

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Special Meeting – June 26, 2018

- I. CALL TO ORDER** – Mayor Renee Castiglione called the special meeting to order at 2:03 p.m., Tuesday, June 26, 2018 within the council chambers located at 403 Beech Mountain Parkway, Beech Mountain, North Carolina 28604. Other Council Members present were Barry Kaufman, Carl Marquardt, Weidner Abernethy and Wendel Sauer. A quorum was present. Attorney Stacy C. Eggers, IV was present. Staff present included Town Manager Tim Holloman, Chief of Police Tim Barnett, Fire Chief Robert Pudney, Parks and Recreation Director Sean Royall, Planning Director Preston Yates, Special Projects Director Riley Hatch and Interim Town Clerk Katherine Johnson.
- II. Pledge of Allegiance** – Mayor Renee Castiglione led the pledge of allegiance
- III. Discussion of UTV Regulations on Beech Mountain** – Castiglione said we are here to discuss the regulations of the UTVs on Beech Mountain. Eggers, IV said there are two ordinances on the table. One deals with an ordinance to amend chapter 72 which regulates golf carts and utility vehicles on the mountain and the other one is an ordinance to amend chapter 73 traffic schedules as it relates to some of the roads that are known as the trail system in Beech Mountain. Eggers, IV said he has been researching the definition of low speed or medium speed vehicles. There is no definition in the federal code of medium speed vehicle. One of the problems we have been facing is that UTVs here may not fall under the federal low speed vehicle definition. I will start with the regulations as it relates to golf carts and utility vehicles. The Town of Beech Mountain actually obtained a special act of the General Assembly, which was Session Law 203-124 that gives the town the authority to regulate the operation of a golf cart and utility vehicles on any public street or road that is in the Town of Beech Mountain. Eggers, IV explained that the ordinance states that the town may 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. Originally this was passed to regulate golf carts and utility vehicles together. Eggers, IV explained that in 2003 the town council found that the use of utility vehicles on town-maintained streets and trails constitutes as a public safety concern and the benefit of allowing their use for this purpose is outweighed by the safety concerns. In 2003, the ordinance stated that Carts shall not be operated on any public roads within the town except in accordance with the following rules and regulations (1) carts can be driven on specific town-maintain roads (listed in ordinance), (2) carts can be driven only to and from the Beech Mountain Club Golf Course for the purpose of playing golf. Carts should not be used as an alternative means of transportation. With the concerns, the proposed ordinance states that carts and utility vehicles be maintained on specific roads. The other requirement is that the cart should not go more than 10mph on town maintained roads. Abernethy asked Eggers, IV to clarify the 10mph limit. Eggers, IV said that Council can address that speed as council wishes. This is the speed limit staff is recommending due to the safety and welfare of citizens. Abernethy asked if this includes motorcycle and motorized bicycles. Eggers, IV said they (motorcycles) would be under a different ordinance. Eggers, IV said the UTVs

will be under the same ordinance as the golf carts. This does not restrict golf carts and utilities vehicles on someone's private property.

The other proposed ordinance that you have before you is the traffic schedules ordinance. Many of you know that the town was developed by the Carolina Caribbean Corporation as a private subdivision and certain areas of the Town were extensively subdivided into lots. The town has many lots and roads that have not been developed. But, they are still roads that lead to citizen's private property. These are often used as hiking and biking trails, rather than those that are meant for a large amount of traffic. One of the requirements that the Town should be mindful of, is because these roads lead to citizens houses, you cannot restrict them from going on the road to get to their own personal property. To find a balance, the proposal you have is to amend the schedule that would only allow local traffic. There is a list of local streets that are designated as Local Traffic streets on the proposed ordinance. Those just going on joy rides, are not allowed on this road. There are definitions of local traffic, motor vehicle, and through traffic. Abernethy asked if someone purchased a lot, would they be able to take guests on UTVs to that lot. Eggers, IV said they could if they were going to the lot for a specific purpose. If they were to have a picnic or stay there they could. But, with the other ordinance (Ch. 72) the answer is no due to the restriction of golf carts. Abernethy asked how you would classify general authority located in General Statute 160A-296. Eggers, IV said the statute states that the 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. The issue with golf carts and utility vehicles, is that these vehicles are prohibited from state roads. Abernethy asked if there were any streets that are blocked on Beech Mountain now. Holloman said there are a couple boulders on Wild Iris Road. He said that a small vehicle could go around it. The boulders were put up a long time ago. Eggers, IV said one more point is that the proposed ordinances are set for the July 10th meeting and that is when input should be taken from the community. Eggers, IV said they could delay this ordinance or start it immediately. That is for council's discretion. Abernethy said any delay would be a disservice to our community.

Castiglione asked to make a motion to go to Public hearing on July 10th for an amendment to Chapter 72 Golf Carts and Utility Vehicles and an amendment to Chapter 73 Traffic Schedules. Upon motion by Councilman Sauer, seconded by Councilman Abernethy, the Council voted unanimously to have a public hearing on July 10th. Castiglione opened up for community discussion to hear their opinion on the ordinances.

- IV. Community Input:** Castiglione opened up for a community discussion to hear their opinion on the ordinances. Brian Barnes of Beech Mountain Club, said he was involved in the original amendment. To my knowledge we have never had an issue on the roads with golf carts and vehicles. I think 10mph is too slow for the town roads. There are carts that can go 25mph. 10mph is too slow for safety reasons. I think you should postpone this until the end of the season. There are some people who do not live on the roads of the ordinance that pay a trail fee. A golf cart and a utility vehicle are not the same. Castiglione asked what timeframe he was thinking. He said the end of the season, or maybe until Labor Day. The new ordinance will not be posted in the newsletter. People may not know about it who do not live up here full time. Abernethy asked about the 2003 ordinances and why they didn't include UTVs.

He said UTVs were not readily available back then. Sauer asked Brian’s advice on how fast we should let them go. Brian said probably 20mph. Abernethy asked how many people have a golf cart that goes between 20-25 mph. Brian said one; and 50 people have a golf cart that goes 15 mph. Abernethy asked Eggers, IV if we allow golf carts to go 15mph will that weaken the ordinance on UTV. Eggers, IV said changing the speed to 15 mph from 10 mph; that is just a safety concern. Brian said golf carts must yield to cars and pull to the side. Castiglione asked if we enact this on July 10th would that cause a burden to the golfers in the community. Brian said he is not sure but there may be people coming up who do not read the ordinances. But, we are going to try to do our best to inform them. Jim Brooks of 503 Beech Mountain Parkway, said we have a lot of roads that are not maintained by the Town. Some roads are not safe. He recommends that no vehicles should be on that road until the property owner fixes the road and makes it safer. Rich Larken of Snowbird, said these (UTVs) go by my house on the weekends and throw up a lot of dust. I can live with 7 carts but how many will there be next year. Hal Halburton of 132 Ski Lift Circle, said he and his neighbors got together to fix the road because of all the dust. Anything we can do to not harm the health of our residents would be a great value. There are a lot of roads that are 15mph. If that speed is safe for a car, then golf carts should not be able to go faster than that. Frank Steele of 107 Christy Way, said he did not hear discussion about McCoury’s phase 2 with the big truck. Is the ordinance that will be done today, will that be strong enough to limit his phase 2, 3, or 4? Castiglione said they are going to have to look into it. Wilson King of 405 Beech Mountain Parkway, said Highway 194 is a paved State Highway. The speed limit is 35 mph. We have paved roads and unpaved roads. 25 mph is too high for a gravel road. When two or three vehicles come by its too fast. Paved roads should be 25 mph. Unpaved road limit should be 10mph for all vehicles. Castiglione asked for any more questions. Abernethy asked about the July 10th meeting. Castiglione said we will vote to pass it or not. Castiglione announced if anyone sees a UTV going down the road with no tags then call the police. Abernethy asked if the ordinances are on the website. Holloman said we can put it on the website.

- V. Adjourn – Upon motion by Councilman Sauer, seconded by Councilman Abernethy, the Council voted unanimously to adjourn at 2:47 p.m.

Renee D. Castiglione, Mayor

ATTEST:

Katherine Johnson
Interim Town Clerk