



# MINUTES

## Regular Town Council Meeting

4:00 PM - Tuesday, October 12, 2021  
Council Chambers

---

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, October 12, 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 Erin Gonyea

**COUNCIL EXCUSED:** Kelly Melang

**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. INVOCATION- CYCLONE BRETT

### 4. PLEDGE OF ALLEGIANCE

### 5. PUBLIC COMMENT

5.1. Mr. Wilson King of 405 Beech Mountain Parkway advocated for Bark Park Way speed limit to become 15 mph and to use speed bumps. He reviewed a history of speeding on the roadways, recounting incidents two days after September's Council meeting with motorists driving at unsafe speeds on Beech Mountain Parkway at Town Hall and on the Emerald Outback. He suggested there be more enforcement of the traffic problems. Stop signs,

crosswalks and a roundabout were also suggested by Mr. King, along with a series of crosswalks and speed bumps since we have so much growth and more activities and services. Mr. King made a plea for Council to address the traffic problems and set strict speed limits on Beech Mountain.

Dr. Murray Miller who represents the Mountain Ambulance Services and Healthcare thanked Council and asked Council to approve the proposed ordinance for the Mobile Public Safety Facility. He noted the need for the emergency services not just for Beech Mountain and for the surrounding communities and he recounted that they contracted with an impartial apolitical analysis. The assessments evaluated the needs and impacts, and the emergency services should work in tangent with the surrounding area.

Ms. Darcy Gsteiger of 124 Raven Road complimented the landscaping décor and thanked Suzy Knepka. She also complimented the hikers who have picked up trash

Mr. Mike Chase of 103 Woodland Road stated that Woodland Road needed a 15 mph speed limit. He requested that Council place this on the agenda and he read a letter as to the need for the 15-mph speed limit, citing safety and dangerous roadway concerns.

Mr. Jeff Kessler 102 Woodland Road reiterated what Mr. Chase had said and requested the roadway speed limit be reduced to 15-mph. Mr. Kessler retired to Beech Mountain and the Airbnb tourists don't care advocated speed limit signs for 15-mph recounted speeders on his road, dangerous road conflict of hikers and vehicle

Ms. Sandy Carr of 505 Pineridge Road and the Chairman of the Tourism Development Authority noted that the TDA vacant position was on the agenda she wished to address the nomination. Ms. Carr explained the purview of board members who serve on the TDA. She said the TDA allocates occupancy tax received from tourism and converts a portion of those monies received into marketing dollars, but the TDA also funds projects on the mountain due to tourism impacts. She noted that there were several submitted applications and she advocated for the person who has experience with working in the banking industry, at Wells Fargo, and currently works in lodging on Beech Mountain at the Pinnacle Inn. Ms. Carr requested that Council review all submissions before deciding on the TDA appointment.

Ms. Carr added that the webcam is now live at Buckeye Lake. She has heard many positive comments so be sure and check out the live webcam.

## **6. FEATURED LOCAL BUSINESS- TOP STAINERS, MICHAEL MARTINEZ**

- 6.1.** Mr. Michael and Ellen Martinez were present, and they thanked the town for highlighting the local businesses. They are originally from Houston but as a husband-and-wife team, they have been working on the mountain since 2019. The local business performs pressure washing, wood staining, and wood

cleaning. Ms. Martinez said that 90% of their business is focused on exterior deck staining. She added decks and log cabins are now booked up six months to a year in advance. They work on the interior of dwellings in the winter. They are happy to contribute to this great community as a small business owner.

## **7. CONSENT AGENDA**

### **7.1. Adoption of Minutes**

Vice Mayor Accardi noted that an error was on page 5, and to add an 'n' for Appalachian State, to which the Clerk acknowledged the typo and correction to the minutes.

#### **Motion**

Jimmie Accardi made a motion to approve the consent agenda item which included the Town Council regular meeting minutes of September 14, 2021, and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **8. PUBLIC HEARING - ZONING ORDINANCE AMENDMENT CHAPTER 154: PERMITTED USE TABLE**

### **8.1. Public Hearing Chapter 154: Zoning Mobile Public Safety Facility**

Mayor Kaufman requested a motion to open the public hearing for Chapter 154: Zoning for permitting the use a Mobile Public Safety Facility and Vice Mayor Accardi made a motion to open the Public Hearing and Councilmember Abernethy seconded the motion. The motion carried unanimously.

Mayor Kaufman requested a motion to close the public hearing.

#### **Motion**

Jimmie Accardi made a motion close the public hearing on the proposed amendment to Permitted Use Table and Erin Gonyea seconded the motion. CARRIED. unanimously.

## **9. OLD BUSINESS**

### **9.1. Town Manager's Review of Bark Park Way**

Mr. Pudney stated that at the last Council meeting there was discussion on the speed limit on Bark Park Way and traffic calming measures. The discussion regarding reducing the speed limit to 15 mph and /or utilizing other measures resulted in the Town Manager being instructed to research removable speed bumps. He said they are available at \$2,500 to purchase and to install. It is a 6-inch rubber hump, not a bump but a hump and it will be nailed into the asphalt pavement. The yellow/black hump could be installed on

Bark Park Way as well as the pedestrian crosswalk crossings along with signage. He suggested staff move forward with those solutions.

Vice Mayor Accardi said the crosswalks and the signage should accomplish traffic reducing measures as it has been working with the pedestrian crosswalks. Councilmember Gonyea agreed that we should wait and see if the crosswalks address the problems.

Councilmember Abernethy inquired about the fluorescent lighted signage to which Mr. Pudney noted that the traffic signage such as is used at Lees McRae crosswalks are being used in the town. We are also using them as required by NCDOT for designated crosswalks. The town is using those along roadways as per the Uniform Traffic Code and they can be seen from both directions. Mr. Pudney reiterated that on Beech Mountain Parkway and on Bark Park Way, the town utilizes the NCDOT traffic signage which has been used during the busy ski season and will continue to monitor the crosswalks and high busy impact weekends. Enforcement of the speed limits and vehicle stops at the crosswalks will be enforced.

## **10. NEW BUSINESS**

### **10.1. Mobile Public Safety Facility Ordinance**

Mayor Kaufman requested a motion to accept the Planning Board's recommendation dated September 27 for approving a Mobile Public Safety Facility in the permitted use table in Chapter 154: Zoning.

#### **Motion**

Jimmie Accardi made a motion to approve a Mobile Public Safety Facility in the permitted use table in Chapter 154: Zoning and Weidner Abernethy seconded the motion. CARRIED. unanimously.

### **10.2. Tourism Development Authority vacant term**

Vice Mayor Accardi nominated Aaron Maas and Councilmember Abernethy seconded the motion. Mayor Kaufman called for a vote on the nomination.

#### **Motion**

Jimmie Accardi made a motion to appoint Mr. Aaron Maas to the vacant term on the Tourism Development Authority and Weidner Abernethy seconded the motion. CARRIED. 3-1 (opposed: Erin Gonyea).

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

### **11.1. Town Manager's Report, Mr. Pudney**

Covid-19 update, Mr. Pudney said the case numbers are slowing down in both Avery and Watauga counties. We continue to closely monitor the state

requirements for Covid-19. There was a fuel spill at the Public Works Department 30 years ago. This case has been resolved as per the State Agency. The case, as monitored by DENR has been closed by the State.

The Sledding Hill lease has been signed by all the parties including the Town for the next five years with an automatic 5-year extension. Mr. Pudney said 'Thank you' to Mr. Jim Brooks and Mr. Jimmie Accardi.

The new Ropes Course at Shane Park is under construction. This project has been fully funded by private citizen donations. The Town wishes to thank Dr. Shane, Chris Vasiloff and Mike and Mimi Brown.

Mr. Pudney noted that the topic of 'Speed bumps' was previously addressed in the report, but he reiterated the cost to install removable bumps are \$2,500 per set. We installed two pedestrian crosswalks, and erected signage. We will gather speed and traffic data and monitor enforcement.

As to Sanitation and dumpsters, Mr. Pudney said all accounts are compliant except for four. The Town is working with customer for compliance for the required enclosures.

The new parking lot on Bark Park Way is to be opened soon. We are waiting on signposts and final grading. Staff has been trained and the equipment is in place.

The new 911 telephone system has been successfully installed by the Police Department and is operating with no problems. Thanks to Chief Barnett for shepherding this project over several years.

The EMS Station, Mr. Pudney said we are working with both Watauga and Avery counties to enact an agreement. The Council approved the zoning request and with the zoning approval we will move forward with a mobile facility to be placed behind Fire Station #2. The target for this project is for the Station to be operating the first of the year.

Avery County Health Department will dispense Flu Shots at Town Hall on October 25th from 10:00 a.m. to 1:00 p.m. This is provided by the Avery Health Dept. No appointment is needed, please bring your insurance card. Notice is posted on the Town's website.

Senate Bill 241 was passed in the General Assembly and effective October 1st, UTV's are allowed on town roadways.

As a result of the Town Hall meeting held regarding "trash", we have established a "recycling" committee of interested residents and Public Works staff to work on improving the town's recycling program. The first meeting is tomorrow October 13th regarding the topic of: Organization, Signage, Education and Operations are the first order of business.

Mr. Pudney next broached the Town's Personnel Policy. He inquired if the Council is interested in a change to the unused holiday leave time. The issue would be moving the unused holiday leave time to sick leave. Due to short staffing, we have not been able to grant all employees time off. This affects shift workers such as the Police Department. Typically, holiday leave expires for shift workers on 10/31. Does Council wish to do this or should this be allowed for this year only due to Covid-19 restrictions. To which Mayor Kaufman asked Council if the Personnel Policy would change unused Holiday Leave to Sick Leave and Councilmembers Gonyea, Accardi and Abernethy stated the Personnel Policy should allow unused Holiday Leave to be moved to Sick Leave. Mr. Pudney thanked Council and reiterated that we were short staffed in the Police Department. Employees have been out sick due to Covid-19 and an amendment to the policy would allow them to move those unused holiday leave hours to sick leave. Sick Leave can be converted to retirement in the State Retirement system.

The Lake Coffey Reservoir Project is underway, and the Town has secured the engineer and the engineer is under contract constructing the design. Permitting is submitted and underway. The Town is working on a final agreement with the resort. The cost of the project is estimated, and the Town applied for a 9.8-million-dollar federal grant. A grant would have a 70/30 ratio, so the full amount is 14 million.

Mr. Pudney congratulated Kate Gavenus. Ms. Gavenus has graduated and received a diploma in marketing for travel and tourism from the Southern Tourism Society, which is a marketing college.

- 11.2. Fire Department Monthly Report
- 11.3. August 2021 Financial Reports
- 11.4. Police Department Monthly Report
- 11.5. September Recreation Report 2021
- 11.6. Planning and Inspections Report 2021-09
- 11.7. TDA Report October 2021
- 11.8. DOI Report September 2021

## **12. TOWN COUNCIL COMMENTS**

- 12.1. Councilmember Abernethy commented that STRs (short-term rentals) are a significant source of the town's revenue but can be reviewed as to what is working for the Town and what is working for the residents. He inquired about septic overflows at short-term rentals, to which Mr. Pudney replied that identifying short-term rentals is the problem and is difficult to tell which are STRs.

He explained the process for detecting a septic spill which does not matter if the dwelling were a seasonal, year-round residence or short-term, if there were a failure of the septic system. Once located, the Health Department is notified of the septic violation and the owner must make repairs to the drain field. Mr. Pudney reiterated that the Planning Board's STR report noted that

there is a problem identifying STRs. He explained how the Police Department identifies who is in charge on the premise. Information is shared with EMS and Fire Department, and the Police Department supplies contact information at the address.

Councilmember Abernethy asked if it were feasible to hire an outside firm to locate who rents their property or who resides at their property, to which Mr. Pudney stated that we did hire a firm three years ago called STRhelper. There was some limited success locating the rentals and it did increase occupancy taxes. Recently the TDA hired an internet scrubber Airdna. We received aggregate gross numbers, but that does not identify specific addresses or names. The data report the amounts or number of STRs in the area.

Vice Mayor Accardi congratulated Aaron Maas as the new board member on the TDA and he congratulated Ms. Gavenus on achieving her marketing diploma. He stated that he is familiar with all the candidates who submitted an application to serve on the TDA and he performed his due diligence in vetting those candidates.

Vice Mayor Accardi stated that since the discussion of speed limits has become an issue, a Town Hall meeting on topic could be scheduled for receiving input from citizens. He acknowledges the new faces at Public Works, welcoming them to the mountain.

Councilmember Gonyea agreed that there is a need to revisit the issue of speed limits since we had a busy summer, and we are primed for more traffic during ski season. She congratulated Sean Royal for the Parks and Recreation Department programs on the growth and the numbers of participants and for offering more programs. Growth has doubled with new buildings in the Planning and Inspections departments. Building growth is year-round and we may see construction and development in cold weather. The TDA and Sandy have been promoting Beech Mountain and we are not slowing down.

Ms. Gonyea said it has been a challenge at Public Works with STRs and passes with dropping off trash. Council should look at STRs and revisit the issue as well as schedule an open meeting on the topic of speed. She suggests crosswalks at pedestrian cluster areas and busy areas on Beech Mountain Parkway.

Mayor Kaufman said that the first section of Beech Mountain Parkway is the State road and we cannot erect intersections as it is the State's. The speed limit is 25 mph. The Town tried to put a crosswalk and the State would not allow the pedestrian crosswalk at the old sled hill as that is on a curve. This maybe more of a Police Department issue rather than a legislative issue on the Parkway.

Mayor Kaufman explained there are issues on Hwy 321 in Blowing Rock and their Police Department addresses issues such as noise, trucks, and speeding on Hwy 321. Hwy 321 is also a State highway and the Blowing Rock Police Department enforcing speed limits with tickets. Respect and safe

driving are an issue anywhere. Mayor Kaufman asked the Chief of Police and there have been no collision accidents, so zero collisions on Beech Mountain. Mr. Pudney confirmed that he is on all calls and there has been none in the 12 years he has been Fire Chief. Mayor Kaufman added we can teach people to be responsible for others, regardless of the speed limit being 25, 15, or 10 mph. All short-term rentals are to have bear proof metal bins.

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

**13.1.** Mayor Kaufman asked if any citizens wished to address the agenda and comment. Ms. Sandy Carr said she spoke to Councilmember Kelly Melang before the meeting who was hesitant on the appointed person to the TDA board, to which Mayor Kaufman stated Ms. Melang sent him a text in favor of the appointment to the TDA board.

Ms. Carr announced the upcoming Parks and Recreation Haunted Halloween party on October 29th at Buckeye Lake Recreation Center and said they are looking for volunteers.

### **14. ADJOURNMENT**

**14.1.** There being no further business, Mayor Kaufman requested a motion to adjourn at 5:10 p.m.

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

#### **Motion**

Weidner Abernethy made a motion to adjourn the regular meeting and Jimmie Accardi seconded the motion. CARRIED. unanimously.

---

Town Clerk

---

Mayor, Town of Beech Mountain