



AGENDA
Regular Council
Tuesday, May 7, 2019
Council Chambers 3:00 PM

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1. CALL TO ORDER	
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MINUTES

Special Town Council meeting Meeting

11:00 AM - Monday, February 25, 2019
Council Chambers

The Special Town Council meeting of the Town of Beech Mountain was called to order on Monday, February 25, 2019, at 11:00 AM, in the Council Chambers, with the following members present:

**COUNCIL
PRESENT:** Mayor Renee Castiglione
Vice-Mayor Barry Kaufman
Councilman Carl Marquardt
Councilman Weidner Abernethy
Councilman Wendel Sauer

**COUNCIL
EXCUSED:**

**STAFF
PRESENT:** Town Manager Tim Holloman
Attorney Stacy Eggers, IV
Town Clerk Tamara Mercer
Director of Special Projects Riley Hatch
Fire Chief Robert Pudney

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
 - 2.1. Agenda adoption

Motion

Wendel Sauer made a motion to adopt the agenda and Weidner Abernethy seconded the motion. CARRIED. unanimously.

3. **CONSENT AGENDA**

- 3.1. Board of Adjustment- 1st alternate vacant position appointment, please note: Town Council appointed this position in January however since that nomination, the candidate no longer resides in Beech Mountain therefore Town Council is seeking to appoint another candidate.

Motion

Barry Kaufman made a motion to nominate Jennifer Laverack to the first alternate member position on the Board of Adjustment and Wendel Sauer seconded the motion. CARRIED. unanimously.

4. NEW BUSINESS

- 4.1. Buckeye Lake Landing Zone approach - Mayor Castiglione stated that the purpose of this project is for emergency services so that a patient experiencing an incident may be transported via emergency services helicopter and travel much quicker to a hospital from the area.

Special Projects Director, Riley Hatch reviewed the scope and specs for the contract bidding for the Landing Zone Approach at Buckeye Recreation Center. Attached for consideration by Town Council were the plan layout and map survey and site improvement details as submitted by the consultant WithersRavenel Engineering. The bid was advertised and the Town received two contract bids, one from Act Contracting and from M & M Construction as submitted respectively.

Mr. Hatch said the project was originally for a 10-foot wide x 215-foot roadway but it made sense to expand that to a 20-foot wide x 215-foot length of roadway in order to accommodate parking on to the ballfield or other needs so the scope was expanded. He also asked for three electrical pipes to be installed under-ground. Mr. Hatch pointed out that the scope of work was expanded as per staff's direction and the engineered plan. Three electrical conduits are proposed for infrastructure needs such as street lights, etc. The road has a 2% grade to the tennis courts for a drainage ditch to flow towards a culvert as well as the rear side drainage culvert.

Mr. Hatch added that the bid was advertised last fall and we received no bids so this is the second time we have advertised and we received the two submitted bids. He explained the process for advertising the bid. He noted that the first contractor's bid from Act Contracting did not produce the proper paperwork necessary; therefore, Staff recommends accepting the bid from M & M Construction.

There was a lengthy question and answer period regarding the details of the Landing Zone and the approach. Mr. Hatch explained the layout of the road into the ball field, the right-of-way, and using the zone and approach at the ballfield to land a helicopter. Mayor Castiglione stated we are also planning for the future needs of parking and events there. She said there is never enough parking and vehicles are scattered up the offshoot roads. She stressed considering future growth and also the Shane Outpost Park improvements.

In response to Vice mayor Kaufman's inquiry regarding the drainage, Mr. Hatch further expounded on how there is standing water and how the project has been graded to direct the water flow towards the catch basins. Councilman Abernethy agreed and said the current drains don't work, it is a swamp. Vice mayor Kaufman noted that it's not firm ground.

Mr. Holloman reviewed the process for Town Council and noted that Council could elect to reject the bids and we could re-open the bidding process again. Councilman Abernethy expressed doubts as he has spoken to his engineer and in looking at the area, it is not that significant to stabilize and we should go back to the original project and price. He could support spending \$42,000 more but nothing more beyond that.

Councilman Marquardt believed that would be shortsighted as we need to increase the width to 20-feet and do it properly. He said forward thinking is better than saving money now rather than fixing it later. He asked if this meets all requirements for the access zone and Mayor Castiglione agreed this would meet the Town's needs for good access to the Landing Zone and achieve additional parking to the Recreation Center.

Removable bollards are included in the plan, pointed out Mr. Holloman. In response to Councilman Abernethy question regarding the emergency services input, Chief Pudney stated he requested this four years ago and he had requested it in his budget. There was further accounting of the history of emergency services and Public Works discussions regarding the plans and scope of the project. Mr. Holloman reviewed how much was spent on the engineered plans and the consultant fees.

Attorney Eggers reviewed the procedure and requirements for accepting further bids and for the bids received. He explained the General Statute requirements for accepting the lowest responsible bidder. Attorney Eggers pointed out that Mr. Hatch was right, the Act Contracting bid is not considered a responsive bid as per the State statute.

Councilman Marquardt did not believe in delaying the project further and while the grass turf is more expensive, it fits the long term goal for the Recreation Center, the Shane Outpost Park improvements and for the Fire Department needs and emergency services.

Motion

Carl Marquardt made a motion to reject the ACT Contracting bid, as it is not a responsive bid and to accept M & M Construction bid including the turf grass and the expanded 20-foot width as engineered in the submitted plans, as this meets the needs moving forward for planning and growth at the Landing Zone Approach. Wendel Sauer seconded the motion. CARRIED. 4-1 (opposed: Weidner Abernethy).

4.2. Golf Cart Committee appointments: review of applications received for the Golf Cart Committee-

Mayor Castiglione noted that the Town received 10 applications and one rescinded. She nominated Urs Gsteiger, Brian Barnes, Linda Strom, Carol Beckman, Harriet Chamberlain, Dr. Joseph Berg, and Shelley Hull to serve on the committee.

Motion

Carl Marquardt made a motion to approve the nominations to the Golf Cart Committee and Wendel Sauer seconded the motion. CARRIED. unanimously.

- 4.3. Mr. Holloman discussed the timeframe for the members to meet and it was suggested that they meet two times in March and two times in April, in order to give Council a recommendation from the Golf Cart Committee, which can be presented to Town Council in May. It was determined the committee can decide how often they meet, and to vet their objective, move forward with their recommendation.

5. ADJOURNMENT

- 5.1. No further business and the meeting adjourned at 11:33 a.m.

Motion

Wendel Sauer made a motion to adjourn and Weidner Abernethy seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain



MINUTES

Regular Council Meeting

4:00 PM - Tuesday, April 9, 2019
Council Chambers

The Regular Council of the Town of Beech Mountain was called to order on Tuesday, April 9, 2019, at 4:00 PM, in the Council Chambers, with the following members present:

COUNCIL PRESENT: Mayor Renee Castiglione
Vice-Mayor Barry Kaufman
Councilman Carl Marquardt
Councilman Weidner Abernethy
Councilman Wendel Sauer

COUNCIL EXCUSED:

STAFF PRESENT: Town Manager Tim Holloman
Attorney Stacy Eggers, IV
Town Clerk Tamara Mercer

1. CALL TO ORDER

2. ADOPTION OF AGENDA

- 2.1. Councilman Abernethy inquired into the agenda and Mayor Castiglione noted that the Council could discuss his question at 6. Consent Agenda to which he said he would address it at that discussion.

Motion

Wendel Sauer made a motion to adopt the agenda Barry Kaufman seconded the motion. CARRIED. unanimously.

3. INVOCATION

- 3.1. Town Manager, Tim Holloman gave the Invocation and asked for everyone to hold Planning Commission Chairman, Pete Chamberlain's family in prayers and thoughts as he dedicated the blessing to Mrs. Shirley Chamberlain, a great member and loving contributor of Beech Mountain's community, who made her transition.

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT

- 5.1. Ms. Terese Barry of 100 Squirrel Lane, stated that the History Museum opens for the season. The Museum promotes, supports and provides the history of Beech Mountain and is supported by volunteers. Ms. Barry requested public support and donations of the public's time and ideas and anyone who wishes to volunteer may contact the Museum. They have a new room addition, which was donated by Jim Brooks, so please sign up for volunteering and the staff will supply you with the new pamphlet hand-outs.

6. CONSENT AGENDA

- 6.1. Consent Agenda items were read by Mayor Castiglione.

Councilman Abernethy questioned the contents of the minutes and stated he did not remember Landing Zone Approach plan was changed to the increased width footage, the clerk corrected the March 12, 2019 regular meeting minutes to omit the sentence 'the road width increased from 10-feet to 24-feet' on page 7.

The Buckeye Creek Landing Zone Approach agenda item was questioned by Councilman Abernethy and he asked when the vote had taken place: *(Clerk's note: the Buckeye Creek Landing Zone Approach had been placed on the Monday, February 25, 2019 Special Town Council meeting agenda and Town Council voted to approve the scope of the Landing Zone Approach project to include the specs as submitted by Special Projects Director, Riley Hatch.)*

Councilman Abernethy inquired into the \$391,000 being spent for the Buckeye Lake Dam repair and why there is only one quote. Mr. Robert Heaton, Director of Infrastructure said there is only one quote because there is no other company who performs this work and that is our contractor Defiant Marine. The original divers who we have been working with is the only company to submit the quote. Mr. Heaton added that the only other alternative to fixing and repairing the dam would be to drain the lake and then we would need to add another 16 days onto the timeline in order to drain the lake for repairing of the dam.

Mr. Heaton asked other contractors, but no other company will perform this work. This work will allow us to keep the level up, and he further explained the preventative maintenance scheduled to be performed. The failure is that the shaft rotated out of the concrete block. The repairs must be conducted as per the Army Core of Engineers. We will now conduct checks on an annual basis.

Councilman Abernethy requested to see the inspection reports to which Mr. Heaton said we are required to keep records for three years. He was unsure how far the records go back since the Public Works Facility moved. Mr. Heaton said he does not think the records go back further. He said it has not been inspected since it was installed, we commenced the first inspection last year. Mr. Heaton said it has taken him nine years to find the divers at this company who would perform this work and the only other way to fix and repair

this problem is to drain the lake.

In response to Vice mayor Kaufman's question regarding the loss of water and the timeline for the dam repairs, Mr. Heaton said after we actuate the dam and replace the shaft, we will lose some level of water and we hope to have the work completed by May 10, 2019. The sections and repairs will be prefabbed so we don't know, this is an approximation. The plan is to have the dam actuate every day, we plan to open and close it every day and the inspections; as per the Army Corps of Engineers, will be yearly.

- 6.2. Adoption of Minutes- Closed session minutes February 11, 2019, Closed session minutes March 12, 2019 and Regular meeting minutes March 12, 2019
- 6.3. General Records Schedule for Local Government Agencies
- 6.4. USDA Budget Amendments #8 and #9 Water Utilities
- 6.5. Sanitation Department Budget Amendment #2019-10

In response to Councilman Marquardt's question, Mr. Holloman said that the Sanitation Department Budget amendment request was for over-time employee hours.

- 6.6. 2019-11 Budget Amendment for Dam Repairs

Motion

Carl Marquardt made a motion to accept the consent agenda and to open the consent agenda with the aforementioned correction to the March 12, 2019 regular meeting minutes and Barry Kaufman seconded the motion. CARRIED. unanimously.

7. NEW BUSINESS

- 7.1. Department of Infrastructure State of Utility Report 2019 Update-

Director of Infrastructure, Mr. Robert Heaton reviewed the report. He noted that Mr. Daniel Davis had prepared the PowerPoint but was unable to attend the meeting. Project updates and the accounting for unaccounted for water was explained by Mr. Heaton. He noted that in 2009, the system was found to have had major issues and an analysis was performed through a grant study which showed the needed repairs and water system upgrades necessary for better performance within the water and sewer system.

System project work included: leak detectors, altitude valve replacements installed, hydrant flushers, pre-meters, residential meter replacement, backwash stations rebuilt, fire hydrant upgrades and replacements, service pump WTP replacements and generator installations were completed from 2010 through 2013, as well as meter reads went from quarterly to monthly reads throughout the town. The Town Council looked at rates and fees, also unaccounted water loss was being calculated. Mr. Heaton said we were making water and probably lost 85% of the product. He explained that all the study and analysis, helped to find where the problems were in our systematic functions and to address those issues.

Mr. Heaton discussed the band-aids applied throughout the history of the system as well as hydrant flushers and water age, we modeled the system based on tank age. He said they made a hydrant flusher which helps the water age. He explained how the system is now controlled and the prior methods used to control system surge. He detailed the various projects installed and areas of upgrades through-out the years. He noted where the largest problems exist and the problems with the previous galvanized piping in the system.

He reviewed the new water plant and treatment systems and also the Thanksgiving Buckeye Lake water incident as well as summed up the on-going and future improvement projects. The reduction in water loss throughout the system was highlighted and Council thanked Mr. Heaton for the favorable report.

7.2. Health Insurance

Mr. Holloman reviewed the submitted health insurance quotes from various providers as noted in the cover letter submitted to Town Council. For review: the Town changed the method of providing health benefits last year to referenced base pricing and had significant problems with the promised available network. It was addressed, but there was a need to get employees involved in their choice of health care offerings.

A Town Health Insurance committee was formed with a representative from all departments in November of 2018. They have met several times and are recommending the North Carolina League of Municipalities 700 plan. HR and the Town Manager also looked at two other third party providers. One proposed Blue Cross Blue Shield High Deductible, but that plan appeared to have high risk. This company also propose a plan similar to the Medcost 700 and it was \$698,777 which is approximately \$207,000 more than the Med 700. The other third party provider had multiple plans and the one that had a Health Savings component was \$535,524 approximately. This plan was Blue Cross Blue Shield and could be promising in the future. Tucker just sent the current plan renewals and there are very few options that approach the cost of the League Plan and they all have potential significant risks and also an increase in costs.

Mr. Rob Sheppard, Assistant Director of Membership Services with NCLM, (North Carolina League of Municipalities), reviewed the proposed health insurance plan as recommended by Staff. Mr. Sheppard said the plan is covered by Medcost which is based in Winston Salem, and they have a national network of providers. The League also provides COBRA, Workers Comp, Property and Casualty, as well as enhanced Health benefits to cities, towns and villages throughout North Carolina.

He elaborated on the Medcost plan and said employees and dependents will have health management nurses, case managers for claims and for more serious issues, nursing teams. Since the Town of Bech

Mountain has more than 50 employees enrolled currently, we are considered a large group. The Town will receive quarterly claims reports and cost drivers' analysis as well as health and wellness programs. He pointed out that there are grants that are applied, monies for those that participate in the wellness programs. The management has put this in place to address and incentivize, clients to address better nutrition and wellness habits. He said there are dietitians and walking, exercise and biking programs and competitions. He said they purchased fit bits and held competitions between employees which helps the whole group stay healthy. Their staff works with our staff to hold educational meetings to address health and fitness lifestyle issues.

Mr. Sheppard reviewed the 700 Plan schedule of benefits and went over the deductibles, out-of-pocket costs, the features, the providers, the prescription drug card benefits and the wellness requirements. This was followed by a question and answer period. Mr. Sheppard discussed the billing, hospitalization, primary care and physicians, preventative care and those who do not participate in preventative care. Those that elect not to participate in prevention and wellness care will be assessed a 10% insurance premium on the next renewal period. He also added there is diabetic and nutritional counseling as well as alternative holistic approach to health such as massage therapy, acupuncture and chiropractic medicine and mental health and addiction counseling. Mental health and substance abuse programs do not have a co-pay.

In response to the Mayor's question regarding 3D and 4D mammograms, Mr. Sheppard said those are included as preventative services for patients. Mr. Sheppard stressed how the Teledoc service functions for those too sick to go to a doctor's office and that 24/7 nurses and doctors can work with patients and family members remotely. Mr. Holloman reviewed the timeline schedule for changing the insurance coverage which would be in place and ready for July 1, 2019.

Mayor Castiglione stated that this information would be discussed at the April 17 Budget meeting and Councilman Marquardt requested that Council be given the cost savings information as it benefits the employees to which Mr. Holloman pointed out page 98 in the packet, which provided the cost differences from the current plan with Tucker and the proposed health plan with the League.

- 7.3. Additional Plan provided by Parrot Insurance. Mr. Holloman pointed out that the Town received a quote for the insurance broker service at a cost of \$12,000. Parrot Insurance Broker can work for the League and would be an advocate for the Town and manages the plan and provides services such as ACA forms and reports to Human Resources. Councilman Marquardt said this is a duplication of services and asked if we would already be paying for this, to which Mr. Holloman added that the insurance broker simply found out that they can work for the League and the Town and so we included this service and quote for informational use.

8. OLD BUSINESS

8.1. Garbage Fine Report to Date

Mr. Heaton reviewed the garbage fines to date as it pertained to litter and the use of bear resistant containers to hinder bears getting into the public's garbage.

9. TOWN MANAGER AND STAFF REPORTS

- 9.1.** Mr. Holloman reviewed the upcoming calendar and noted that the Kiwanis Club would hold Bark Park Day on April 27th and the Spring Clean-up Day on April 28th. The Town will observe Good Friday on April 19th and Town Hall would be closed. All this information is posted on the website. He mention the installation of new steps at the Convenience Center and the Landing Zone Approach was being constructed. The Mud Run event will take place on May 18th.
- 9.2.** Tourism Development Authority Report
- 9.3.** Department of Infrastructure Reports
- 9.4.** Activity Yearly Summary Totals/Beech Mountain Police Dept.
- 9.5.** Planning and Inspections Monthly Report 2019-03

10. TOWN COUNCIL COMMENTS

- 10.1.** Councilman Sauer warned citizens of increased robo calls and to be careful of scams by phone and computer.

Councilman Abernethy discussed the budget and he took issue with the format. He said the monthly financial statement and P&L statement is irrelevant, he wants to see the expenditures and expenses. The presentation is unacceptable, and he wants more details rather than an overview. He wants to be provided with more information for each line item and each departments' detailed expenditures, a total since last July. Councilman Abernethy was concerned with using staff's time by Council or with Council making specific requests of the police department.

Vice mayor Kaufman countered this statement and disagreed with Councilman Abernethy's description of the police department event. He said the police officer simply followed up with the information that Vice mayor Kaufman had given him and Mr. Kaufman thanked the police force for taking initiative. Councilman Abernethy was also concerned with adhering to the open meetings law and said Council must meet in an open setting.

Councilman Marquardt said the budgets are projections and there are amendments to the line items when we find the need to purchase things such as the request for a new garbage truck. He urged the public to participate in letting the Golf Cart Committee know their opinions on golf cart usage on the mountain.

Mayor Castiglione discussed an upcoming bill in the State House. The proposed House bill would be detrimental to towns who have tree preservation

ordinances as this bill will take away Beech Mountain's ability to regulate and preserve trees. She urged citizens to write or call their congressmen to oppose this bill.

11. CITIZENS' AGENDA COMMENTS

11.1. Maryann Johansson of 424 St. Andrews discussed the garbage report and added that she took pictures of bins and those that had bear resistant locks. She suggested more people use that method.

12. ADJOURNMENT

12.1. There being no further business, the meeting adjourned at 5:45 p.m.

Motion

Wendel Sauer made a motion to adjourn and Weidner Abernethy seconded the motion. CARRIED. unanimously.

Town Clerk

Mayor, Town of Beech Mountain



COUNCIL ACTION ITEM

TO: Mayor & Council
FROM: Rebecca Ward
DATE: May 7, 2019
SUBJECT: Order to Advertise

FOR THE PURPOSE OF:

In accordance with North Carolina General Statute 105-369a, unpaid taxes for the current fiscal year that are liens on real property must be reported and accepted by the governing body. In addition to this acceptance the governing body must issue an order to advertise delinquent property taxes.

ATTACHED FOR YOUR CONSIDERATION:

Order to advertise 2018 Delinquent Property Taxes

SIGNATURES:

Town Manager

Town Clerk

Council Members

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

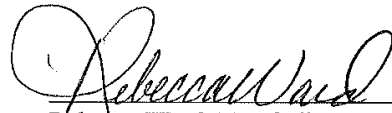


Town Manager
Tim H. Holloman

Town Attorney
Stacy C. Eggers IV

ORDER TO ADVERTISE
2018 DELINQUENT PROPERTY TAXES

In accordance with North Carolina General Statute 105-369(a), the following represents the total of unpaid 2018 property taxes that are liens on real property to date: \$98,075.84


Rebecca Ward, Tax Collector

You are hereby authorized, empowered, and commanded to advertise tax liens on real property for failure to pay 2018 taxes. You shall advertise said liens by posting a notice of the liens at the entrance of Town Hall and by publishing each lien at least one time in the Watauga Democrat. Advertisements of the tax liens shall be made no later than May 31, 2019.

This order shall be a full and sufficient authority to direct, require, and enable you to advertise said tax liens in accordance with North Carolina General Statute 106-369.

Witness my hand and official seal this 7th day of May , 2019

Attest:

Renee Castiglione
Mayor

Tamara Mercer, Town Clerk

403 Beech Mountain Parkway Beech Mountain North Carolina 28604-8012
Telephone (828) 387-4236 Fax (828) 387-4862
www.townofbeechmountain.com



COUNCIL ACTION ITEM

TO: Mayor and Town Council
FROM: Tim Holloman
DATE: May 7, 2019
SUBJECT: Golf Cart Ordinance proposed amendment

FOR THE PURPOSE OF:

On August 11, 2003, the Town of Beech Mountain Town Council passed an Ordinance codified as Chapter 72.01 and 72.02 establishing Rules and Regulations concerning the operation of golf carts and utility vehicles. On August 7, 2009, the General Assembly of North Carolina enacted Session Law 2009-459 allowing units of government to regulate golf carts. On June 20, 2013, the General Assembly of North Carolina enacted Session Law 2013-172 Sec. 1 allowing the Town of Beech Mountain to regulate the operation of utility vehicles on any public street within the Town. On July 10, 2018, the Town of Beech Mountain amended Chapter 72.01 to include added rules and regulations and a list of town-maintained roads wherein golf carts were permitted to operate.

On February 11, 2019 the Town of Beech Mountain Town Council appointed a Golf Cart Committee consisting of citizen's to engage in vetting the issue of golf cart usage on the mountain. The Golf Cart Committee met and conducted meetings on March 13, 2019, March 27, 2019, & April 10, 2019.

On April 17, 2019 an amended Golf Cart Ordinance in accordance with the Golf Cart Committee was presented to the Town Council by the Golf Cart Committee Chairman including two other members of the committee to discuss the issue. The proposal was recommended: 5 to 2 by the committee.

Contained herein and submitted by the Attorney's Office as a proposed draft incorporating the suggestions and comments from the Town Council Budget Meeting held on April 17, 2019 and is a recommended amendment to Chapter 72.01.

ATTACHED FOR YOUR CONSIDERATION:

- Proposed amendment to the Golf Cart and Utility Ordinance
- Council Alternate proposed amendment to the Golf Cart and Utility Ordinance

- Golf Cart Committee full meeting packet from April 10, 2019 meeting

SIGNATURES:

Town Manager

Town Clerk

Ordinance No. 2019-__

TOWN OF BEECH MOUNTAIN

AN ORDINANCE TO AMEND CHAPTER 72 ‘GOLF CARTS AND UTILITY VEHICLES

WHEREAS, the Town of Beech Mountain is a resort and family oriented which has a number of residents, property owners, and renters; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality life for its citizens, visitors, and guests; and

WHEREAS, N.C. Gen. Stat. §160A-296(a) provides “A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation,” and

WHEREAS, on June 2, 2003, the North Carolina General Assembly enacted Session Law 2003-124, which stated in part: “Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles; and

WHEREAS, this Session Law was amended and reaffirmed to include other municipalities, including the enactments of Session Law 2004-58, Session Law 2007-204, Session Law 2007-259, Session Law 2009-459, Session Law 2011-171, and Session Law 2013-172; and

WHEREAS, on August 11, 2003, the Town of Beech Mountain Town Council passed an Ordinance codified as §72.01 and §72.02 of the Town of Beech Mountain Code of Ordinances established public policy for the Town of Beech Mountain, as well as Rules and Regulations for the operation of golf carts and utility vehicles; and

WHEREAS, in 2018 the Town of Beech Mountain updated Chapter 72 to address safety and noise concerns related to the operation of these vehicles upon the municipal roadways of the Town of Beech Mountain; and

WHEREAS, North Carolina General Statute 160A-300.6 allows cities and towns to regulate the operation of golf carts upon public streets within the municipality; and

WHEREAS, the Town of Beech Mountain has established a Golf Cart Committee to further explore and investigate balancing the public safety concerns previously expressed by the Town

Council with the utility and convenience for its citizens; and

WHEREAS, the Town of Beech Mountain finds that the use of utility vehicles on town-maintained streets and trails constitutes a public safety concern and the benefit of allowing their use for this purpose is outweighed by the safety concerns; and

WHEREAS, the mountainous and winding nature of the road system on the Town of Beech Mountain is incompatible with general utility vehicle use on the road system; and

WHEREAS, utility vehicle travel, except as limited to certain streets, is not compatible with the master development plan for the Town of Beech Mountain, including the need to protect the beauty, charm, and lifestyle of Beech Mountain as a retirement community; and

WHEREAS, the State of North Carolina defines a Utility Vehicle in 20-4.01(48c) as: "Utility Vehicle. – A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower;" and

WHEREAS, the State of North Carolina defines a Golf Cart in 20-4.01(12a) as: "A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour;" and

WHEREAS, the Town of Beech Mountain must appropriately tailor the regulations for golf carts and utility vehicles consistent with the terms of Session Law 2003-124, the findings set forth herein, the nature and condition of the town owned roads, and the safety risks related to the interaction of motor vehicles, pedestrian, utility vehicles and golf carts; and

WHEREAS, the Town of Beech Mountain is mindful of the rights of private property owners to utilize their own property as they deem appropriate, consistent with the rights and interests of the community, and the following ordinance amendments would not affect the use of golf carts or utility vehicles on private property; and

WHEREAS, the Town Council for the Town of Beech Mountain has considered public input on this issue at a duly noticed and advertised public hearing on this issue, and in weighing the respective interests of all interested parties on this issue hereby enacts the following ordinance amendment for the health, safety, and general welfare of the Town of Beech Mountain.

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

SECTION I. CHAPTER 72 of the Town of Beech Mountain Code of Ordinances is hereby restated and amended as follows:

§72.01 POLICY STATEMENT.

(A) This chapter is adopted to promote the health, safety, and welfare of the general public.

(B)(1) Golf Carts and Utility Vehicles are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public roads.

(2) The town, by regulating the operation, is merely trying to address obvious safety issues, and the adoption of this chapter is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this chapter.

(C) All persons who operate or ride upon carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.

(D) The town has no liability under any theory of liability, for permitting Golf Carts or Utility Vehicles to be operated on the public streets and roads under the special legislation granted by the state's legislature.

(E) Any person who operates a Golf Cart or Utility Vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the public streets and roads.

(F) The Town Council must exercise its judgment concerning what roads to allow carts to be driven upon. In exercising its judgment, the Town Council has considered the following factors:

(1) The town is a resort community, and the Beech Mountain Golf Course is an important recreational facility in the community;

(2) Golf Carts and Utility Vehicles being driven upon roads that are main traffic arteries create a greater public safety concern;

(3) The greater the distance a Golf Cart or Utility Vehicle must be driven to reach its destination, the greater the public safety concern; and

(4) Adopting rules and regulations concerning the operation of Golf Carts and Utility Vehicles upon public roads within the town promotes public safety.

§72.02 DEFINITIONS.

As used in this Chapter, the following Definitions shall apply:

Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle. A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

Other terms used within this Chapter shall have the same meaning as that assigned to them in North Carolina General Statute 20-4.01.

§72.03 REGULATION OF GOLF CARTS.

Golf Carts shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Golf Carts may be operated upon all town-maintained roads, consistent with all other rules and regulations adopted by the Town of Beech Mountain. Highway 184 is not a town-maintained road.

(B) Golf Carts must be equipped with rear vision mirrors.

(C) Drivers of Golf Carts must have a valid drivers' license.

(D) Drivers of Golf Carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.

(E) Proof of liability insurance, specifically providing for coverage of a Golf Cart operated off the premises of an individual property, must be provided prior to registration of a Golf Cart as set forth herein.

(F) Brake lights must operate independently from the tail lights while operating a Golf Cart on a Town street or roadway.

(G) Golf Carts shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.

(H) Golf Carts shall be equipped with reflectors permanently affixed to each side of the Golf Cart, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.

(I) A Golf Cart shall operate by electrical/battery power only, and not through use of an internal combustion engine.

(J) All Golf Carts must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.

(K) No Golf Cart may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a current and valid decal issued by the Police Department.

(L) The maximum occupancy of a Golf Cart traveling on town roads shall be one person per seat.

(M) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while a Golf Cart is in motion.

(N) No Golf Cart shall exceed a maximum speed of twenty miles per hour (20) while being operated on any town-maintained road. In the event a lower speed limit is posted by the Town of Beech Mountain, that lower speed limit shall prevail.

(O) Head lights and tail lights shall be turned on at all times while operating a Golf Cart on a Town street or roadway.

(P) Golf Carts may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.

(Q) Golf Carts may only be operated upon town roads or streets from March 1 through November 30.

(R) No individual shall operate a Golf Cart upon a public street or right of way with an occupant in a rear-facing seat unless such seat is equipped with a seatbelt being used to properly secure said occupant.

(S) No individual under the age of eighteen (18) shall operate a Golf Cart upon a public street or right of way.

(T) Use of Golf Carts by governmental or emergency management agencies are exempt from these regulations.

§72.04 REGULATION OF UTILITY VEHICLES.

Utility Vehicles shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Utility Vehicles can be driven only upon the following town-maintained roads:

Arrowood Road
Aster Trail
Azalea Lane
Bent Creek Road
Bluebird Lane
Bobcat Lane
Briarcliff Road
Brookside Lane
Castlehill Lane
Cherry Gap Road
Cherrybrook Lane
Chestnut Way
Clubhouse Road
Columbine Lane
Courtside Lane
Creekridge Road
Cricket Way
Divot Drive
Dogwood Lane
East Shamrock Lane
Fairway Drive
Fern Lane
Foxgrape Hollow Road
Golf Lane
Golf View Drive
Grassy Gap Loop
Greenbriar Road from golf-course side terminus to intersection of Heather Lane Hawthorn Road
Hemlock Spur
Hilltop Road
Hummingbird Lane
Honeysuckle Lane
Jackpine Road
Lady Bug Lane
Ladyslipper Lane
Lake Road
Lakeledge Circle
Lakeledge Road
Lower Holiday Lane
Lower Snowbird Trail
Mariah Circle
Mid Holiday Lane
Mill Pond Lane
Mockingbird Lane
North Hickory Lane
North Pinnacle Ridge Road

Northridge Lane
Northridge Road
Old Field Road
Pinnacle Ridge Road from golf-course side terminus to intersection of Hollow Tree
Pine Ridge Road from golf-course side terminus to intersection of Oak Road
Pondview Lane
Poplar Drive
Putter Point
Raccoon Road
Raven Road
S Hickory Lane
Ski Village Road
Slopeside Road
Sourwood Lane
Spruce Hollow Road
Squirrel Lane
St. Andrews Road
Strawberry Lane
Teaberry Trail
Thistle Lane
Upper Holiday Lane
Upper Snowbird Trail
Village Cluster Road
Village Creek Drive
West Pond Creek Road
West Shamrock Lane
Whipporwill Way
Wintergreen Way
Woodland Road
Woodridge Road
Windy Way

- (B) Utility Vehicles must be equipped with rear vision mirrors.
- (C) Drivers of Utility Vehicles must have a valid drivers' license.
- (D) Drivers of Utility Vehicles shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
- (E) Proof of liability insurance, specifically providing for coverage of a Utility Vehicle operated off the premises of an individual property, must be provided prior to registration of a Utility Vehicle as set forth herein.
- (F) Brake lights must operate independently from the tail lights while operating a Utility Vehicle on a Town street or roadway.
- (G) Utility Vehicles shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.
- (H) Utility Vehicles shall be equipped with reflectors permanently affixed to each side of the Utility Vehicle, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.

- (I) All Utility Vehicles must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.
- (J) No Utility Vehicle may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a current and valid decal issued by the Police Department.
- (K) The maximum occupancy of a Utility Vehicle traveling on town roads shall be one person per seat.
- (L) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while any Utility Vehicle is in motion.
- (M) No Utility Vehicle shall exceed a maximum speed of twenty miles per hour (20 mph) while being operated on any town-maintained road.
- (N) Head lights and tail lights shall be turned on at all times while operating a Utility Vehicle on a Town street or roadway.
- (O) Utility Vehicles may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.
- (P) No individual shall operate a Utility Vehicle upon a public street or right of way with an occupant in a rear-facing seat unless such seat is equipped with a seatbelt being used to properly secure said occupant.
- (Q) No individual under the age of eighteen (18) shall operate a Utility Vehicle upon a public street or right of way.
- (R) Utility Vehicles may only be operated upon town roads or streets from March 1 through November 30.
- (S) Use of Utility Vehicles by governmental or emergency management agencies are exempt from these regulations.

§ 72.05 PENALTY. The Penalty for violation of this Chapter shall be as set forth in Section 11.01. In addition to this penalty, any violation of this Chapter may be punishable as an Infraction as provided in N.C. Gen. Stat. §14-4.

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

SECTION III. 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 IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect at 12:01 a.m. on _____, _____, 2019.

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 __th day of _____, 2019.

This Ordinance adopted the _____th day of _____, 2019.

Renee D. Castiglione, Mayor

Attest:

Tamara Mercer
Town Clerk

Ordinance No. 2019-___

TOWN OF BEECH MOUNTAIN

AN ORDINANCE TO AMEND CHAPTER 72 ‘GOLF CARTS AND UTILITY VEHICLES

WHEREAS, the Town of Beech Mountain is a resort and family oriented which has a number of residents, property owners, and renters; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality life for its citizens, visitors, and guests; and

WHEREAS, N.C. Gen. Stat. §160A-296(a) provides “A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation,” and

WHEREAS, on June 2, 2003, the North Carolina General Assembly enacted Session Law 2003-124, which stated in part: “Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles; and

WHEREAS, this Session Law was amended and reaffirmed to include other municipalities, including the enactments of Session Law 2004-58, Session Law 2007-204, Session Law 2007-259, Session Law 2009-459, Session Law 2011-171, and Session Law 2013-172; and

WHEREAS, on August 11, 2003, the Town of Beech Mountain Town Council passed an Ordinance codified as §72.01 and §72.02 of the Town of Beech Mountain Code of Ordinances established public policy for the Town of Beech Mountain, as well as Rules and Regulations for the operation of golf carts and utility vehicles; and

WHEREAS, in 2018 the Town of Beech Mountain updated Chapter 72 to address safety and noise concerns related to the operation of these vehicles upon the municipal roadways of the Town of Beech Mountain; and

WHEREAS, North Carolina General Statute 160A-300.6 allows cities and towns to regulate the operation of golf carts upon public streets within the municipality; and

WHEREAS, the Town of Beech Mountain has established a Golf Cart Committee to further explore and investigate balancing the public safety concerns previously expressed by the Town

Council with the utility and convenience for its citizens; and

WHEREAS, the Town of Beech Mountain finds that the use of utility vehicles on town-maintained streets and trails constitutes a public safety concern and the benefit of allowing their use for this purpose is outweighed by the safety concerns; and

WHEREAS, the mountainous and winding nature of the road system on the Town of Beech Mountain is incompatible with general utility vehicle use on the road system; and

WHEREAS, utility vehicle travel, except as limited to certain streets, is not compatible with the master development plan for the Town of Beech Mountain, including the need to protect the beauty, charm, and lifestyle of Beech Mountain as a retirement community; and

WHEREAS, the State of North Carolina defines a Utility Vehicle in 20-4.01(48c) as: "Utility Vehicle. – A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower;" and

WHEREAS, the State of North Carolina defines a Golf Cart in 20-4.01(12a) as: "A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour;" and

WHEREAS, the Town of Beech Mountain must appropriately tailor the regulations for golf carts and utility vehicles consistent with the terms of Session Law 2003-124, the findings set forth herein, the nature and condition of the town owned roads, and the safety risks related to the interaction of motor vehicles, pedestrian, utility vehicles and golf carts; and

WHEREAS, the Town of Beech Mountain is mindful of the rights of private property owners to utilize their own property as they deem appropriate, consistent with the rights and interests of the community, and the following ordinance amendments would not affect the use of golf carts or utility vehicles on private property; and

WHEREAS, the Town Council for the Town of Beech Mountain has considered public input on this issue at a duly noticed and advertised public hearing on this issue, and in weighing the respective interests of all interested parties on this issue hereby enacts the following ordinance amendment for the health, safety, and general welfare of the Town of Beech Mountain.

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

SECTION I. CHAPTER 72 of the Town of Beech Mountain Code of Ordinances is hereby restated and amended as follows:

§72.01 POLICY STATEMENT.

(A) This chapter is adopted to promote the health, safety, and welfare of the general public.

(B)(1) Golf Carts and Utility Vehicles are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public roads.

(2) The town, by regulating the operation, is merely trying to address obvious safety issues, and the adoption of this chapter is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this chapter.

(C) All persons who operate or ride upon carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.

(D) The town has no liability under any theory of liability, for permitting Golf Carts or Utility Vehicles to be operated on the public streets and roads under the special legislation granted by the state's legislature.

(E) Any person who operates a Golf Cart or Utility Vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the public streets and roads.

(F) The Town Council must exercise its judgment concerning what roads to allow carts to be driven upon. In exercising its judgment, the Town Council has considered the following factors:

(1) The town is a resort community, and the Beech Mountain Golf Course is an important recreational facility in the community;

(2) Golf Carts and Utility Vehicles being driven upon roads that are main traffic arteries create a greater public safety concern;

(3) The greater the distance a Golf Cart or Utility Vehicle must be driven to reach its destination, the greater the public safety concern; and

(4) Adopting rules and regulations concerning the operation of Golf Carts and Utility Vehicles upon public roads within the town promotes public safety.

§72.02 DEFINITIONS.

As used in this Chapter, the following Definitions shall apply:

Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle. A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

Other terms used within this Chapter shall have the same meaning as that assigned to them in North Carolina General Statute 20-4.01.

§72.03 REGULATION OF GOLF CARTS.

Golf Carts shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Golf Carts may be operated upon all town-maintained roads, consistent with all other rules and regulations adopted by the Town of Beech Mountain. Highway 184 is not a town-maintained road.

(B) Golf Carts must be equipped with rear vision mirrors.

(C) Drivers of Golf Carts must have a valid drivers' license.

(D) Drivers of Golf Carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.

(E) Proof of liability insurance, specifically providing for coverage of a Golf Cart operated off the premises of an individual property, must be provided prior to registration of a Golf Cart as set forth herein.

(F) Brake lights must operate independently from the tail lights while operating a Golf Cart on a Town street or roadway.

(G) Golf Carts shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.

(H) Golf Carts shall be equipped with reflectors permanently affixed to each side of the Golf Cart, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.

(I) A Golf Cart shall operate by electrical/battery power only, and not through use of an internal combustion engine.

(J) All Golf Carts must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.

(K) No Golf Cart may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a current and valid decal issued by the Police Department.

(L) The maximum occupancy of a Golf Cart traveling on town roads shall be one person per seat.

(M) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while a Golf Cart is in motion. No open containers shall be possessed on a Golf Cart while the Golf Cart is in motion.

(N) No Golf Cart shall exceed a maximum speed of fifteen miles per hour (15) while being operated on any town-maintained road. In the event a lower speed limit is posted by the Town of Beech Mountain, that lower speed limit shall prevail.

(O) Head lights and tail lights shall be turned on at all times while operating a Golf Cart on a Town street or roadway.

(P) Golf Carts may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.

(Q) Golf Carts may only be operated upon town roads or streets from March 15 through November 30.

(R) No individual shall operate a Golf Cart upon a public street or right of way with an occupant in a rear-facing seat. No individual under the age of eighteen (18) shall operate a Golf Cart upon a public street or right of way.

(S) Use of Golf Carts by governmental or emergency management agencies are exempt from these regulations.

§72.04 REGULATION OF UTILITY VEHICLES.

Utility Vehicles shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Utility Vehicles can be driven only upon the following town-maintained roads:
Chestnut Way

Grassy Gap Loop
Lake Road
Lakeledge Road

- (B) Utility Vehicles must be equipped with rear vision mirrors.
- (C) Drivers of Utility Vehicles must have a valid drivers' license.
- (D) Drivers of Utility Vehicles shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
- (E) Proof of liability insurance, specifically providing for coverage of a Utility Vehicle operated off the premises of an individual property, must be provided prior to registration of a Utility Vehicle as set forth herein.
- (F) Brake lights must operate independently from the tail lights while operating a Utility Vehicle on a Town street or roadway.
- (G) Utility Vehicles shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.
- (H) Utility Vehicles shall be equipped with reflectors permanently affixed to each side of the Utility Vehicle, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.
- (I) All Utility Vehicles must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.
- (J) No Utility Vehicle may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a current and valid decal issued by the Police Department.
- (K) The maximum occupancy of a Utility Vehicle traveling on town roads shall be one person per seat.
- (L) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while any Utility Vehicle is in motion. No open containers shall be possessed on a Utility Vehicle while the Utility Vehicle is in motion.
- (M) No Utility Vehicle shall exceed a maximum speed of fifteen miles per hour (15 mph) while being operated on any town-maintained road.
- (N) Head lights and tail lights shall be turned on at all times while operating a Utility Vehicle on a Town street or roadway.
- (O) Utility Vehicles may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.
- (P) No individual shall operate a Utility Vehicle upon a public street or right of way with an occupant in a rear-facing seat.
- (Q) No individual under the age of eighteen (18) shall operate a Utility Vehicle upon a public street or right of way.
- (R) Utility Vehicles may only be operated upon town roads or streets from March 15 through November 30.
- (S) Use of Utility Vehicles by governmental or emergency management agencies are exempt from these regulations.

§ 72.05 PENALTY. The Penalty for violation of this Chapter shall be as set forth in Section 11.01. In addition to this penalty, any violation of this Chapter may be punishable as an Infraction as provided in N.C. Gen. Stat. §14-4.

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

SECTION III. 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 IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect at 12:01 a.m. on _____, _____, 2019.

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 __th day of _____, 2019.

This Ordinance adopted the _____th day of _____, 2019.

Renee D. Castiglione, Mayor

Attest:

Tamara Mercer
Town Clerk



AGENDA
Golf Cart Committee meeting
Wednesday, April 10, 2019
Council Chambers 2:00 PM

	Page
1. CALL TO ORDER	
2. ADOPTION OF AGENDA	
3. NEW BUSINESS	
3.1. Beech Mountain - Golf Cart and Utility Ordinance Amendment	3 - 9
4. OLD BUSINESS	
4.1. Reply document - concerns submitted by Harriet Chamberlain and Shelly Hull Shelly Hull and Harriet Chamberlain reply letter	11 - 12
5. PUBLIC COMMENT	
6. ADJOURNMENT	

Ordinance No. 2019-__

TOWN OF BEECH MOUNTAIN

AN ORDINANCE TO AMEND CHAPTER 72 'GOLF CARTS AND UTILITY VEHICLES

WHEREAS, the Town of Beech Mountain is a resort and family oriented which has a number of residents, property owners, and renters; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality life for its citizens, visitors, and guests; and

WHEREAS, N.C. Gen. Stat. §160A-296(a) provides “A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation,” and

WHEREAS, on June 2, 2003, the North Carolina General Assembly enacted Session Law 2003-124, which stated in part: “Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles; and

WHEREAS, this Session Law was amended and reaffirmed to include other municipalities, including the enactments of Session Law 2004-58, Session Law 2007-204, Session Law 2007-259, Session Law 2009-459, Session Law 2011-171, and Session Law 2013-172; and

WHEREAS, on August 11, 2003, the Town of Beech Mountain Town Council passed an Ordinance codified as §72.01 and §72.02 of the Town of Beech Mountain Code of Ordinances established public policy for the Town of Beech Mountain, as well as Rules and Regulations for the operation of golf carts and utility vehicles; and

WHEREAS, in 2018 the Town of Beech Mountain updated Chapter 72 to address safety and noise concerns related to the operation of these vehicles upon the municipal roadways of the Town of Beech Mountain; and

WHEREAS, North Carolina General Statute 160A-300.6 allows cities and towns to regulate the operation of golf carts upon public streets within the municipality; and

WHEREAS, the Town of Beech Mountain has established a Golf Cart Committee to further explore and investigate balancing the public safety concerns previously expressed by the Town Council with the utility and convenience for its citizens; and

WHEREAS, the Town of Beech Mountain finds that the use of utility vehicles on town-maintained streets and trails constitutes a public safety concern and the benefit of allowing their use for this purpose is outweighed by the safety concerns; and

WHEREAS, the mountainous and winding nature of the road system on the Town of Beech Mountain is incompatible with general utility vehicle use on the road system; and

WHEREAS, utility vehicle travel, except as limited to certain streets, is not compatible with the master development plan for the Town of Beech Mountain, including the need to protect the beauty, charm, and lifestyle of Beech Mountain as a retirement community; and

WHEREAS, the State of North Carolina defines a Utility Vehicle in 20-4.01(48c) as: "Utility Vehicle. – A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower;" and

WHEREAS, the State of North Carolina defines a Golf Cart in 20-4.01(12a) as: "A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour;" and

WHEREAS, the Town of Beech Mountain must appropriately tailor the regulations for golf carts and utility vehicles consistent with the terms of Session Law 2003-124, the findings set forth herein, the nature and condition of the town owned roads, and the safety risks related to the interaction of motor vehicles, pedestrian, utility vehicles and golf carts; and

WHEREAS, the Town of Beech Mountain is mindful of the rights of private property owners to utilize their own property as they deem appropriate, consistent with the rights and interests of the community, and the following ordinance amendments would not affect the use of golf carts or utility vehicles on private property; and

WHEREAS, the Town Council for the Town of Beech Mountain has considered public input on this issue at a duly noticed and advertised public hearing on this issue, and in weighing the respective interests of all interested parties on this issue hereby enacts the following ordinance amendment for the health, safety, and general welfare of the Town of Beech Mountain.

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

SECTION I. CHAPTER 72 of the Town of Beech Mountain Code of Ordinances is hereby restated and amended as follows:

§72.01 POLICY STATEMENT.

(A) This chapter is adopted to promote the health, safety, and welfare of the general public.

(B)(1) Golf Carts and Utility Vehicles are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public roads.

(2) The town, by regulating the operation, is merely trying to address obvious safety issues, and the adoption of this chapter is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this chapter.

(C) All persons who operate or ride upon carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.

(D) The town has no liability under any theory of liability, for permitting Golf Carts or Utility Vehicles to be operated on the public streets and roads under the special legislation granted by the state's legislature.

(E) Any person who operates a Golf Cart or Utility Vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the public streets and roads.

(F) The Town Council must exercise its judgment concerning what roads to allow carts to be driven upon. In exercising its judgment, the Town Council has considered the following factors:

(1) The town is a resort community, and the Beech Mountain Golf Course is an important recreational facility in the community;

(2) Golf Carts and Utility Vehicles being driven upon roads that are main traffic arteries create a greater public safety concern;

(3) The greater the distance a Golf Cart or Utility Vehicle must be driven to reach its destination, the greater the public safety concern; and

(4) Adopting rules and regulations concerning the operation of Golf Carts and Utility Vehicles upon public roads within the town promotes public safety.

§72.02 DEFINITIONS.

As used in this Chapter, the following Definitions shall apply:

Golf Cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle. A motor vehicle that is (i) designed for off-road use and (ii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include an all-terrain vehicle or golf cart, as defined in this section, or a riding lawn mower.

Other terms used within this Chapter shall have the same meaning as that assigned to them in North Carolina General Statute 20-4.01.

§72.03 REGULATION OF GOLF CARTS.

Golf Carts shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Golf Carts may be operated upon all town-maintained roads, consistent with all other rules and regulations adopted by the Town of Beech Mountain. Highway 184 (Beech Mountain Parkway) is not a town-maintained road.

(B) Golf Carts must be equipped with rear vision mirrors.

(C) Drivers of Golf Carts must have a valid drivers' license.

(D) Drivers of Golf Carts shall stay to the far right of the traveled portion of the road and

yield the right-of-way to overtaking vehicles.

(E) Proof of liability insurance, specifically providing for coverage of a Golf Cart operated off the premises of an individual property, must be provided prior to registration of a Golf Cart as set forth herein.

(F) Brake lights must operate independently from the tail lights while operating a Golf Cart on a Town street or roadway.

(G) Golf Carts shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.

(H) Golf Carts shall be equipped with reflectors permanently affixed to each side of the Golf Cart, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.

(I) A Golf Cart shall operate by electrical/battery power only, and not through use of an internal combustion engine.

(J) All Golf Carts must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.

(K) No Golf Cart may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a current and valid decal issued by the Police Department.

(L) The maximum occupancy of a Golf Cart traveling on town roads shall be one person per seat.

(M) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while a Golf Cart is in motion.

(N) No Golf Cart shall exceed a maximum speed of twenty miles per hour (20) while being operated on any town-maintained road. In the event a lower speed limit is posted by the Town of Beech Mountain, that lower speed limit shall prevail.

(O) Head lights and tail lights shall be turned on at all times while operating a Golf Cart on the a Town street or roadway.

(P) Golf Carts may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.

(Q) Golf Carts may only be operated upon town roads or streets during the months of March through November.

(R) Use of Golf Carts by governmental or emergency management agencies are exempt from these regulations.

§72.04 REGULATION OF UTILITY VEHICLES.

Utility Vehicles shall not be operated on any public road within the town except in accordance with the following rules and regulations:

(A) Utility Vehicles can be driven only upon the following town-maintained roads:

Arrowood Road
Aster Trail
Azalea Lane
Bent Creek Road

Bluebird Lane
Bobcat Lane
Briarcliff Road
Brookside Lane
Castlehill Lane
Cherry Gap Road
Cherrybrook Lane
Clubhouse Road
Columbine Lane
Courtside Lane
Creekridge Road
Cricket Way
Divot Drive
Dogwood Lane
East Shamrock Lane
Fairway Drive
Fern Lane
Foxgrape Hollow Road
Golf Lane
Golf View Drive
Grassy Gap Loop
Greenbriar Road from golf-course side terminus to intersection of Heather Lane Hawthorn Road
Hemlock Spur
Hilltop Road
Hummingbird Lane
Honeysuckle Lane
Jackpine Road
Lady Bug Lane
Ladyslipper Lane
Lake Road
Lakeedge Circle
Lakeedge Road
Lower Holiday Lane
Lower Snowbird Trail
Mariah Circle
Mid Holiday Lane
Mill Pond Lane
Mockingbird Lane
North Hickory Lane
North Pinnacle Ridge Road
Northridge Lane
Northridge Road
Old Field Road
Pinnacle Ridge Road from golf-course side terminus to intersection of Hollow Tree
Pine Ridge Road from golf-course side terminus to intersection of Oak Road
Pondview Lane

Poplar Drive
Putter Point
Raccoon Road
Raven Road
S Hickory Lane
Ski Village Road
Slopeside Road
Sourwood Lane
Spruce Hollow Road
Squirrel Lane
St. Andrews Road
Strawberry Lane
Teaberry Trail
Thistle Lane
Upper Holiday Lane
Upper Snowbird Trail
Village Cluster Road
Village Creek Drive
West Pond Creek Road
West Shamrock Lane
Whipporwill Way
Wintergreen Way
Woodland Road
Woodridge Road
Windy Way

- (B) Utility Vehicles must be equipped with rear vision mirrors.
- (C) Drivers of Utility Vehicles must have a valid drivers' license.
- (D) Drivers of Utility Vehicles shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.
- (E) Proof of liability insurance, specifically providing for coverage of a Utility Vehicle operated off the premises of an individual property, must be provided prior to registration of a Utility Vehicle as set forth herein.
- (F) Brake lights must operate independently from the tail lights while operating a Utility Vehicle on a Town street or roadway.
- (G) Utility Vehicles shall be equipped with a mechanically operated horn capable of emitting a sound between 75 decibels and 95 decibels in loudness at twenty feet.
- (H) Utility Vehicles shall be equipped with reflectors permanently affixed to each side of the Utility Vehicle, which shall be yellow/amber near the front bumper and red near the rear bumper. Each reflector shall be a minimum of three-quarters inch in height and two inches in length.
- (I) All Utility Vehicles must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master schedule of fees is maintained in the Clerk's office.
- (J) No Utility Vehicle may be operated upon a public street or right of way unless it has first been inspected by the Town of Beech Mountain Police Department and conspicuously bears a

current and valid decal issued by the Police Department.

(K) The maximum occupancy of a Utility Vehicle traveling on town roads shall be one person per seat.

(L) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages. Alcoholic beverages shall not be consumed while any Utility Vehicle is in motion.

(M) No Utility Vehicle shall exceed a maximum speed of twenty miles per hour (20 mph) while being operated on any town-maintained road.

(N) Head lights and tail lights shall be turned on at all times while operating a Utility Vehicle on a Town street or roadway.

(O) Utility Vehicles may only be driven on town roads or streets during daylight hours. For purposes of this section, "daylight hours" means ½ hour before sunrise and ½ hour before sunset.

(P) Utility Vehicles may only be operated upon town roads or streets during the months of March through November.

§ 72.05 PENALTY. The Penalty for violation of this Chapter shall be as set forth in Section 11.01. In addition to this penalty, any violation of this Chapter may be punishable as an Infraction as provided in N.C. Gen. Stat. §14-4.

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

SECTION III. 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 IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect at 12:01 a.m. on _____, _____, 2019.

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 ___th day of _____, 2019.

This Ordinance adopted the _____th day of _____, 2019.

Renee D. Castiglione, Mayor

Attest:

Tamara Mercer
Town Clerk

TO: Beech Mountain Golf Cart Committee:

In response the e-mail of Brian Barnes dated March 17, 2019:

List of Roads: The original Beech Mountain Traffic Code states "the greater the distance a cart must be driven to reach the golf course, the greater the public safety concern."

It is our concern that driving golf carts on any public road is a safety concern.

How would a police office determine if a golf cart was or was not being used as an alternative form of transportation?

Will this open up the use of golf carts to all residents of Beech Mountain, even non-club members?

How can a golf cart yield to the far right of the road when there is no shoulder? This would require an automobile to cross the double line in order to pass. We see this as a safety concern on our mountainous roads.

In response to the e-mail of Urs Gsteiger dated February 26, 2019:

To allow golf carts to travel to and from all club locations, ie swimming pool, tennis courts and recreation area, would require them to be on a town road which would be a safety concern. In the next e-mail Mr. Gsteiger states he is concerned about the use of golf carts anywhere on public roads. We would agree with his concern.

In response to the e-mail of Carol Beckmann dated March 20, 2019:

If there are no safety concerns allowing golf carts on public roads, why would there be a need to post safety signs?

In response to the e-mail of Joseph Berg dated March 19, 2019:

Is Club Membership more important that the safety of our residents on Beech Mountain?

These are our concerns when driving on Beech Mountain public roads:

1. Golf Carts and UTV's are not designed or manufactured to be used on public streets.
2. Beech Mountain's terrain and narrow roads, with no shoulders present a major safety issue.
3. The greater distance a golf cart must be driven to arrive at their destination, the greater concern for public safety.
4. We have been in contact with two former police officers, a retired police chief, a former employee of the North Carolina DOT, and a local insurance agent and they all agree golf carts are a liability on public roads.
5. Golf carts are not in keeping with the feel of Beech Mountain. People come here for the views, hiking and beauty of the mountain.
6. Deer
7. Dog Walkers and walkers who have no sidewalks
8. Bicycles
9. Visitors who are lost and stop in the middle of the road
10. Fog

There were 9,800 visitors to the Chamber of Commerce during last year. The population of Beech Mountain increases by 3,000 to 4,000 summer visitors. This increase in population and traffic on our roads with golf carts would create a great public liability.

We are concerned about the safety of ALL of the residents of Beech Mountain and feel that the addition of golf carts on our roads will have a detrimental effect on the uniqueness of the mountain.

Thank you for your consideration.

*Suzanne A. Huff
Harriet Chamberlain*



COUNCIL ACTION ITEM

TO: Town Council
FROM: Preston Yates
DATE: May 7, 2019
SUBJECT: Request for Public Hearing for Rezoning and Zoning Text Amendment
for Shane Outpost Park

FOR THE PURPOSE OF:

Request Town Council set a Public Hearing date for the next regularly scheduled Council meeting on June 11, 2019. The Public Hearing will be to consider a staff initiated rezoning request for the Shane property and to consider a text amendment to the permitted use table of the zoning ordinance.

STAFF RECOMMENDATION:

Staff recommends setting a Public Hearing date for June 11, 2019 to consider rezoning and text amendment.

SIGNATURES:

Town Manager

Town Clerk

Town of Beech Mountain

Planning Staff Report



Rezoning No. RZ 2018-01		
Meeting Date(s):	Planning Board:	April 23, 2019
	Council First Reading:	May 7, 2019
	Council Public Hearing:	June 4, 2019
Prepared By:	Preston Yates, Planning Director	
Applicant(s):	Town of Beech Mountain	
Applicant's Request:	Rezone from the Low Density Residential (R-1) zoning district to the Private-Public Service District (PS)	
Staff Recommendation:	Rezone from the Low Density Residential (R-1) zoning district to the Private-Public Service District (PS)	

Background Information

This is a staff-initiated request, proposing to rezone an approximately **3.5-acre** property located on Pine Ridge Road and Buckeye Creek Road. The request is to rezone the undeveloped property from the Low Density Residential (R-1) zoning district to the Private-Public Service District (PS) zoning district. The purpose of the rezoning is to allow for development of the site as the proposed Shane Outpost Park. The property is located completely within the Buckeye Creek Critical (WS-IIC) watershed overlay district.

Property Information

	Property Use	Land Use	Zoning
Existing	Vacant	Low Density Residential	R-1
Proposed	Shane Park	Private-Public Service District	PS

Surrounding Property Information

	Existing Use	Land Use	Zoning
North	Park/Rec. Center	Private-Public Service District	PS
South	Vacant	Low Density Single Family Residential	R-1
East	Vacant	Single Family Residential	R-2
West	Vacant	Low Density Single Family Residential	R-1

Staff Analysis

General Information

The subject property contains approximately 3.5 acres and is located along Pine Ridge Road and Buckeye Creek Road, south of and immediately adjacent to the Buckeye Creek Recreation Center property. The subject property is commonly referred to as the Shane Property, Shane Park, or other permutations thereof, as the property was donated to the Town of Beech

Mountain from the Shane family for development as a park. Currently the property sits undeveloped, but does contain a well pump house, which supplements water to the Buckeye Lake potable water intake.

Water Supply Watershed Protection (WSWP)

The entirety of the 3.5-acre property lies within the Buckeye Creek WS-IIC Critical Water Supply Watershed Protection overlay district. The Buckeye Creek WS-IIC district is an overlay district as shown on the official Zoning Map primarily intended to maintain a predominantly undeveloped land use intensity pattern. Single-family uses, where permitted, shall be allowed at a maximum of one dwelling unit per acre on a project by project basis. All other residential and non-residential development shall be allowed a maximum of 6% built-upon area, where permitted.

Rezoning:

The rezoning request is for a conventional rezoning of the subject property from R-1 Low Density Residential to PS Private-Public Service District. The surrounding properties are zoned PS, R-1, and R-2. The existing PS zoning lies north of and is contiguous to the subject property along the entire northern property boundary. As such, this rezoning would be consistent with all applicable zoning laws and the generally accepted practices of rezoning.

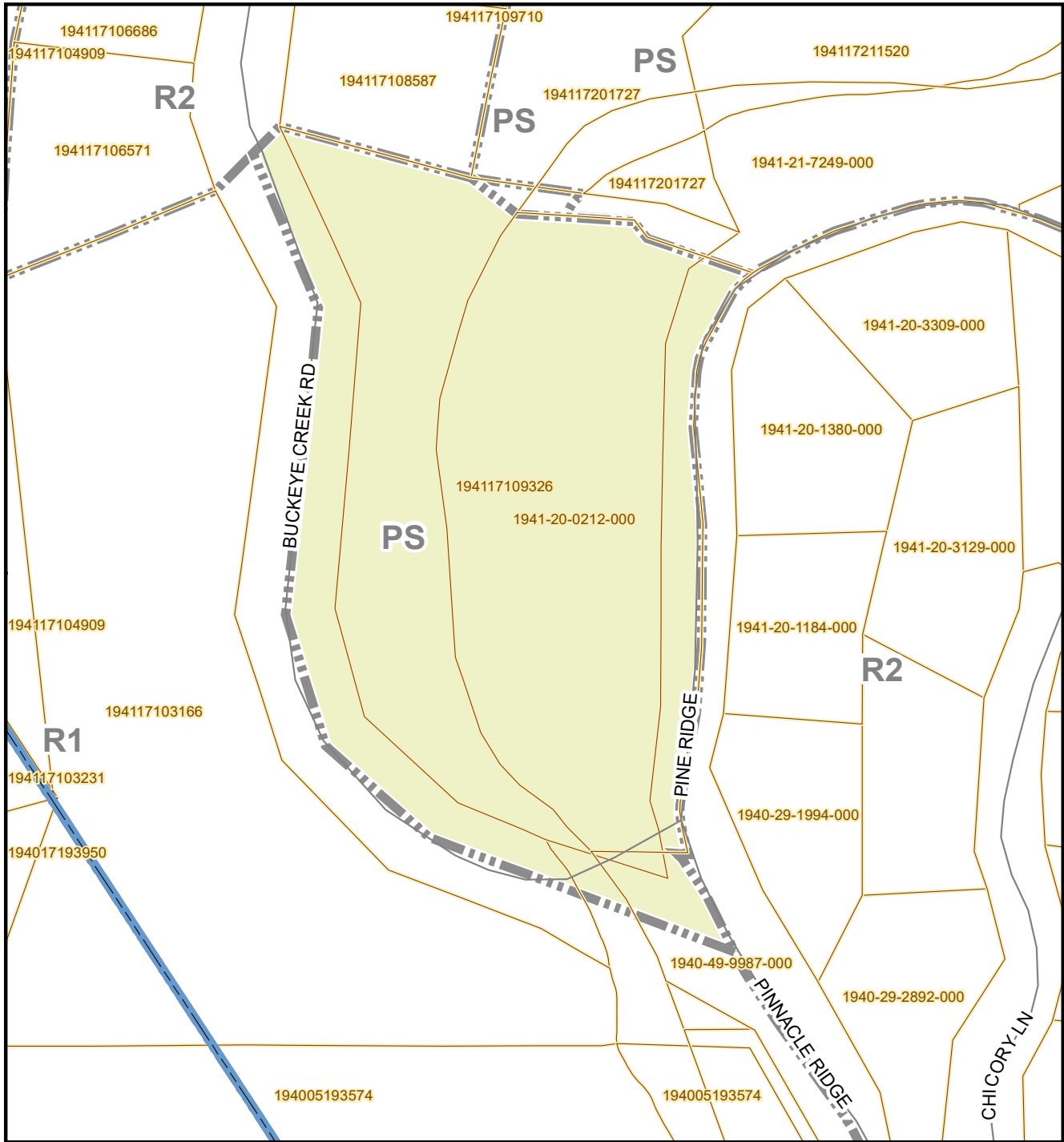
Summary

Town of Beech Mountain staff is requesting a conventional rezoning, which would allow the Town to pursue development of the property as a park to include a campground amenity. Currently, most Town owned developed properties and parks are zoned Private-Public Service District (PS). Additionally, the Buckeye Creek Recreation Center property is zoned PS. In addition to this rezoning, staff is also seeking a text amendment, which would allow campgrounds as a Conditional Use within the PS zoning district. This combined rezoning and text amendment would allow the Town to pursue a campground amenity as part of the Shane Outpost Park as part of a Conditional Use Permit.

Statement of Plan Consistency:

Staff finds that the proposed rezoning and development is generally consistent with the Town’s Comprehensive Plan. Specifically, staff finds the proposal consistent with LU.G4 Prioritize Recreational Land Use and LU.G4.P2 Acquire Land for Recreational Purposes. The proposal is also found to be consistent with Policy R.G2.P1 Strive to offer the best [recreational] programming and activities that are fun, safe, fulfilling, and rewarding.

The Planning Board may recommend approval of the conventional rezoning, as requested by staff, recommend approval of another zoning district, or recommend denial of the rezoning.



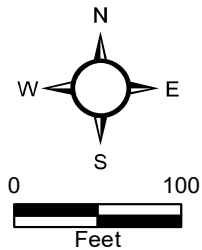
Author: Preston Yates Date: 4/21/2019 Document: \\SERVER12\Shared Folders\Company\Planning\IMAPS\Projects\Shane Park Rezoning.mxd



SHANE OUTPOST PARK REZONING REQUEST

Source: Beech Mountain GIS

This product is for informational purposes and is not suitable for legal, engineering, or surveying purposes. Users of this map and the contents therein are solely responsible for interpretations made from these products. Town of Beech Mountain cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.



§ 154.091 PERMITTED USE TABLE.

- (A) P = Permitted.
- (B) C = Allowed as a conditional use.
- (C) Blank space = Not permitted.

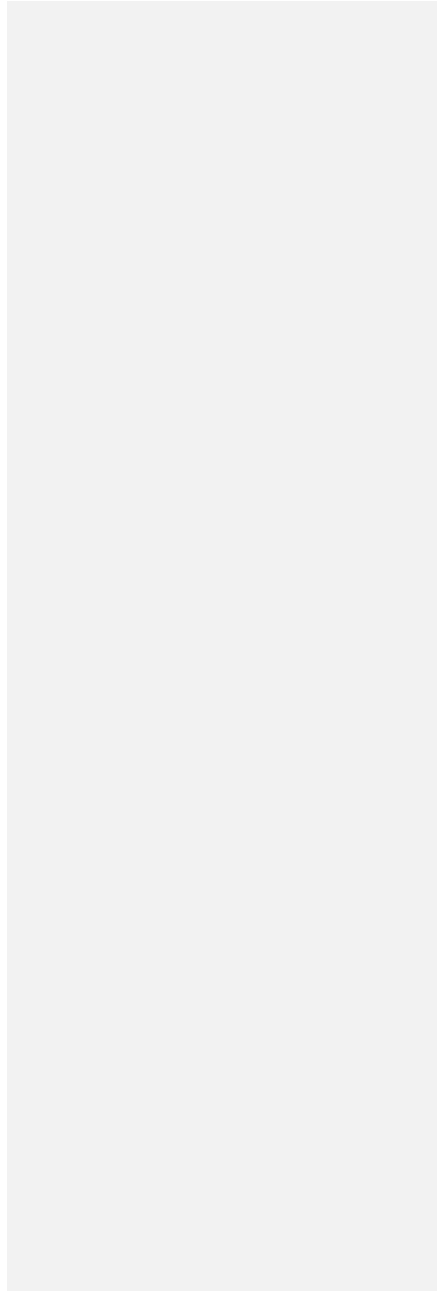
	Single-Family				Multi-Family		Commercial		Public	Resort
	R-1	R-2	R-2A	MH	R-3A	R-3B	CS 1	CS 2	PS	BMR
Single-family residential	P	P	P		P	P	P	P		P
Multi-family residential R-3										P
Multi-family residential R-3A					P					P
Multi-family residential R-3B					P	P				P
Planned Unit Developments					C	C				C
Cluster developments										P
Accessory buildings	P	P	P		P	P	P	P	P	P
Hotels and motels							C			P
Type I group homes	P	P	P	P	P	P	P	P		P
Type II group homes										
Churches, public and private schools							P	P	P	P
Public or private non-profit recreational facilities (parks, playgrounds and the like)	P	P	P		P	P	P	P	P	P
Private recreational facilities, profit (bowling alleys, skating rinks, country clubs and the like)							P		P	P
Government protective services	P	P	P		P	P	P	P	P	P
Public utilities and pumping stations	P	P	P		P	P	P	P	P	P
Water and sewer plants; water storage tanks	C	C	C		C	C	C	C	C	C
Banks and other financial institutions							P	P		P
Restaurants							P		P	P
Hospitals, health clinics and doctors' offices							P	P		P
Fraternal clubs or lodges							P	P	P	P
Motor vehicle service stations							C	C		C
Self-service laundry and dry cleaning services							P	P		P
Libraries							P	P	P	P
Mechanical car washes							C			C
Professional and business offices and services							P	P	P	P
Retail, coml services, sales and rentals of goods							P	P	P	P
Noncommercial radio and television towers; satellite dishes	C	C	C		C	C	C	C	C	P
Mobile homes				P						
Telecommunications towers	C			C						
Mixed Use Residential/ Commercial							P			
Campgrounds	C									
Wind Energy System - Commercial	C								C	
Wind Energy System - Accessory	C	C		C			C	C		
Manufacturing/ Processing, Heavy 1										
Manufacturing/							C			

Commented [PY1]: Add Campgrounds as a Conditional Use to the PS zoning district

Processing, Light										
Residential Vacation Rental	P	P	P	P		P		P	P	P
Sexually Oriented Businesses								C		

¹ Due to the scenic beauty of Beech Mountain, its reputation as a peaceful retirement and resort area community, its emphasis on tourism, the elevation of the town and its views, the Council finds that heavy manufacturing and processing would be incompatible with the community of the Town of Beech Mountain and would injure the nature of the community and its focus on tourism, nature, and recreation.

No Conditional Use Permit required for a satellite dish that is (a) no greater than 24 inches in diameter, (b) attached to the building structure, and (c) placed no higher than the highest point of the structure. (1989 Code, Title V, Ch. 51, Art. VIII, § 801) (Ord. passed 5-11-2010; Ord. passed 12-14-2010; Ord. passed 2-8-2011; Ord. passed 3-8-2011; Ord. passed 8-9-2011; Ord. passed 11-15-2011; Ord. 2012-04, passed 5-8-2012; Ord. 2013-02, passed 1-8-2013; Ord. 2016-08, passed 5-10-2016)





COUNCIL ACTION ITEM

TO: Mayor and Town Council
FROM: Tim Holloman
DATE: May 7, 2019
SUBJECT: Public Hearing for Town of Beech Mountain FY: 2019-2020 Annual Budget

FOR THE PURPOSE OF:

Public Hearing for Town of Beech Mountain for proposed FY: 2019-2020 Annual Budget

- January 15, 2019 - Town Council planning retreat
- March 29, 2019 - Finance Officer, Town Manager and individual Department Heads finalize departmental budgets
- April 17, 2019 - Town Council Budget Workshop I & Public Presentation of the Budget
- May 7, 2019 - 1st Public Hearing on Budget at Town Council regular meeting
- June 11, 2019 - 2nd Public Hearing on Budget at Town Council regular meeting

SIGNATURES:

Town Manager

Town Clerk



REPORT

TO: Mayor & Town Council
FROM: Tim Barnett
DATE: May 7, 2019
SUBJECT: Police Department Activity Report

SIGNATURES:

Town Manager

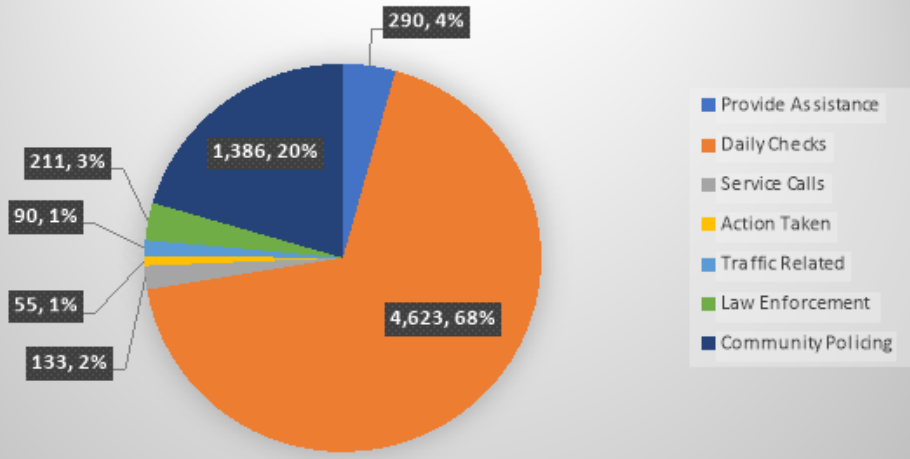
Town Clerk



Activity Log Yearly Summary Totals
 Beech Mountain Police Department
 January 1, 2019 through April 29, 2019

<i>Call Type</i>	<i>2018</i>	<i>2019</i>	<i>Call Type</i>	<i>2018</i>	<i>2019</i>
Provide Assistance			Traffic Related		
Assist Fire Department	6	8	Driving While Impaired	2	3
Assist Investigation	0	0	Improper Parking	20	36
Assist Other Agency	21	27	Stationary/Directed Patrol	14	12
Assist Town Dept/Business	4	1	Traffic Control	1	1
Assist Home Owner	21	18	Vehicle Accidents	18	8
Assist Motorist	157	67	Vehicle Stops	14	30
Assist Other Officer	18	55			
Escort	161	103	Law Enforcement Calls		
Medical Calls	10	11	911 Hang Ups	6	15
			Alarms	42	36
Daily Checks			Breaking & Entering	3	6
Business Checks	3,620	3,761	Domestic Complaints	5	7
Care Track Test	15	32	Fight	2	1
Security Checks	335	562	Fire Works Violations	0	1
Residence Checks	294	255	Fraud	1	1
Welfare Check	11	13	Hit & Run	0	1
			Intoxicated/Drunk & Disruptive	1	5
Service Calls			Investigation	10	7
Animal Control Domestic/Wildlife	20	11	Larceny	6	7
Calls For Service	74	74	Mental Subject	0	0
Deliver Letter/Message	6	20	Missing Person	1	1
Found Property	0	0	Noise Disturbance/Loud Music	11	7
Other	0	0	Open Door/Open Window	6	14
Recreation/Town Deposit	25	28	Prowler	4	0
			Shots Fired/Sound of Shots Fired	1	1
Action Taken			Ski Pass Violation	0	0
Court	11	7	Suspicious Vehicle	7	26
Felony Arrest	0	0	Trespassing	17	13
Misdemeanor Arrest	3	5	Vandalism	2	6
State Citations	18	14			
Town Ordinance Violations	1	2	Community Policing		
Verbal Warning	11	10	Community Policing Contacts	1,091	1,379
Warning Citations	0	12	Community Events	1	7
Warrant Service	2	5			
2018 Event Totals: 6,139			2019 Event Totals: 6,744		

2019 Monthly Condensed Calls





REPORT

TO: Town Council
FROM: Bob Pudney
DATE: May 7, 2019
SUBJECT: Fire Department Monthly Report

FOR THE PURPOSE OF:
Fire Department Monthly Report

SIGNATURES:

Town Manager

Town Clerk

**BEECH MOUNTAIN FIRE DEPARTMENT
Monthly Report
April 30, 2019**

EVENT	THIS PERIOD	SAME PERIOD LAST YEAR	FISCAL YTD
FIRE CALLS	3	5	68
MEDICAL CALLS	5	5	79
FIRE SAFETY INSPECTIONS	2	2	14
PUBLIC EDUCATION	1	0	4
FIRE HYDRANT INSPECTIONS	0	0	1
TRAINING HOURS	233	310.5	2303
MEETINGS	8	6	777

COMMENTS:

Membership Recruitment Program.

Addressing Project Underway

Town Budget

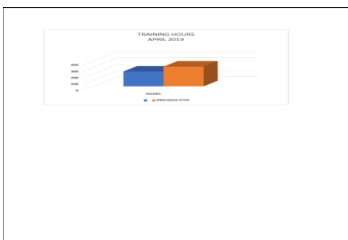
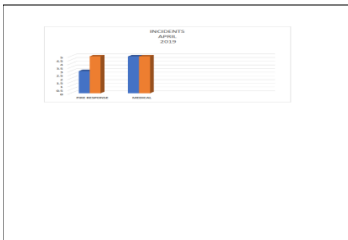
Avery Budget Completed.

Goals Next Period:

Pump Testing

9S Inspection

Fire Hydrant Testing





REPORT

TO: Mayor and Town Council
FROM: Sean Royall
DATE: May 7, 2019
SUBJECT: April Recreation Report

FOR THE PURPOSE OF:
Facility and Programs report

SIGNATURES:

Town Manager

Town Clerk

BEECH

PARKS & RECREATION

March Recreation Report

Facility Report

Finance Report

Total Monthly Revenue	\$ 4,383.25
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Check-In Report

Member Visits	367
Non-Member Visits	148

Membership Report

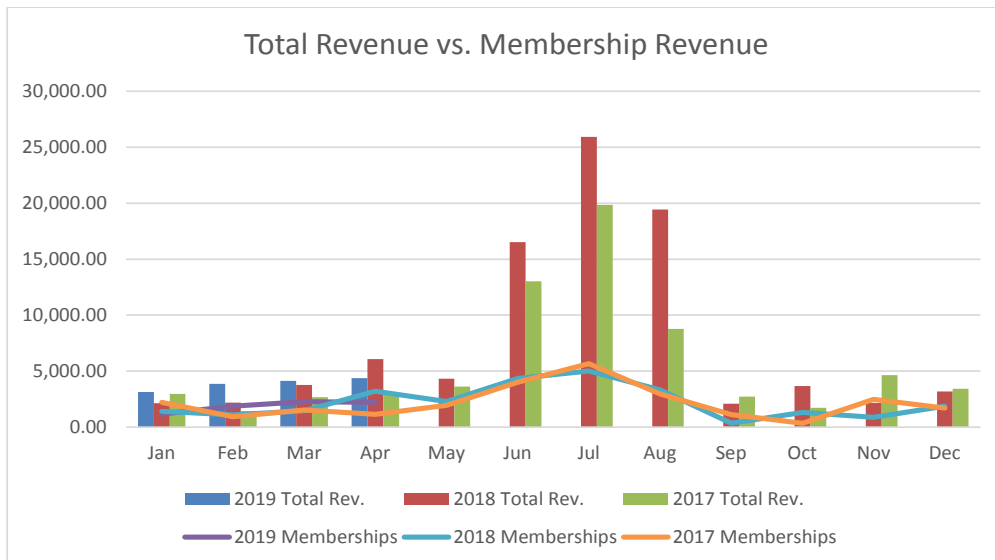
Total Memberships - \$2205 (Details attached)

Family Annual \$1400		
Active	Passes Expired (not renewed)	Passes sold
125	10	8

Individual Annual \$775		
Active	Passes Expired (not renewed)	Passes sold
108	9	7

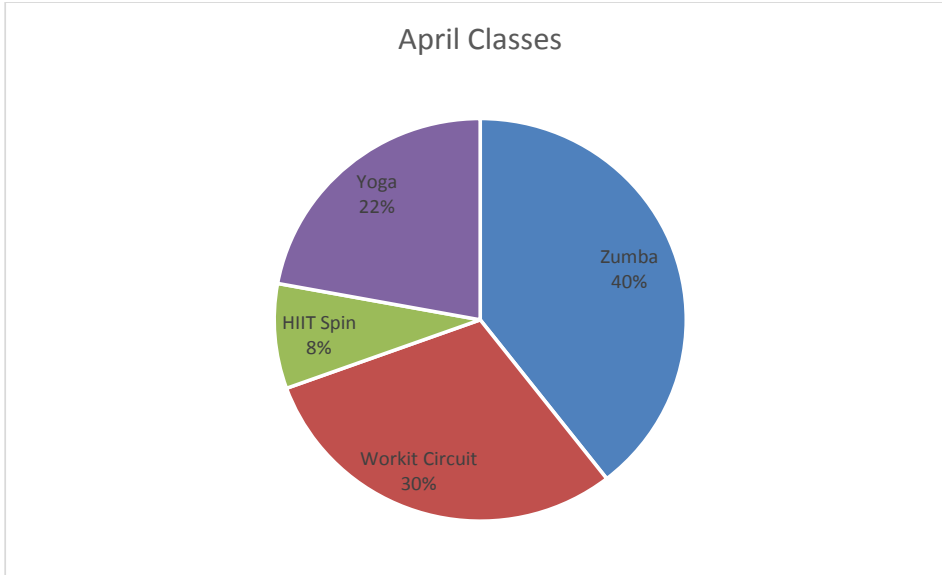
Week Passes - \$30	
Family	Individual
1	0

Renewal Emails and Letters sent: 10 family, 9 individual past due, 6 family, 16 individual about to expire
2 memberships renewed online - \$350



Fitness Report

Participants:



Class/Number of classes offered in the month/ Number of participants

Zumba	75	participants
Workit Circuit	57	participants
HIIT Spin	16	participants
Yoga	42	participants

Programs/Events	Participants	Donations
Easter	154	\$207 (will be included on May's finance report)

Outdoor Report

Participants:

Emerald Outback Trail (as read from trail counter)	530
Guided Hikes (1 hike offered)	Canceled due to rain
Binoculars	\$38.25

Director's Notes:

1. Emergency Landing Zone Approach finished
2. Emerald Outback (Oz Forest) trail work began

Respectfully Submitted,

Sean Royall
 Parks and Recreation Director
 Town of Beech Mountain
 May 1, 2019

Detailed Revenue Totals

PROGRAM REGISTRATIONS \$1,638

MEMBERSHIPS \$2,205

Facility Reservation n/a

POS \$540.25

Total Online Sales \$938

TOTAL MONTHLY REVENUE \$4,383.25

Programs

2019 Summer Camp \$588

Holiday Market n/a

In Cold Mud \$800

Summer Camp Scholarship \$250

Memberships

Family Annual Pass \$1,400

Individual Annual Pass \$775

Family Week Pass \$30

Individual Week Pass n/a

POS

Binoculars \$38.25

Daily Use (Non Member Check-in) \$429

Fitness Class \$15

Trail Map \$3

General Donation \$50

Print/ Fax Copies \$4.00



REPORT

TO: Town Council
FROM: Daniel Davis
DATE: May 7, 2019
SUBJECT: Department of Infrastructure Reports

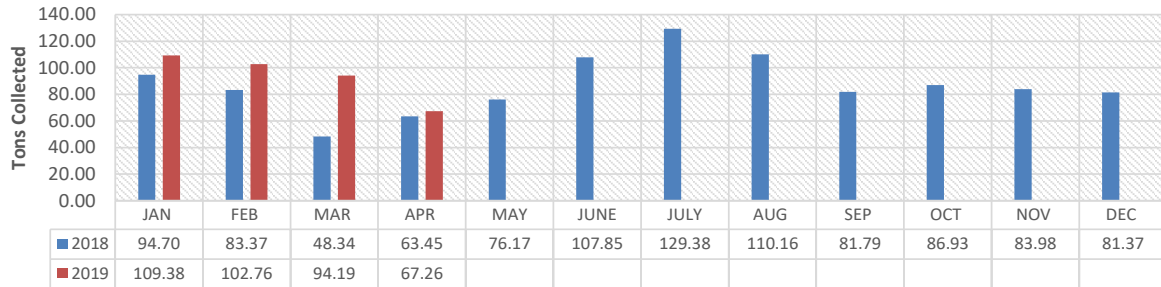
FOR THE PURPOSE OF:
Public Works, Sanitation, Water, and Wastewater reports.

SIGNATURES:

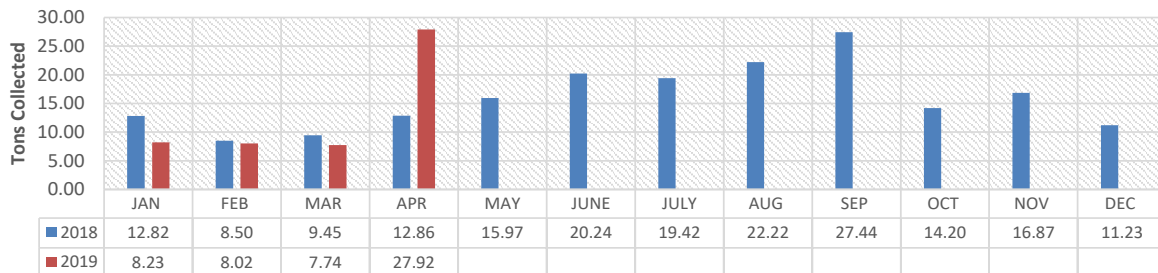
Town Manager

Town Clerk

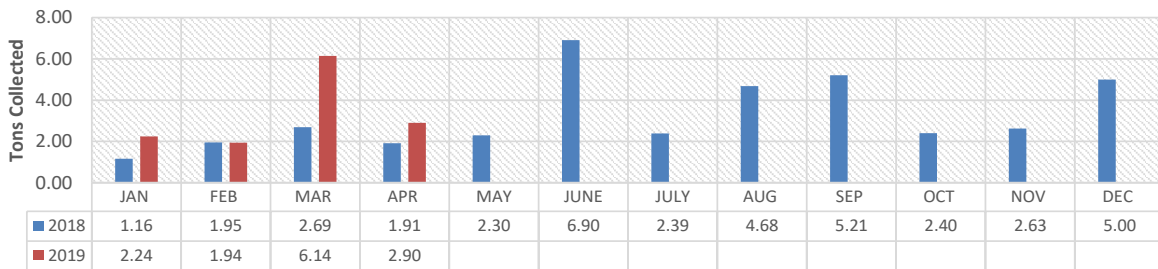
Solid Waste



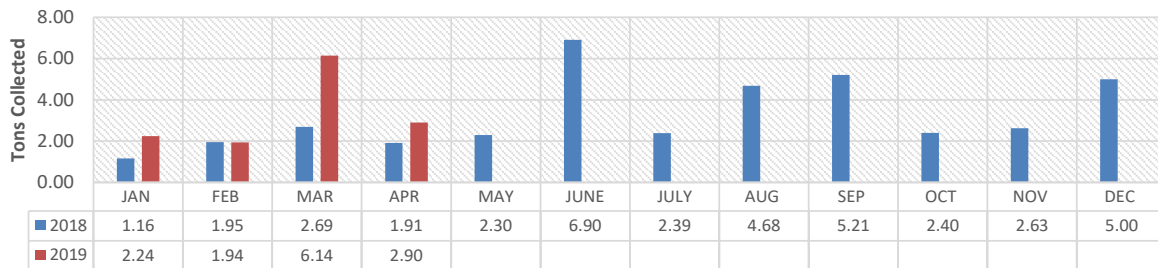
Construction Material



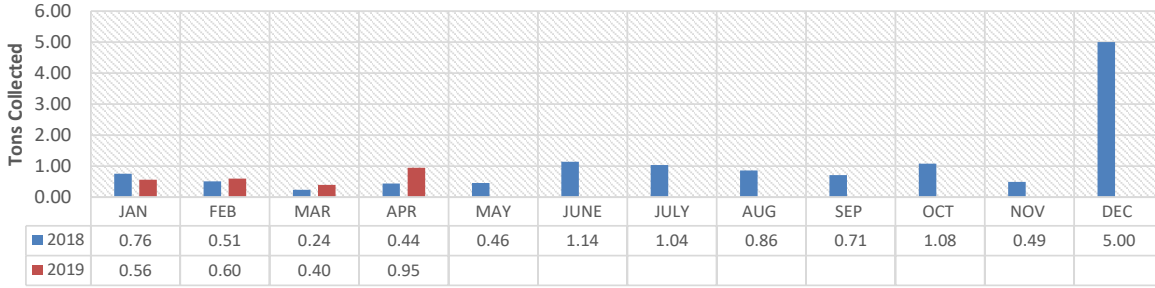
Recycled Metal



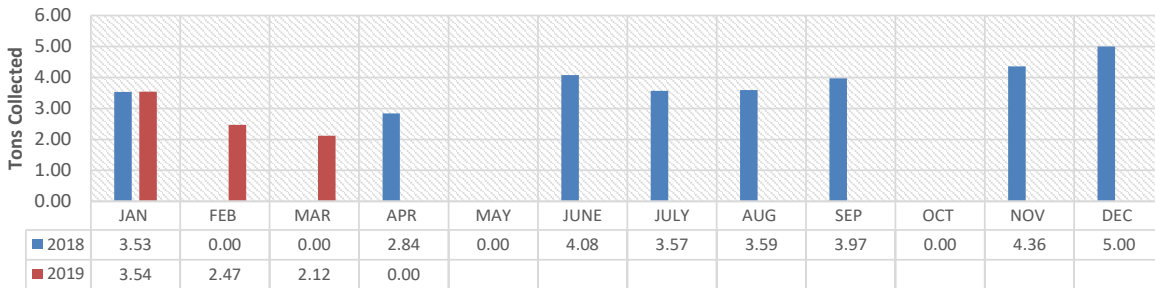
Recycled Paper



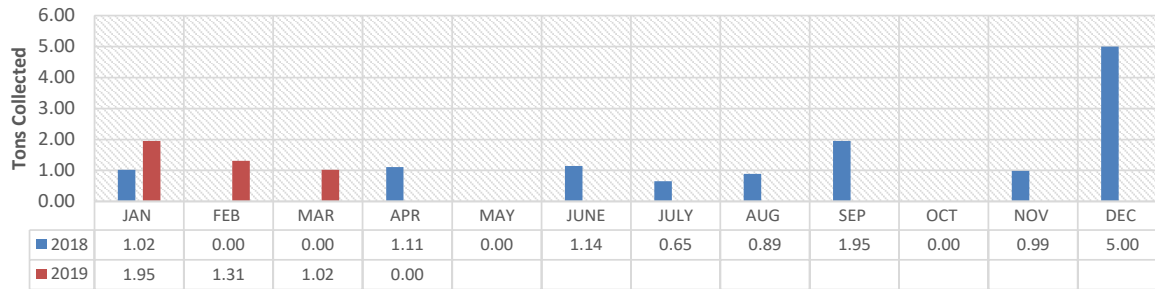
Recycled Plastic



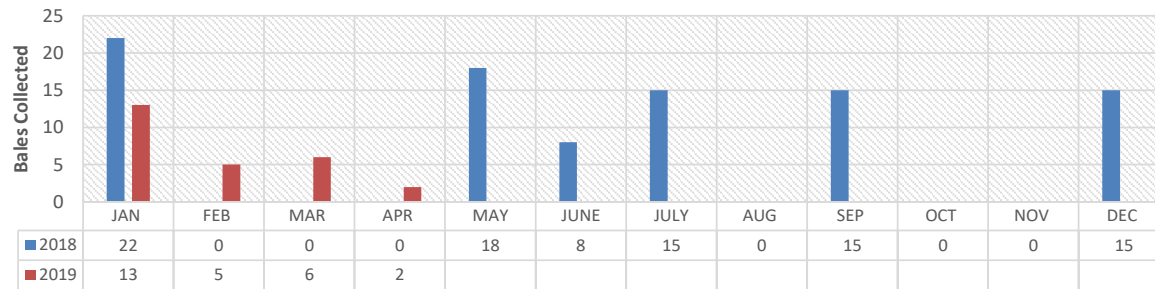
Recycled Glass



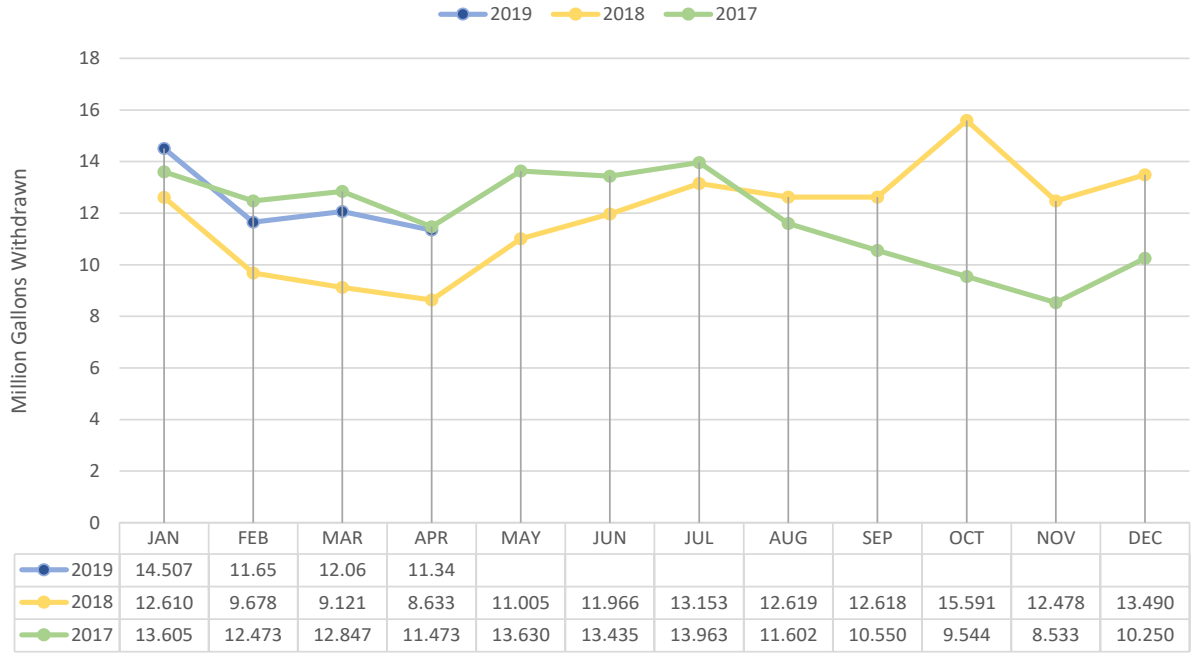
Recycled Aluminum



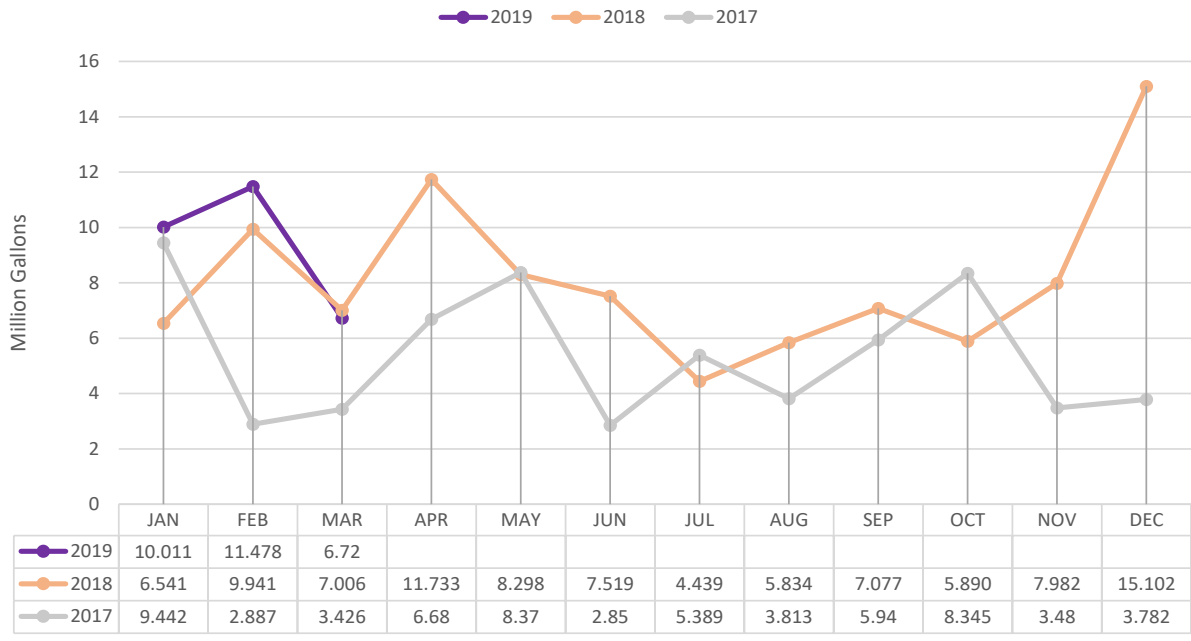
Recycled Cardboard



Raw Water Withdrawl from Buckeye Lake 3 Year Period



Total Wastewater Flows 3 Year Period





REPORT

TO: Town Council
FROM: Preston Yates
DATE: May 7, 2019
SUBJECT: Planning and Inspections Report 2019-04

FOR THE PURPOSE OF:
Monthly report for Planning and Inspections Department.

SIGNATURES:

Town Manager

Town Clerk

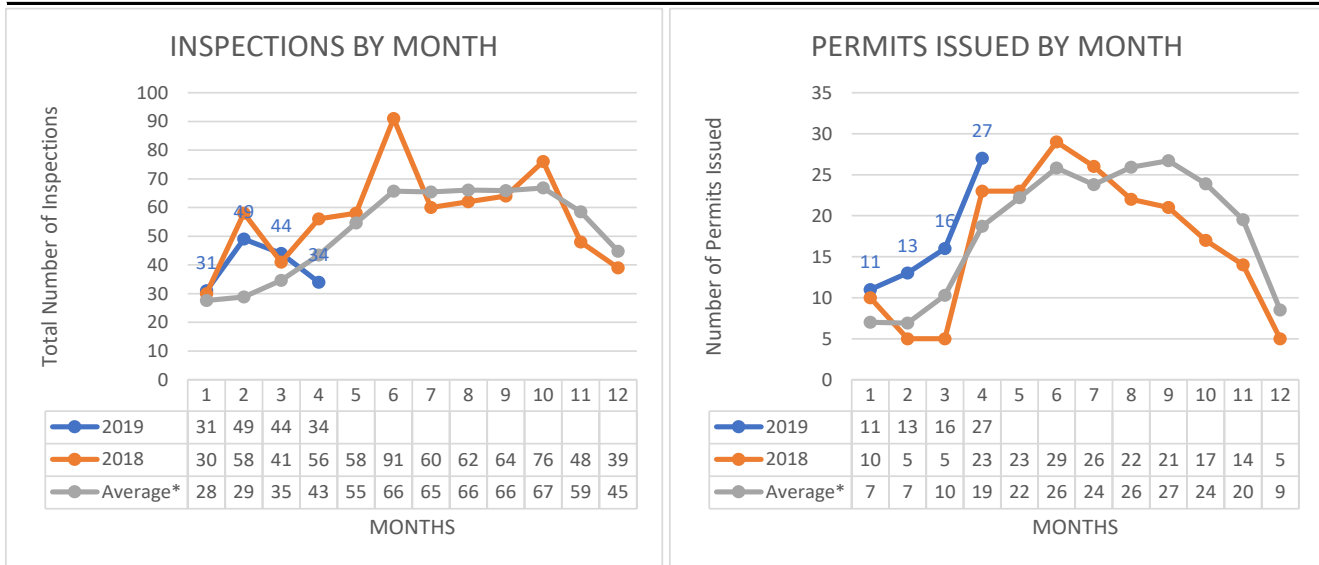
TOWN OF BEECH MOUNTAIN
Monthly Report
Department of Building Inspections
April-2019

1. Number of Inspections

	This Month	Last Month	Same Month Last Year	This Fiscal Year to Date	Last Fiscal Year to Date	Calendar Year to Date
Building	21	17	24	256	192	75
Electrical	3	5	16	78	69	23
Plumbing	4	7	9	48	55	18
Htg/Air & Misc.	6	15	7	125	70	42

2. Permits Issued

No. Issued	27	16	23	172	168	67
Value	\$ 535,000	\$ 115,987	\$ 778,722	\$ 2,511,558	\$ 2,483,215	\$ 835,572
Permit Fees	\$ 12,591.88	\$ 4,449.30	\$ 10,307.77	\$ 36,535.52	\$ 39,573.22	\$ 19,510.62



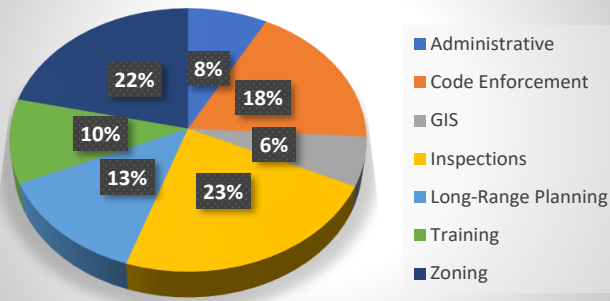
*NOTE: Average Inspections and Permits are calculated based on a running average since April 2009

3. Nature of Building Permits

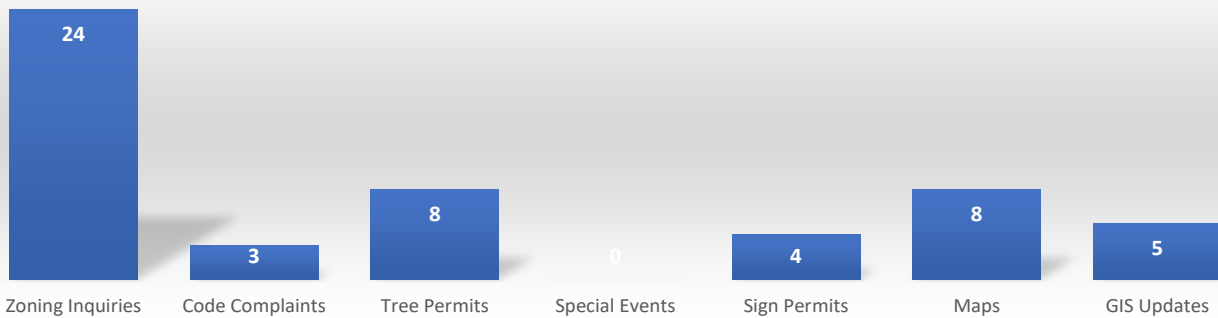
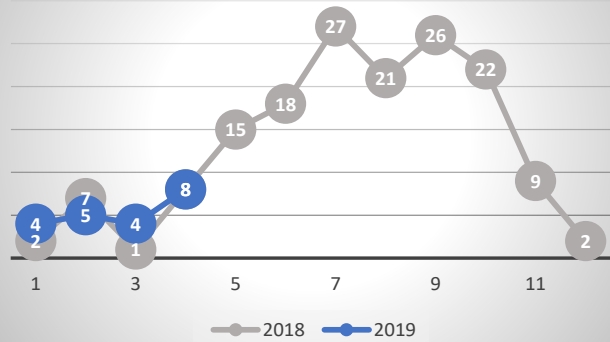
# of Permits	Type	Address	Total Fees	Valuation	New Bldgs FY to Date	New Bldgs Last FY
1	New Single Family		\$ 9,022.70	\$ 485,000.00	0	0
	New Multi-Family				0	0
	New Commercial				0	0
26	Other	Various	\$ 3,569.18	\$ 50,000.00		
27			\$ 12,591.88	\$ 535,000.00		

TOWN OF BEECH MOUNTAIN
PLANNING AND ZONING MONTHLY REPORT
 April-2019

Time Allocation



Tree Permits



Summary and Highlights

Long-Range Planning:

Finalizing survey analysis and incorporating into plan goals and policies
 Updating and finalizing individual chapters for inclusion into the plan

Training:

Attended NCDEQ Local Programs Workshop for Erosion and Sedimentation Control

GIS:

Updating and amending zoning GIS layer for adoption as official zoning map

Census:

Submitted Boundary and Annexation Survey; New Construction; and Address Updates to Census

Zoning:

Working on rezoning and text amendments for campgrounds related to the Shane Property



REPORT

TO: Mayor and Town Council
FROM: Kate Gavenus
DATE: May 7, 2019
SUBJECT: TDA Report May 2019

FOR THE PURPOSE OF:

This report updates the Mayor and Town Council regarding activities in the Visitor Center, marketing, and results as shown by occupancy tax increases.

SIGNATURES:

Town Manager

Town Clerk

Report to Town Council May 2019

Marketing: Current campaigns focus on the Hike and Wine and Bike and Brew packages and the Club Sampler packages, June Family Fun Month and the May the Mud Run. The TDA will be meeting with the Pineapple PR agency to review this year and refine our direction for the next year in early June.

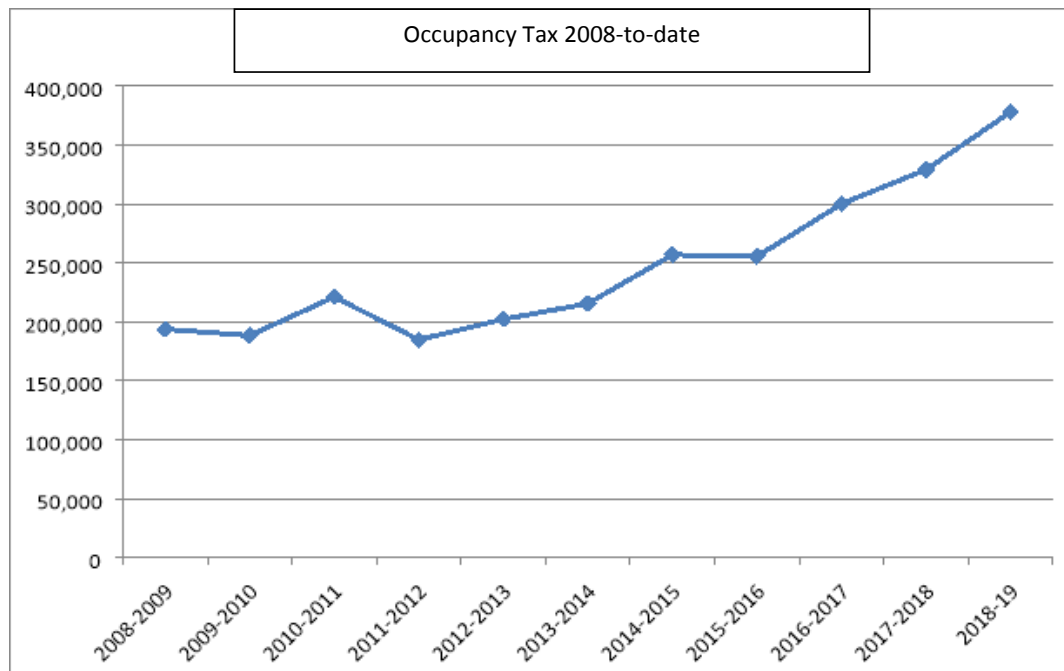
Notes of Interest: Town Manager Tim Holloman and Director of Tourism and Economic Development Kate Gavenus graduated from the Oklahoma University Economic Development Institute, having completed the required core classes and electives. They are both eligible to sit for the certification exam in October.

Missy Norwood is the new Visitor Center Assistant; we are pleased to have her as part of our team.

Results:

2019 Revenues from visitors staying in lodging on Beech Mountain **during March increased 88%** over the same period in 2018; the extended ski season was a positive factor in this increase.

The 229 visitors during April in the Beech Mountain Visitor Center represented a slight decrease from the 238 who were served in the center during the month of April in 2018.



Town of Beech Mountain

Occupancy Tax

Through March 2019

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-19	Change	\$ back tax
July	18,743	9,231	20,080	18,777	21,897	15,876	17,746	20,127	26,209	31,232	35,138	13%	2600.00
August	14,401	13,150	13,565	11,375	20,559	9,201	11,755	12,034	19,655	19,430	30,706	58%	2100.00
September	4,325	4,985	5,212	9,051	5,306	5,453	7,017	6,536	16,394	20,546	47,956	133.41%	128.00
October	10,438	11,015	12,618	10,678	8,517	13,418	17,843	15,752	19,938	24,392	31,826	30.48%	0.00
November	6,733	5,420	6,681	6,120	6,695	6,912	10,150	10,114	14,981	18,021	26,850	48.99%	98.40
December	43,701	45,280	55,853	43,858	39,114	45,577	57,466	37,081	55,247	60,204	72,651	17.13%	5459.01
January	38,332	37,713	41,568	33,764	36,530	46,185	50,755	53,985	52,620	59,136	66,302	12.12%	0
February	38,570	40,827	43,535	33,504	36,401	44,134	48,175	60,835	54,726	48,280	47,595	-1.42%	0
March	7,344	8,311	11,191	4,357	10,087	10,765	14,914	16,298	12,616	10,182	19,152	88.10%	124.00
April	1,756	2,304	2,038	3,491	4,891	3,877	4,366	5,500	5,008	6,653			
May	2,443	2,847	1,862	2,602	3,819	5,934	5,041	5,509	8,374	9,672			
June	7,139	7,350	7,032	7,438	8,514	8,370	11,869	11,822	14,497	21,508			
Total	193,925	188,432	221,235	185,015	202,330	215,702	257,096	255,593	300,265	329,256	378,176		