

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – June 12, 2018

CALL TO ORDER – Mayor Renee Castiglione called the regular meeting of the Beech Mountain Town Council to order at 4:00 p.m., Tuesday, June 12, 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, Police Chief Tim Barnett, and Director of Infrastructure Robert Heaton.

I. Adoption of Amended Agenda – Mayor Castiglione announced that the minutes from the last council meeting will be moved to next meeting. Councilman Sauer motioned to approve the amended agenda. Vice Mayor Kaufman seconded the motion, the vote carried unanimously.

II. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters - At 3:00 p.m., Councilman Sauer moved to enter closed session pursuant to N.C. Gen. Stat. §143-318.11 (a)(3) for the purpose of discussing attorney-client matters. The motion was seconded by Vice Mayor Kaufman and passed unanimously.

III. Invocation –Town Manager Tim Holloman presented the invocation.

IV. Pledge of Allegiance – Mayor Castiglione led the Pledge of Allegiance to the flag.

V. Other Business – There was no other business.

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. Councilman Abernethy seconded the motion, the vote passed unanimously. The consent agenda was approved and included Budget Amendment 9, Budget Amendment 10, Wallace Settlement, and a Tax Release.

VII. Public Comment –

Jasmin McKinney, from the DAs office, stated I am the assistant DA for the 24th district. I am mainly here to talk about the issue with utility vehicles on highways. The DAs office can't legally give advice. They can say that you can't charge people with criminal acts. They (UTVs) are registered in Tennessee. North Carolina has an

act that they can be on the roads. So, they can't charge people with anything criminally. Our motor vehicle laws encourage and support vehicles from other states. That is what we have done in North Carolina. There is not a lot we can do from the criminal side. The way it stands now there are no laws being violated because they are register in Tennessee. Attorney Eggers, IV said that there are local ordinances that can restrict UTVs in certain areas. Attorney Eggers, IV said he would prepare a report to go over this more with council. The council said they would like that. Attorney Eggers, IV said we would have to address this as a civil matter, not a criminal matter.

Mayor Castiglione explained public comments. She stated that the Council will not respond. Speakers get 5 minutes to address their concerns. She will indicate when five minutes is up. Council may address comments in council comments.

Josh Learner, of 111 Winter Green, Beech Mountain, stated that legally it's not a criminal act. But, you can regulate what trees can be cut down. We still have a right to regulate where they can go. He said it's not fair that they can just drive by my house. Tax payers are not the ones that are renting these (UTVs). People from Tennessee and Florida are the ones that are renting UTVs. He said UTV accidents are bad and not safe for kids. Those renting from this company have no experience with the roads in Beech Mountain and UTVs. He said he did not move here to move to a UTV park. It is disgusting that UTVs are by their water source. He said he is disappointed that council is not listening to them. He will not stay here if this continues.

Frank Steele, of 107 Christy Way, Beech Mountain, stated he has a couple issues. Today is the best day Beech Mountain will ever have in regards to UTV and ATV. He said it was going to get much worse. If we don't do the right thing it will get worse. He said we need to kill the problem. Write an ordinance that protects what we have on this mountain- beauty, charm, lifestyle, quality of life, etc. Things are going to get nasty over this. There won't be any good hiking trails, and there will be many accidents. There's a lot of people out there that are completely against UTVs. The attorney should write an ordinance. For the deer, keep the word compassion in your mind. Compassion for people and animals. He loves wild animals. There's many people that come up here to see the animals. Whatever you do, keep both sides in mind. If you do eliminate them, do it professionally, don't just let anyone go kill a deer. Whatever you do, do it responsibly. If they open up a deer season, people from Georgia and Alabama will come. Open it up to professional groups.

Monie McCoury, of 6091 HWY 421, Bristol TN stated our company runs the UTV tours. We run it responsibly and obey all the laws. We keep it in a control setting. We don't allow anyone to be reckless. This mountain does not survive without tourism. We blow snow to keep people coming. It's loud and annoying. This is a resort. Younger people are moving in and need things to do. We are legal, and

licensed in Tennessee. We are reciprocal states. You will not see us driving over the speed limit. If you see us being reckless, film it. You can't just say we are being reckless. He asked all council members to go on a tour. Someone told him that he is helping the trail. He was asked not to be on Smoketree. He has not been on that trail because he wants to work with you. He said to look at the website and see how many people go there. He said we need to work together and not fight. His door is always open. He wants to bring tourism here. We all depend on tourism.

Morgan Hail, of 129 Wintergreen Way, Beech Mountain works at Rascals. She stated these tours bring in people to the restaurant. She gets paid because of these tours. It brings people up here. Tours help all business. Three months out of the year we are struggling because no one is up here. I think it's a very good thing.

VIII. Public Hearing

a. Public Hearing on the Proposed 2018-2019 FY Budget – Councilman Sauer motioned to open the public hearing. Councilman Abernethy seconded the motion, the vote passed unanimously.

Manager Holloman said he would review some highlights of the budget message. He said tax rate stayed the same \$.732. This rate is based on a tax valuation of \$551,069,953 and a 98% tax collection. Each penny generates approximately \$55,107 in revenue. Avery County had a tax revaluation this year and the revenue neutral rate is .701/\$100 of property value. Capital projects for town hall include lighting, multimedia equipment for town council chambers, and a new phone system that will cut cost in half. Administration Special Projects include the design for the Lake Coffey building, and Design and Geotech Work for Bank Stabilization at Buckeye. For the police department, they will get new Tasers, new AED devices, and two portable radar signs. For the fire department, they received a new command vehicle. For, Public works they have 175,000 for resurfacing, blower for street cleaning, and a street sweeper attachment. Parks and recreation will get a new truck, new weight room equipment, and reliefs for overlooks. For sewer and maintenance, we are spending some money for SCADA replacement and an upgrades at lift stations. Capital outlay in the General Fund is a little over 800,000. The total capital outlay in the utility fund is approximately 355,000, and the total capital outlay for the E-911 fund is 200,000. Council will be assigning or earmarking fund balance reserves. The two pressing ones on that are 200,000 for the long term Watauga Intake Project and 500,000 for public safety for a new fire truck (Fire Pumper). There are four other projects mentioned in the budget message. This is available online or we have copies here. Just a recap on how we got here, the Council had two initial budget workshops and two follow up budget

workshops. There was a public hearing on May 8th. Tonight is the second meeting. The staff looks forward to continuing to provide the high level of service our Council and citizens expect making Beech Mountain a great place to live and visit. I want to personally thank Steve Smith, Rebecca Ward, and Robert Heaton for their extremely valuable assistance and leadership in helping with this years proposed budget and insurance exploration.

Mayor Castiglione asked if there were any public comments.

Urs stated he was expecting to hear about employee health insurance. He wants the council to acknowledge that they are lying. The public believes employees are paying 50% of their health insurance. They are not doing so. Manager Holloman stepped in and explained that the employee is paying 50% of the medical minimum premium that was set up to make it more affordable. Councilman Sauer motioned to close the public hearing, Vice Mayor Kaufman seconded the motion. The vote passed unanimously.

IX. New Business

a. Discussion on amending Ordinance Section 92.36 Wild Animal Control to include no feeding the deer.

Councilman Marquardt motioned to accept this ordinance, Vice Mayor Kaufman seconded the motion. Discussion. Wendel asked a question about bird feeders, and plants. Does this ordinance include that? It says feeding, so plants and bird feeders are feeding.

Mayor Castiglione asked if this is an enforceable ordinance. She said she puts corn out. She said she is feeding birds; squirrels and deer eat it.

Mayor Castiglione asked if this is an enforceable ordinance. She doesn't know the purpose of having an ordinance. Tourists take pictures of the deer. She loves seeing deer and wildlife. People get used to seeing what they see and don't look anymore. They can still sell corn. So tourists could buy corn and feed them not knowing. Police would have to give them a ticket. That's not what Beech Mountain is.

Marquardt said it is unhealthy to feed the deer. It is not good to feed them by hand, or by roads. This harms the deer. To help solve this problem is to not feed the deer. They do not need the empty calories. You are helping yourself, you can see them. Feeding them is harming them. The Wildlife man said it was a poorly written ordinance. Accidents happen because people feed them by public roads. We are domesticating the deer. Do not feed the deer it's not good for them. There are two sides. That's why I request that deer be put on the ordinance.

Vice Mayor Kaufman agrees that we should not be feeding the deer. They do not need us to feed them. There is a natural habitat for them to live in. They do not need food from us. Complaints that we have been getting are

there are too many. There is no justification for us to feed them. They are doing very well without us. You can see 100 deer on the golf course. They go there to eat the grass on the golf course. They probably won't be able to regulate the ordinance anyway. Vice Mayor Kaufman said the ordinance is not enforceable.

Abernethy said he sees both ways. We have a lot of folks that like the deer but we also need to keep the deer healthy. We need to do a study to see if the herd is healthy. Once we get conclusive information we can make further action.

Mayor Castiglione said people feed the deer to see them. Mayor Castiglione knows one person that feed the deer a lot. Why have an unenforceable ordinance to stop one or two people from feeding deer. We have a lot of ordinances and why put another one that's not enforceable.

The vote did not pass with a four to one vote with Councilman Marquardt voting in the affirmative and Mayor Castiglione, Vice Mayor Kaufman, Councilman Abernethy, and Councilman Sauer voting nay.

X. Old Business

a. Consider Approval of 2018-2019 Fiscal Year Budget Ordinance, Setting the Tax Rate, and Establishing the Schedule of Fees.

Councilman Sauer motioned to accept this budget ordinance, Vice Mayor Kaufman seconded the motion. No comments. The vote passed unanimously.

XI. Town Manager and Staff Reports

Manager Holloman stated that on June 25th there will be another town hall meeting at Buckeye Recreation Center. The first part of the meeting we will be discussing utility rates and capital improvement projects. The second part of the meeting we will hear more about UTVs at that time. On July 9th, we will change the hours of the convenience center from 6:00am-8:00pm. We will be closing the gates at that time. On July 18th, there will be a fundraiser for Shane Park at the wedding barn. We are hoping to raise 400,000 dollars.

XII. Town Council Comments

Marquardt stated I will publicly state that we did not get to where we are trying to get with our health plan. We are not at the level of staff participation of employee cost sharing. The ordinance is in the spirit. Animal lovers out there, it is not healthy for the deer. (UTV Reference)Mr. McCorry, that is a broad

argument in regards to tourism. Yes, you may be bringing in business to us. You may be doing everything within the law. That does not make it right for us.

Vice Mayor Kaufman stated for insurance we will look at it in a more in depth way than we approved it. I also feel we need to take baby steps and move into the right direction. We can't do this all at once. We are heading that way. We will get there.

Abernethy stated that the Sign ordinance needs to be tightened up. I think we need to address signs. He said I want to compliment public works on how good the parkway looks. Recycling center looks really good. Thank you for taking care of that. The Fire Department has an open house from 2-4 at station 2 on 6/23. Thank you for all the public comments.

Sauer stated this is the best turnout at a council meeting in a long time. Glad to see it.

Mayor Castiglione said thanks to all the speakers. We want participation. I'm on point with Carl on that (UTVs). Many customers have contacted me. But, I agree with Carl. When we have 100 UTVs driving around because they can that is a problem. We are looking up ways to limit this. This is for the council. We had a recommendation to change council meetings from 4:00pm to 6:00pm. How do you feel?

Abernethy said he is for it because he still works. Sauer said he likes this time. But he has seen meetings that have been at different times. Marquardt said we have the timing right. Vice Mayor Kaufman said we are going to televise meetings so you can see meetings from your home. There's no reason to change the time. Sauer said you can get one on one time with us whenever needed.

Mayor Castiglione said the answer is no to changing the time. Mayor Castiglione said there is a race Saturday and wants to see people there. All proceeds go to Shane Park. On June 16th, the resort is going to have their first concert, you can get tickets online. Two weeks ago, we attended the town and state dinner. We met with state representatives and spoke about getting money from the state to pave Buckeye road. She then talked about 401k, employees get a 6% matching on 401k. We will always look at insurance to do what's fair to tax payers and employees. We are not going to do it to the point where we are going to lose really good employees. She thanked the DA for her help.

Holloman addressed Abernethy's comment about signs. Abernethy said the signs need to look nicer. Marquardt said we have a strong sign ordinance. He said we are not enforcing the sign ordinance. It's the will to enforce. Sauer said its complaint driven. Manager Holloman said he talked with the planning director to do a sign survey. The last survey they did they did not have many

out of compliance. Vice Mayor Kaufman said some signs are only up there on weekends. Mayor Castiglione said we have to look at it to see if they are doing what they should be.

XIII. Adjourn – Upon motion by Councilman Sauer, seconded by Councilman Abernethy, the Council voted unanimously to adjourn at 5:01 p.m.

Minutes approved by Town Council on July 10, 2018.

Renee D. Castiglione, Mayor

ATTEST:

Katherine Johnson
Interim Town Clerk