. Attorney Eggers noted a correction and to strike the language: under (C) Scope to strike words 'sold or acquired' as any pre-existing use would be vested to a potential buyer, as those uses run with the land. Therefore, if Council does take action upon adoption, then strike those terms 'sold or acquired' §154.117 (X) Part I (C) Scope.

Mr. Pudney reviewed the documents, noting that the Staff provided the proposed language to the Planning Board, and then those revised document changes were given to the Council, as provided and beginning on page 44, the draft ordinance. To now incorporate the Attorney's Office recommendation would be to strike the terms on pages: 48, 51, and 53 and Staff suggests those terms 'sold or acquired' be removed under Scope in agreement with the attorney.

Mayor Kaufman added that Vice Mayor Accardi is absent but had communicated that had he attended, he would have been opposed to the ordinance and wished to reflect his position stated Mayor Kaufman.

## **Motion**

Weidner Abernethy made a motion to adopt Ordinance No. 2022-06 to amend Title XV: Land usage, chapter 154: zoning, §154.006 definitions, § 154.091 permitted use table, and § 154.117 special use standards to provide for the definition of and special conditions for certain outdoor uses in the commercial and public/private service zoning districts, repealing conflicting ordinances and setting forth an effective date and Kelly Melang seconded the motion. CARRIED. unanimously.

## **10. NEW BUSINESS**

### **10.1. Watauga Economic Development Commission, Appointment**

Mayor Kaufman stated that he will serve on the Watauga Economic Development Commission.

## **Motion**

Kelly Melang made a motion to appoint Mayor Kaufman to the Watauga County Economic Development Commission and Erin Gonyea seconded the motion. CARRIED. unanimously.

**10.2. Grassy Gap WWTP Sewershed Study**

Mr. Pudney stated the Town received the \$400,000 grant from the State for the study of the Grassy Gap and as per the requirements of that grant, the Town shall receive RFQs (Requests for Qualifications) for an engineering firm to conduct the sewershed study. Staff will place the notice out the following day if Council moved to accept. To which Mayor Kaufman requested a motion to approve.

**Motion**

Weidner Abernethy made a motion to accept Requests for Qualifications for the Grassy Gap WWTP Sewershed Study and Erin Gonyea seconded the motion. CARRIED. unanimously.

**11. TOWN MANAGER AND STAFF REPORTS**

**11.1. DOI Monthly Report**

**11.2. Town Manager's Report**

Mr. Pudney noted the Clerk was out due to a death in the family and thank you to Kelsey Wise for live streaming the meeting. There are duplicate pages in agenda packet under reports for the Finance, Planning, and Public Works Departments, which was an oversight.

Mr. Pudney noted that the non-profit for Genesis has turned over the Genesis lease. The non-profit has sent a letter terminating the lease and turned over the keys to the property to the Town. The Town has reached out to formalize a lease termination agreement. The site will be cleaned and made safe as soon as possible.

The Pay Plan Study provided by the MAPS group (Management and Personnel Services) by the League of Municipalities, is well underway. The data is being collected, job descriptions are being reviewed and employees are being surveyed. The Manager's Office expects to have a report to the Council by the end of January prior to budget workshops.

The NCDOT and the State funding project of paving Beech Mountain Parkway is 99% complete. The ditch paving is being finalized. Mr. Pudney pointed out that the Town did not fund any of this work as has been erroneously reported.

The property tax bills have been mailed and Staff is answering calls and questions from the public regarding the property valuation. Property valuation is a County function and is not controlled by the town.

Mr. Pudney presented the Lake Coffey Reservoir project update. The Town Hall meeting was held on October 6th at Buckeye Lake Recreation Center which had sparse attendance. Mr. Cheatwood, Tryon Financial Consultant and Steve Smith are working to develop recommendations and budget costs for the Council to discuss. Mr. Pudney noted that the Town is not planning to issue any debt on this project until 2024 -2025. A meeting was held with the State regarding the project, we received positive feedback. The State appears to be in support of the project. The Town is working on the engineering specifics for a compliant design.

The EMS ambulance average response time is 8.16 minutes. There is a neighborhood meeting with the Skiloft area residents on October 18th. To discuss the upcoming utility improvement project. Letters were sent to all property owners.

The last Farmers Market was held on Friday, September 7th, and was well attended with almost 30 vendors. We plan to continue the market next summer. Special thanks to Fred Pfohl and Sandy Carr for putting these events together.

This week is National Fire Prevention week, "fire won't wait, plan your escape." With a large number of visitors to our town, it is very important to take a moment to familiarize yourself with the layout of the property and to prepare a plan for two ways out in case of a fire concluded Mr. Pudney, who also serves as the Town's Fire Chief.

### **11.3. Finance Office Monthly Reports**

#### **Motion**

Review

### **11.4. Fire Department Monthly Report**

### **11.5. Police Department Monthly Report**

### **11.6. Planning & Inspections Monthly Report 2022-09**

### **11.7. DOI Report September 2022**

### **11.8. TDA Report October 2022**

### **11.9. Recreation Report September 2022**

## **12. TOWN COUNCIL COMMENTS**

**12.1.** Councilmember Melang noted that the 'Locals night at Oz' was a success and raised over \$1,000 for the new ambulance fund. Ms. Melang stated that she trusts the Planning Board's recommendation for the Zoning Text Amendment and was in favor of the Ordinance in order for the Town to maintain control over such issues. The Farmer's Market is a great success.

Councilmember Abernethy said his taxes have doubled and he challenged Council to reverse course. The budget retreat schedule begins in January and

challenges the members of Council to lower the millage rate for next year's budget and to cut costs.

Councilmember Gonyea thanked the citizens for attending and being involved and providing input. She highlighted Cyclone Brett's invocation and prayers as well as providing the Town with history. Special congratulations to Vice Mayor Accardi, Mackenzie and baby boy Jimmy and welcomed their child. Councilmember Gonyea also pointed to and noted the Fire Department report wherein the training hours the Fire Department Volunteers accrued was 446.5 as well as the increase in Police Department responses. The department reports show the growth in Planning and Inspection, Parks and Recreation.

The newly approved ordinance allows the town to cautiously grow and Councilmember Gonyea agrees that we do not want to become Pidgeon Forge. Ms. Gonyea added there are newly installed lighting up Bark Park Way. The lights highlight the amenities, and we want to grow accordingly so that is why she was in favor of the ordinance.

Mayor Kaufman reminded everyone that the budget process begins in January and there are three to four meetings as well as postings on the website and to view the meetings in the archive. He asked citizens to give input, recommendations and comment on the budget, which will be considered for the next budget. Mayor Kaufman requested people to submit applications to serve on the Towns' Boards as there are vacancies on different boards. The Council will begin the process of appointments in December and to please volunteer to serve.

Mayor Kaufman requested a motion to retire to the closed session Pursuant to NC GS 143-318.11 (a)(3) Attorney Client Matters.

#### **Motion**

Weidner Abernethy made a motion to enter into Closed Session and Kelly Melang seconded the motion. CARRIED. unanimously.

### **13. CLOSED SESSION - PURSUANT TO NC GS 143-318.11 (A)(3) ATTORNEY CLIENT MATTERS**

13.1. Mayor Kaufman requested a motion to reenter the regular portion of the meeting and Councilmember Abernethy motion to open the meeting.

### **14. ADJOURNMENT**

14.1. There being no further business and no action taken in closed session, Mayor Kaufman requested a motion to adjourn.

#### **Motion**

Kelly Melang made a motion to adjourn the regular meeting at 5:30 p.m. and Weidner Abernethy seconded the motion. CARRIED. unanimously.

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Town Clerk

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Mayor, Town of Beech Mountain