

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – September 11, 2018

CALL TO ORDER – Mayor Renee Castiglione called the regular meeting of the Beech Mountain Town Council to order at 3:00 p.m., Tuesday, September 11, 2018 in the Town Hall Council Chambers located at 403 Beech Mountain Parkway, Beech Mountain, North Carolina 28604. Other Council Members present were Barry Kaufman, Carl Marquardt, Weidner Abernethy, and Wendel Sauer. A quorum was present. Town Attorney Stacy C. Eggers, IV was present. Staff members present included Town Manager Tim Holloman, Finance Officer Steve Smith, Interim Town Clerk Katherine Johnson, Captain of Police Renee Carpenter, Director of Infrastructure Robert Heaton, Planning Director Preston Yates, Special Projects Director Riley Hatch, Fire Chief Robert Pudney, Utilities Superintendent Daniel Davis and Parks and Recreation Director Sean Royall.

- I. *Adoption of Amended Agenda*** – Mayor Castiglione mentioned that there was no closed session meeting. Councilman Sauer motioned to approve the amended agenda. Vice Mayor Kaufman seconded the motion, the vote carried unanimously.
- II. *Closed Session*** – At 3:00 p.m., Mayor Castiglione requested to recess until 4:00 p.m.
- III. *Invocation*** –Town Manager Tim Holloman presented the invocation. Town Manager Tim Holloman read a prayer from Pope Francis in remembrance of the events of September 11, 2001 and all the lives that were lost that day.
- IV. *Pledge of Allegiance*** – Mayor Castiglione led the Pledge of Allegiance to the flag.
- V. *Proclamation for Constitutional Week*** - Mayor Castiglione read the proclamation. September 17 through 23 is now Constitution Week.
- VI. *Consent Agenda*** – Mayor Castiglione opened the floor for Council to take action on the consent agenda. Councilman Sauer motioned to approve the consent agenda. Vice Mayor Kaufman seconded the motion. Councilman Abernethy commented that he did not approve the closed session minutes and did not want to discuss the reasons in open session. Attorney Eggers, IV explained that with Councilman Abernethy’s objection we can take the closed session off the consent agenda and have a closed session meeting to discuss the minutes and come to a consensus. Councilman Sauer motioned to approve the consent agenda without the closed session minutes. Vice Mayor Kaufman

seconded the motion, the vote passed unanimously. The consent agenda included:

- a.* August 14, 2018 – Regular Meeting
- b.* Tax Release

VII. Public Comment –

Wilson King, of 405 Beech Mountain Parkway, said when he first got to Boone in the mid-1960s there was only one radio station and it was pitiful. There was only one hour of good music a day. There was an obituary column of the air. There was a guy with a monotone voice who read the obituaries. One day he said, “I am sorry that we had no obituaries to report today”. I decided a couple years ago to mention people that we have lost recently. Cliff Surrency passed away earlier this year. Mr. Surrency and his wife Carolyn Surrency moved up here some time ago after he retired. He opened a business in Beech Mountain. His only fault was that he was a gator fan. His wife, Carolyn Surrency predeceased him. Mr. Surrency’s family still lives up here. Next, we lost Jewel Watson. To my knowledge Mrs. Watson never spent a night on Beech Mountain. But, she was married to our first chief of police. She worked for Carolina Business Machines. This was before Amazon, Walmart, etc. So, when people needed supplies, they would call Mrs. Watson and she would get the order together and would have Hobert Watson deliver it. Hobert Watson is doing okay. Lastly, we lost Dick Lane, he was very quiet. All he wanted to do is come here and relax. He was my neighbor and he was a good neighbor. He owned and operated a car wash in Florida. It’s hard to think that he was a high-speed driver instructor in Florida because of how quiet he was. So, to Cliff Surrency, Carolyn Surrency, Jewel Watson, and Dick Lane, peace be with you.

VIII. New Business

a. Discussion and action upon an Ordinance to Amend Section 50.99 Regarding Penalties for Violation of Solid Waste Management Regulations

Mayor Castiglione announced that the fines that are currently used are not solving the problems. We have a proposed change to the ordinance that would include the following penalties:

- A first offense within a twelve-month period shall be subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00);

- A second offense within a twelve-month period shall subject the offender to a civil penalty of \$350.00;
- A third offense within a twelve-month period shall subject the offender to a civil penalty in the amount of \$500.00;
- A fourth or subsequent offense within a twelve-month period shall subject the offender to a civil penalty in the amount of \$500.00. Additionally, the Town shall discontinue garbage collection services to this location unless and until the offender obtains and install a bear and wildlife resistant trash container equal to or greater than the standards set forth in both this ordinance and those utilized by the United States Forest Service, as promulgated through The United States Department of Agriculture.

Mayor Castiglione asked council if there were any comments. Councilman Sauer said he didn't think there was a need for further discussion, we have talked about this for quite a while. I think the penalties being increased will cause the actions that we want to take place. It may not completely eliminate the problem but it will help us move in the right direction. Town Manager Tim Holloman recommended that there be an amendment to the ordinance to take out the 'day of'. So, even if people put garbage out the day of they will receive fines. Councilman Abernethy asked if he was talking about people that put out garbage the day of and animals get into it. Town Manager Tim Holloman said they would still receive fines. The current ordinance is contrary to that. Councilman Abernethy said this is ambiguous. My vote is to remove the trash cans period. But, depending on where we go with this if someone has a town approved trash container and a bear hits it, the homeowner is doing what they were asked to do. I don't agree with this. I think it is unfair. Councilman Marquardt said he doesn't think its unfair. The story that Robert Heaton told us last meeting about the citizen that put out the garbage thirty minutes before the pickup and a bear got into it. Under this, we are going to penalize someone for something we asked them to do. But, we need to do something. Councilman Abernethy said the problem is the bears. Councilman Marquardt said we don't have a people problem. But, people need to adjust and work around the bears. Councilman Abernethy said what if a visitor puts garbage out Sunday when they leave. I think we should pick up trash more often on Sundays or Mondays, or, remove the trash cans. Councilman Marquardt said the problem with that line of thinking is that people don't always leave on Sundays. Unless you are saying we are going to pick up at every location every day of the week, that's not going to solve the problem. Councilman Abernethy said he has not talked to Robert (Heaton) about this at all. So, it was just a brief thought. Councilman Marquardt said there are people departing the mountain every single day. Councilman Abernethy said we should get rid of the trashcan pickup and reduce the garbage fee by at least ten dollars. I think if we take services away from our

citizens we should give something back. Half of them now already take it to the recycling center. Once others start doing it they will appreciate it. Mayor Castiglione said she was all for getting rid of garbage pickup in the beginning. I used Holiday Beech Villas as an example. Our dumpsters were community dumpsters and people were not closing the tops. The bears were actually getting inside the dumpsters. It was a danger. The board said we should just get rid of the dumpster. We just took them away. For the first year, people were not happy. I had one home owner that used to put the garbage where the dumpster used to be to protest. There was a lot of resistance. But, people got used to it for the most part. I spoke to many people who wanted curbside pickup or many that did not use it. I have switched my opinion, I do think it would be good to get rid of it. But, I don't think it is worth making 50 percent of the population angry. I think that penalties are a good idea. Eventually the renter is not going to keep paying \$500 to use the service. If homeowners still have wooden bins, the renters are going to put garbage into the bin and we are not going to pick it up. What can the ordinance language state, that we can insist that people who rent their homes need to get bear proof containers. That could be part of the ordinance too. If rental homes are required to get bear proof dumpsters, that would reduce the bears getting into the garbage. There is a bear and people problem. Bears are getting into cars. Lock your car so bears cannot get into them. Do not leave food in your car because bears will get into it. I do understand Councilman Abernethy's viewpoint of getting rid of curbside pickup because I believed that too. Councilman Abernethy asked how do you justify with Brian Barnes pictures he sent us of homes that were not rental properties with town approved bins and they were demolished. I don't agree that it is just the renters. Mayor Castiglione said we need to change the bins. The wooden bins are not doing anything for us. I would like to see bearproof bins for people who want their service. The more wooden bins that we can get rid of that people are not using the better. We should do the fines and do the rentals. In two years, we can make it that people who want the service need to get bearproof containers. Councilman Marquardt said I personally as a tax payer, I am strongly for getting rid of garbage pickup. I have not had garbage pickup since 1980. I have stated that I would vote against what I thought and vote with what the people want. After doing the survey, I see myself voting to eliminate it. If you make rental properties get bearproof containers all properties will have to get them. There is not an easy fix to this. Councilman Abernethy said we rented our home out for many years. In our contract we had that the renter needed to get rid of all the trash themselves. Mayor Castiglione asked if what Councilman Marquardt said was true that we can't impose that on just rentals without doing it to everyone. Attorney Eggers, IV said you can make a distinction as to uses of property. As far as legal requirements I am not aware of anything that prohibits you from differentiating from a rental property and a full-time

resident. Vice Mayor Kaufman said he is strongly against if someone puts out their garbage at 9:00 in the morning and giving them a ticket. If I put my garbage out at 9:00 in the morning and you guys don't show up until 2:00 in the afternoon. I'm doing what I should be doing. People should not get punished for doing what they should be doing. Councilman Sauer asked how we are going to prove that. If I put out garbage Saturday night and its spread across. I am going to say I put it out when I was supposed to. How will we prove that? Vice Mayor Kaufman said everyone drives around and they could tell from the garbage on the ground how long it has been there. Robert Heaton said in that situation we would know because we drive around. Vice Mayor Kaufman said I am against fining someone that put out their garbage at 9:00am the day of collection. Councilman Sauer motioned to approve the fine ordinance. Councilman Marquardt seconded the motion. The ordinance passed with a three to two vote with Mayor Castiglione, Vice Mayor Kaufman, and Councilman Sauer voting in the affirmative and Councilman Marquardt and Councilman Abernethy voting nay.

b. Discussion and possible action regarding the Curbside Solid Waste Survey

Town Manager Tim Holloman went through the survey questions and findings.

Question 1: Do you think that there is an issue with animals / wildlife getting into garbage in Beech Mountain regarding town curbside garbage collection?

- 80% said yes

Question 2: Would you be in favor of requiring that wood bins used currently by homeowners be replaced by bear proof bins

- 50.81% said yes
- 49.19% said no

Question 3: If you believe there is an issue with animals and solid waste in Beech Mountain, do you believe that this issue will be significantly addressed with the removal of the town curbside garbage collection service?

- 43% said yes
- 42% said no
- 12.93% said not sure

Question 4: Overall, how important do you think it is for Beech Mountain to provide curbside garbage collection services to residents?

- 44% said very important
- 21% said somewhat important
- 33% said not important

Question 5: Generally speaking, are you satisfied or dissatisfied with this service?

- 47% said very satisfied

Question 6: If town curbside garbage removal was no longer available to residents of Beech Mountain what do you think would be a good alternative option to replace it?

- 54% said there should be multiple convenience center locations for deposit of trash and recyclables

Question 7: From what sources would you prefer to get information about your garbage related services and options?

- 50% said brochures, mail
- 35% said garbage bill inserts
- 76% said email, internet

Question 8: Are you aware that work performed by contractors is not supposed to be picked up by the Town?

- 83% said yes
- 17% said no

Town Manager Tim Holloman explained that contractors are responsible for getting rid of materials. This question was used to reiterate this.

Question 9: What is your primary disposal method for your solid waste garbage?

- Almost 60% said local dumpster

Question 10: Do you think that Beech Mountain garbage collection fees should be based on how much trash a household or business produces, or should collection fees be the same for all residents?

- 39% said cost should vary based on the amount of garbage produced
- 45% said the same fees should be charged for everyone

Town Manager Tim Holloman explained in the future, we may weigh garbage. So, should there be a different price for those that have more garbage. For example, and single person versus a family of five.

Question 11: How frequently do you set out your garbage cart for garbage collection?

- 32% said weekly
- 50% said never

Town Manager Tim Holloman explained that with the 50% that said never it can be assumed they take their garbage somewhere else.

Question 12: Have you purchased a “bear” resistant receptacle to house your containers?

- 65% said no

Mayor Castiglione asked if 116 residents bought bear proof containers.

Councilman Marquardt explained that the 116 people may consider the wood bins as bear resistant containers.

Question 13: If the Town of Beech Mountain provides weekly collection services, do you think that your weekly garbage collection service is a good value for the money you pay?

- 39% said yes, a good value

Question 14: If you are dissatisfied, please check any of the following boxes below that apply

- 50% said they were satisfied

Town Manager Tim Holloman explained that some people were concerned about the cost.

Question 15: Would you say that the frequency of your garbage pickup meets your needs, is not picked up often enough, or is picked up too often?

- 65% said meets your needs

Town Manager Tim Holloman said this survey was on survey monkey. You cannot submit more than one time. We monitored the survey closely. Some responses were not allowed because you cannot submit more than one. This is not a scientific survey. If you ask me about spreads or bell curves that would be a \$30,000-\$40,000 survey. This is a good way to see how people feel. There is an 11% spread. Councilman Abernethy asked if we remove the trash receptacles can we reduce the monthly fees. Town Manager Tim Holloman said no. We must fill two spots. We have to add at least two more convenience centers. We need to add personnel to the convenient centers. Citizens are still getting services. We are just changing the type of service delivery they are getting. If we keep doing it like we do it now we need at least 2 more employees. One other thing, even if the council votes to eliminate curbside it won't take effect until next Labor Day probably because we have not bid out and constructed a site. Vice Mayor Kaufman asked where the site will be. Town Manager Tim Holloman said there are two spots that are being considered. Fire Station two is the number one option. But, a location at the Beech Mountain Club is also being considered. Vice Mayor Kaufman said if we take it away we are going to have to phase out the garbage pick-up. We can't just stop it. It has to be over a period of time. Town Manager Tim Holloman said from a staff perspective, it would be good to have a drop-dead date. If we phase it out, we will have to hire people temporarily because we need to run the convenience center and curbside pickup. Mayor Castiglione asked if we get rid of it what do we do with the wooden bins. The wooden bins are private property. Town Manager Tim Holloman said we could advertise it that we can pick it up. People could put stickers on the bins. If the bins have a sticker we can take them away. Mayor Castiglione said so if people are against this they can keep their bins. Town Manager Tim Holloman said we could pass an ordinance that they must get rid of the bins. Councilman Marquardt asked Robert Heaton to see if he figured out how to leave one dumpster open. Robert Heaton said he is still working on it. Town Manager Tim Holloman said we could try that for a year and if not a lot of people use it we will get rid of it. Robert Heaton said his worry is we are going to try to make it, so we can drop it and close it. But if its not closed bears will get into it. Vice Mayor Kaufman said we should put a big sign saying to close the bin. Councilman Marquardt said this is a ski season issue to me. I think 24 hours would be good. Councilman Abernethy said we have discussed this for six

months. I would like to make a motion to discontinue garbage pickup on October 1, 2019. Councilman Marquardt said we are just not prepared to make that change. Councilman Marquardt seconded the motion to discontinue garbage pickup. The ordinance failed with a two to three vote with Councilman Marquardt and Councilman Abernethy voting in the affirmative and Mayor Castiglione, Vice Mayor Kaufman, and Councilman Sauer voting nay. Mayor Castiglione made a motion to make rental properties get bear resistant dumpsters. Councilman Sauer seconded the motion. Councilman Sauer said Councilman Marquardt has mentioned that when he rents out properties, he takes care of the garbage. So, if they are doing that, there is no need for them to get a bear resistant container. Councilman Marquardt said we do it our way because we were tired of paying our staff to clean up the garbage. Councilman Marquardt said if people do not want to invest in a bear proof container then he will strongly recommend that they either get rid of the current bin or get a bear resistant container. Town Manager Tim Holloman said it could cost the property owner from \$400 - \$1200. Councilman Marquardt said with this, we are making a commitment that we will not get rid of curbside pickup. Councilman Marquardt asked if the motion was just to explore creating a new ordinance. Mayor Castiglione said yes that is correct. Mayor Castiglione said to reiterate we have a motion to create an ordinance to make rental homes have bear resistant containers. The motion passed with a four to one vote with Mayor Castiglione, Vice Mayor Kaufman, Councilman Marquardt and Councilman Sauer voting in the affirmative and Councilman Abernethy voting nay.

c. McGill Associates Additional Water Supply Wells Proposal for Professional Services

Daniel Davis said we are exploring finding more water supply. This is the first step to this. We need to start finding options for right now. This is the first step. These are sites that could provide water to the citizens. Councilman Abernethy asked if the end goal is to have the Watauga River Intake. Town Manager Tim Holloman said that will be 8-10 years away. These sites would give us water in the meantime. Robert Heaton said we had a study done, they located 15 sites. The Shane park well has been working well. We need something temporary before the Watauga River Intake. We need something in between. Robert Heaton explained the Shane park location everything was there including power. Councilman Abernethy asked about grants. Town Manager Town Holloman said our community is not eligible for many grants. Most resort towns cannot qualify for grants for water and sewer. Councilman Abernethy asked if there are any downfalls to doing this? Town Manager Tim Holloman said the only downfall is we could pay for two wells and it not be successful. Councilman Marquardt made a motion to contract with McGill Associates. Councilman Abernethy seconded the motion. The vote passed unanimously.

d. Discussion and action upon the Proposed Amendment to the Official Zoning Map

Planning Director Preston Yates asked to call for a public hearing on the rezoning and set a date for that. Councilman Marquardt made a motion for the public hearing. Vice Mayor Kaufman seconded the motion. The vote passed unanimously.

IX. Town Manager and Staff Reports

Town Manager Tim Holloman said the saving the rain pilot program began. There are now three rain barrels to catch the rain. We have done the final inspection on the water plant, and everything is good. These cameras and microphones will go live in December. We are going to do dry runs in October and November. Interim Town Clerk Katherine Johnson has been working with the agenda management software program. The sunshine list got the entire agenda packet this meeting. Not just the agenda cover sheet. Unfortunately, Interim Town Clerk Katherine Johnson is leaving on October 15th. She has been Interim Clerk since June. Tamara Mercer will be our new Clerk starting October 1st. There were no bids for the street scape.

X. Town Council Comments

Councilman Marquardt wanted to thank everyone for coming. Thank you, Wilson King, for remembering those that have passed away. Vice Mayor Kaufman said thank you to Susie Knepka for adding all the decorations. Councilman Abernethy said we still need to do a deer study. We need to know if they are healthy and if there are too many. Councilman Marquardt said we have been told there is a problem with the deer. Urban hunt is the only way to manage the herd. Spending more money to get an answer we already know is a waste of money. Mayor Castiglione said my big thing is are the deer just congregating in certain areas. I have heard of others that never see deer. Councilman Abernethy said he is not against an urban hunt. Town Manager Tim Holloman said the first step would be an RFQ. We can get the RFQ out. If we do want an urban hunt we need to put an application by April 1, 2019. There was a consensus regarding the RFQ. Councilman Abernethy said Robert Heaton is doing a great job keeping the Beech Mountain parkway cut. But, we do not do enough. I think we should get bids on it. Look at what Susie Knepka does and then 15 feet past what she does it looks bad. If we make small improvements to make Beech Mountain look better, it will look a whole lot better in the end. Town Manager Tim Holloman said that is what we will be talking about at the retreat in January. Councilman Sauer did not have any comments. Councilman Abernethy said today is a very challenging day being September 11th hats off to all our law enforcement, fire department, and EMTs. Mayor Castiglione said she wants to release closed session minutes. Attorney Eggers, IV said there is a procedure we use. The Mayor, Attorney, Clerk and Town Manager meet and

discuss what can be released. Attorney Eggers, IV said it depends on the topic if it can be released or not. Councilman Abernethy asked about the closed session attorney client matters. Town Manager Tim Holloman said this is not usually broken down. If we have a personnel matter you can't name the name. Councilman Abernethy said legally you don't have to tell the citizens what is discussed at closed session. Mayor Castiglione said we are going to try to not to have as many closed session meetings. All council members agreed to continue the process in reviewing closed session and decide what to release. Councilman Sauer stated that we need some way to notify the public when a closed session is available for public review after official release.

- XI.** Adjourn – Upon motion by Councilman Sauer, seconded by Vice Mayor Kaufman, the Council voted unanimously to adjourn at 5:45 p.m.

Minutes approved by Town Council on October 9, 2018.

Renee D. Castiglione, Mayor

ATTEST:

Katherine Johnson
Interim Town Clerk

**ATTACHMENT TO MINUTES
BEECH MOUNTAIN TOWN COUNCIL
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- I. Solid Waste Penalty Revision
- II. Tax Release
- III. McGill Associates Additional Water Supply Wells Proposal for Professional Services