

**Council Members**  
Renee Castiglione, Mayor  
Barry Kaufman, Vice Mayor  
Weidner Abernethy  
Carl Marquardt  
Wendel Sauer



**Town Manager**  
Tim H. Holloman

**Town Attorney**  
Stacy C. Eggers IV

**Ordinance No. 2018-03**

**TOWN OF BEECH MOUNTAIN**

**AN ORDINANCE AMENDMENT TO ALLOW MEMBERS OF CERTAIN  
SUBORDINATE BOARDS TO ATTEND MEETINGS BY TELEPHONIC OR  
VIDEO-TELEPHONIC CONFERENCE**

**WHEREAS**, the Town of Beech Mountain is a resort and retirement community which has a number of residents and property owners who travel and are active with pursuits both on and off the mountain; and

**WHEREAS**, the Town Council for the Town of Beech Mountain recognizes that a number of these individuals possess skills and talents which would be an asset to the Town; and

**WHEREAS**, to encourage the willingness of individuals to apply for service on certain subordinate Boards appointed by the Town Council, the Town is desirous of allowing the members of these Boards to participate by telephonic or video conferencing for a number of these meetings.

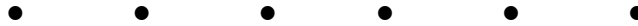
**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:**

SECTION I. Parks and Recreation Committee. Section 93.03 is hereby amended to include the following:

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§93.03 (C) Members of the Parks and Recreation Committee may attend up to one-half of the regular committee meetings per calendar year by telephonic or video-telephonic attendance. Town staff and the telephonically attending member shall work to insure that all parties are able to hear and communicate with each other as part of this process. The member attending telephonically shall give notice to the Parks and Recreation Committee Secretary Town Clerk not less than twenty-four hours prior to the meeting, ~~unless an emergency meeting is called where less than forty eight hours notice has been provided~~. For purposes of attaining a quorum, the

telephonically attending member shall not be considered to be present for the meeting. The telephonically attending member may participate fully in the conduct of the meeting, including voting upon all matters before the committee. Minutes of the meeting at which remote participation occurs should reflect which members are physically present and which are not.



SECTION II. Creation of Town Tree Board. Section 154.357 is hereby amended to include the following:

§154.357 (E) Members of the Town Tree Board may attend up to one-half of the regular committee meetings per calendar year by telephonic or video-telephonic attendance. Town staff and the telephonically attending member shall work to insure that all parties are able to hear and communicate with each other as part of this process. The member attending telephonically shall give notice to the Tree Board Secretary ~~Town Clerk~~ not less than twenty-four hours prior to the meeting; ~~unless an emergency meeting is called where less than forty-eight hours notice has been provided.~~ For purposes of attaining a quorum, the telephonically attending member shall not be considered to be present for the meeting. The telephonically attending member may participate fully in the conduct of the meeting, including voting upon all matters before the committee. Minutes of the meeting at which remote participation occurs should reflect which members are physically present and which are not.



SECTION III. Planning Board Composition and Vacancies. Section 151.02 is hereby amended to include the following:

(A) The Planning Board, hereinafter referred to as the "Board", shall consist of five members. All Board members ~~shall be citizens and residents of the town and~~ shall be appointed by the Town Council. The initial appointments to the Board shall be made as follows: two members shall be appointed for a term of three years, two members shall be appointed for a term of two years and one member shall be appointed for a term of one year.

(B) As the terms of these five members expire, new appointments for terms of three years shall be made. Vacancies, occurring for reasons other than expiration of appointed terms, shall be filled as they occur by the Town Council for the period of the unexpired term.

(C) Regular attendance at the meetings of the Board shall be a prerequisite for the maintenance of membership on the Board. The Town Council may remove a Board member for non-attendance or malfeasance.

~~§151.02~~ (D) Members of the Planning Board may attend up to one-half of the regular committee meetings per calendar year by telephonic or video-telephonic attendance. Town staff and the telephonically attending member shall work to insure that all parties are able to hear and communicate with each other as part of this process. The member attending telephonically shall give notice to the Planning Board Secretary~~Town Clerk~~ not less than twenty-four hours prior to the meeting; ~~unless an emergency meeting is called where less than forty-eight hours notice has been provided.~~ For purposes of attaining a quorum, the telephonically attending member shall not be considered to be present for the meeting. The telephonically attending member may participate fully in the conduct of the meeting, including voting upon all matters before the committee. Minutes of the meeting at which remote participation occurs should reflect which members are physically present and which are not.

SECTION IV. CODIFICATION. The provisions of Sections I through Sections III of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION V. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VI. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the 13<sup>th</sup> day of February, 2018.

This Ordinance adopted the 13<sup>th</sup> day of February, 2018.

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Renee D. Castiglione, Mayor

Attest:

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Jennifer L. Broderick, MMC  
Town Clerk