

**SPECIAL MEETING MINUTES
BEECH MOUNTAIN TOWN COUNCIL
BUCKEYE RECREATION CENTER
September 26, 2012**

Council Members and Staff Present at Meeting:

Mayor Rick Owen, Vice-Mayor Paul Piquet, and Council Members Alan Holcombe, Cindy Keller and Rick Miller were present. Town Attorney Stacy C. Eggers, IV was present. Town Manager Randy Feierabend was not present due to a family matter and Town Clerk Jennifer Broderick was not present due to a prior engagement. Minutes of the meeting were taken by Attorney Eggers.

Call to Order -- Mayor Owen called the September 26, 2012 Special Meeting of the Beech Mountain Town Council to Order at 6:30 p.m. at the Buckeye Recreation Center, 1330 Pine Ridge Road, Beech Mountain, North Carolina.

Pledge of Allegiance -- Mayor Owen led the Council and those present in the Pledge of Allegiance.

A. New Business – Review of Activities that Occurred in Conjunction with the Recent Cultural Arts Concert and Festival Gnarria -- Mayor Owen stated that the purpose of this special meeting was for the Town Council to receive a review from staff as to the Gnarria festival and its impact on the town. Mayor Owen stated that they were not here to judge the Gnarria festival or whether Beech Mountain should have festivals in the future, and that this meeting was an opportunity for staff to provide the Town Council with feedback as to how the event was handled and what occurred during the event.

Mayor Owen informed the Council and those present that Special Agent in Charge of the Alcohol Law Enforcement (ALE) Division of the North Carolina Crime Control Commission would not be able to attend the meeting due to being called away by Governor Perdue to assist in the search for an escaped prisoner in another part of the state. Mayor Owen said that the town would probably have him present at a later meeting for further discussion.

i. Report of Chief Hefner -- Police Chief Jay Hefner addressed the Council as to the response of the police department in this matter. He advised that planning started for the event on April 17, 2012, when they had their first meeting with the promoter, Bowie Van Ling. This was 113 days out, and put the town on a tight timeframe to prepare for this event. At the meeting, Chief Hefner requested information on the security personnel who would be present at the venue, and whether those individuals would be armed or unarmed. He was advised by Mr. Van Ling that they would contract with Praetorian security and that they would be unarmed. Chief Hefner asked for copies of their certification and a meeting was scheduled with the promoter for the following month. At that time, the promoter did not appear for the meeting.

In May 2012, Chief Hefner received a telephone call from Alcohol Law Enforcement Supervisor Joe Buchanan requesting information on the festival. Officer Buchanan stated Alcohol Law Enforcement had been monitoring the festival on the internet and wanted to be involved, as they were concerned there would be serious drug offenses at the festival. Chief Hefner said that throughout the planning process it was a struggle to get information from the promoters of the festival.

The next meeting with the promoter was June 27, 2012, at which time the promoter told the town that his previous staff was no longer working with him and that they would not be using Praetorian Security. Mr. Van Ling claimed that they would have 25 security agents, but could not provide the name of the security firm he would be using. At the festival, Chief Hefner said he would be surprised if they had 17 security members present.

Despite the repeated requests for a meeting, the next meeting with the promoter was on the Wednesday before the concert started on Friday, and it was approximately three minutes long. It occurred at the Beech Mountain Resort property, and the town still received very little information from the promoter at that time.

Due to the lack of communication from the promoter, the town decided to set up an incident command post at town hall to deal with any problems which might arise during the festival. Alcohol Law Enforcement set up a separate command center at the public works building. Raleigh assigned the town a special events radio communications channel for the event, and Chief Hefner had asked the Sheriffs of Watauga and Avery Counties for two officers from each of their staff to assist town police. Burke County and Avery County also provided additional radios for the town's use.

On the first day of the event, Sheriff L.D. Hagaman of Watauga County and Sheriff Kevin Frye of Avery County visited the command center and determined that more officers were needed from their staffs to assist with the event. If they had not assisted the town with these additional officers, it would have exceeded the town's capacity to handle the number of calls received.

In preparing for this event, one of the concerns was calls flooding the E-911 center, which did not exceed the capacity of the system to address those needs. The Town did see 362 calls in the three day period, which was a 50% increase over normal call volume for this timeframe. A number of the calls were related to concerns over drugs or prowlers.

Chief Hefner stated that he knew drugs would be involved, but the volume of them caught everyone off guard. Officers arrested individuals for selling and delivery of LSD, Ketamin, PCP, Heroin, Psilocybin mushrooms, DMT, and Ecstasy. One person had nearly four pounds of mushrooms, 800 hits of LSD, and ecstasy, which were all trafficking level offenses. Calls started as early as the Wednesday before the event, with Seven Devils Public Safety making three felony drug arrests. Chief Hefner stated many of the drugs encountered he had heard about but never encountered on Beech Mountain. Chief Hefner stated the drugs these folks were taking made some of them want to take their clothes off. The town did not have the manpower to deal with marijuana charges, but focused instead on the other issues which arose. As a result of the event, both jails in Watauga County and Avery County almost reached maximum jail space. Chief Hefner stated 95% of the people were there to enjoy the music and the mountain, but about 5% of the people were there to cause issues. Chief Hefner stated that the Beech Mountain Police Department did not make any arrests during the festival, as the officers presence was needed to assist in medical transports and to handle safety issues on Beech Mountain.

ii. Report of Chief Bob Pudney -- Upon notification to the town that the Gnarnia event would be occurring and would have approximately 5,000 attendees, Manager Feierabend asked Chief Pudney to serve as incident commander for the event. Chief Pudney stated that since the notification was

given to the town on April 12 for the August 9-12 event, the town had a short window to plan for the event. The promoter failed to coordinate any of the planning phase of the work with the town and there were many opinions and rumors circulating, but very few facts. On April 17, Chief Pudney stated he gave a multi-page list of items needed from the promoter related to Fire and Emergency Management issues. Some of these items were required by law, such as fire and building code issues. Although they had little to no communication from the promoter, the town proceeded to work with local law enforcement and the Beech Mountain Resort to plan. Chief Pudney requested but did not receive information relating to emergency medical services plans inside the venue, sanitation plans, security personnel and planning, building code issues, fuel/LP gas and storage, and information to determine whether tents needed to be permitted. None of this information was forthcoming from the promoter, and inspections were conducted on the first day of the event regarding these issues.

The promoter had stated to Chief Pudney that they would contract with JamCare to provide medical treatment within the venue and have Emergency Medical Services on site for the concert. Chief Pudney stated that he had prepared for the Beech Mountain Fire Department to handle medical issues in the town, and that the medical concerns within the concert venue would be handled by their people. Under North Carolina law, Chief Pudney stated that he requested the names and certifications of the Emergency Medical Technicians who would be providing services on-site. As of the date of this report, he was still without this information. Chief Pudney stated that until August 3, less than a week before the event, the promoter had not advised the town who would provide their security and whether that security would be armed.

Chief Pudney stated that he was very concerned, as he had not been provided with a plan for Emergency Medical Services, and no evacuation plan existed for the 5,000 expected attendees. Chief Pudney asked for a meeting with Ryan Costin at Beech Mountain Resort and was pleased to know that the Resort was handling indoor venues. Mr. Costin and the Resort cooperated fully and all issues for the indoor venues were immediately resolved.

At the July meeting, 42 days away from the event, the promoter attended a meeting with the town with a whole new crew of employees. Their new point person "Jason," said all their old information was lost and they were basically starting over on their planning. Everything was promised by Friday, but none of the information requested was provided to the town. No information was provided regarding the names or certifications of the internal Emergency Medical Services personnel prior to the first day of the concert. On the first day of the event, Chief Pudney was introduced to the gentleman in charge of JamCare, and he was not aware of the expectations of what had been promised. His equipment consisted of saline water and bandages. He had no blood pressure cuff, no stretchers, no backboard, and no defibrillator. He informed Chief Pudney that anything which came to him beyond bruises and cuts he would be calling outside Emergency Medical Services.

The Fire Department responded to every event inside the festival. Every medical call in the venue needed two police officers to restrain almost every patient, as they were heavily impaired on medications which made them very belligerent. Emergency Medical Services had to clothe approximately 50% of patients transported, with a number of them being young females. They also found naked individuals in the woods, at the venue, and in an apartment one of them broke into. One critical patient was transported to Charlotte. Chief Pudney stated these individuals were not consuming beer or marijuana, but much more serious intoxicants.

Chief Pudney also stated that at the last minute two campsites were created, although they had been told there would be no camping in relation to the event. Although these were set up outside the town limits, they were still within the fire district. Most of the problems were in these campsites, and almost all the medical calls required fire department response and police response.

The incident command center was established at Town Hall and operated 24/7 for three days, with workers operating in A & B shifts. The promoter had advised that he would have radio communications for his security and medical with their own repeater for their signal. The day of the event they brought to town hall one radio with no charger. Once the event began, it was clear their system was inadequate. They had no radio discipline, were screaming, and using inappropriate language. Their radios lasted approximately 8 hours before their batteries died. The town reprogrammed five radios and provided them, with chargers, to the promoter to assist them in their communications.

By Saturday morning at 3:00 a.m. as the event was shutting down, all of the fire engines were in service handling overdose calls. By 3:30 a.m., all ambulances in Avery County were in service for the event. The ambulances were all running emergency traffic to and from the emergency rooms. Chief Pudney stated an ambulance was called out of Boone with a 40 minute response time. A fire engine was dispatched to the individual who was stabilized and they waited for a response. If an emergency occurred anywhere in Avery County around 4:00 a.m. that morning there were no available paramedics to respond to the call. Fortunately, no call came in to Avery County for assistance until 6:00 a.m., but Chief Pudney felt that the community was at risk during that time and lost sleep over that situation.

Chief Pudney stated that he appreciated the cooperation of everyone on the Mountain – the Resort, the Police Department, the Fire Department, both sheriffs, and all their staffs worked well together and that the response was an overall success. No one died during the event, and the one lady who was lost was located.

iii. Comments of Mayor Owen -- Mayor Owen stated that he attended the planning meeting with the promoter and heard the promises made by the promoter regarding what he would do. Manager Feierabend had told him that the planning process was difficult due to the inaction of the promoter but that Mayor Owen wanted to give him the benefit of the doubt. Mayor Owen stated that he, Manager Feierabend, Chief Pudney, and Chief Hefner offered to meet with the promoter daily each morning during the event. While the promoter promised to be there he never showed up. Mayor Owen observed that it did not appear that law enforcement over-reacted due to the numerous felony trafficking arrests made, and noted that Alcohol Law Enforcement officers can enter onto any premises which holds a liquor license.

Mayor Owen noted that some rentals and businesses did benefit from the event, but questioned whether the cost to the community's reputation was worth the gain. The town and other agencies incurred no less than \$25,000 in expenses due to the medical and law enforcement responses required, and money from sales tax did not directly benefit the town because it was apportioned through the Counties and not returned to Beech Mountain directly. Occupancy tax income was the highest in August since 2006 and was \$9,000 more than the previous year. That translates to an

additional \$154,000 in gross receipts. Mayor Owen stated that he was not opposed to or in favor of Gnarnia or other festivals, but that these considerations merited discussion and consideration.

On the Saturday when the festival was winding down, Mayor Owen went to the public works building to meet and speak with David Ashley of Alcohol Law Enforcement. Mr. Ashley told Mayor Owen that Alcohol Law Enforcement has a special unit which watches these festivals and this met the profile for an event which merited their attention. He advised Mayor Owen that Alcohol Law Enforcement would have been in Beech Mountain for the festival whether they were invited by the town or not. Mr. Ashley inquired why the event was allowed to proceed past midnight, because at that point Mr. Ashley stated it goes from a concert to a rave.

Mayor Owen stated that Watauga County would not be sending Beech Mountain a bill for its services, while others would love to send a bill for jailers, emergency medical technicians, emergency room staff, and other expenses. The promoter had donated \$5,000 to the fire department and paid a \$5,000 deposit to the town. They had also worked out an agreement between the town attorney and the promoter's attorney, but Mr. Van Ling never showed up for the meeting to finalize the agreement. The first communication from the promoter during the event was Saturday night as the event was winding down, and he wanted to talk about police presence. Mayor Owen then allowed members of the audience to make comments about their impression of the festival.

James True of 127 Beechwood Lane stated that the newspapers gave Beech Mountain a bad rap for the festival and he commended both chiefs for their work. He also stated that the community is bringing bad press on itself and it will hurt the town's image for an extended time.

Lee Wittman of 104 Rainbows End stated he lived next door to one of the noise problems and commended both the police department and the fire department for their good work.

Jerry Hobbs stated that next time the town should obtain a performance bond from the promoter of such an event.

Richard Larking stated he agreed with Mr. Hobbs and stated people need to be accountable for their actions. He also stated he understood the need to cut a little slack for a first time event.

Barry Shore of 205 Foxgrape Hollow inquired whether the Town had the authority to stop the event at any time for failure to comply with the town's requests. Mayor Owen stated that was an issue which was raised and it would depend on the interpretation of the charter. Mayor Owen also stated that he hoped the town and Resort would not have a dispute over the interpretation of the charter.

Ryan Costin, General Manager of the Beech Mountain Resort, stated that he did not want to do anything which would damage the reputation of the Resort or the Town and that they have learned from some of the mistakes which were made.

David Murray of 101 Hollow Tree Road stated the Town can do better than Gnarnia and the event could have affected potential residents and property purchasers.

Mayor Owen stated that he grew up in this community and went to school in Boone. He has seen the community's ups and downs in reputation. He also stated he is raising his son in this community and

wanted people to be comfortable being in Beech Mountain. He closed by stating the community needs stories of us at our best and not at our worst.

Upon motion of Councilman Holcombe, seconded by Vice Mayor Piquet, the meeting was adjourned at 7:52 p.m.

Respectfully submitted:

Stacy C. Eggers, IV
Town Attorney

Minutes approved by Town Council on October 9, 2012.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, Town Clerk