

**MINUTES**  
**BEECH MOUNTAIN TOWN COUNCIL**  
**Regular Meeting – March 8, 2011**

**I.      *CALL TO ORDER***

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 3:06 p.m., Tuesday March 8, 2011 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller, Cindy Keller and Alan Holcombe. Town Attorney Stacy C. Eggers, IV was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Finance Officer Nancy Johnson, Recreation Director Eric Jelinski, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch and Town Planner James Scott.

**II.     *Invocation*** – John Troxler presented the invocation.

**III.    *Pledge of Allegiance*** – All present joined in the Pledge of Allegiance to the flag.

**IV.     *Adoption of Agenda*** – Mayor Owen amended the agenda to include under § VIII. New Business item f. Local Legislation Request. Mayor Owen stated the agenda would stand as amended.

**V.      *Approval of the Minutes – February 8, 2011 Regular Meeting & February 10, 2011 Planning Retreat*** – Councilwoman Keller indicated that the February 8, 2011 § VIII. New Business item c. Audit Report from Bryce Holders Office should reflect that the 2009/2010 audit report showed that Town revenues were up and expenses were down. Councilman Miller motioned to approve the amended minutes for February 8, 2011 as well as the February 10, 2011 minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**VI.     *Public Hearing***

**a. *Radio Read Meter Financing*** – Vice Mayor Piquet motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Manager Feierabend stated that it is anticipated the Town will be going through BB&T with a 10 year loan having an interest rate of 3.11%. Hearing no public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

**VII.    *Public Comment*** – Fred Pfohl, Chairman of the Recreation Committee, addressed Council regarding the need for an all-terrain vehicle for the outdoor recreation department. This vehicle would assist in maintaining the Towns 20 plus miles of hiking trails; work around Buckeye Recreation Center, as well as plowing the Greenway Trail in the winter and assisting with events. Mr. Pfohl felt that the vehicle would greatly assist employees in performing their duties more efficiently. The approximate cost for a used all-terrain vehicle would be \$6,500.

**VIII.   *New Business***

**a. Parking and Snowplowing Issues on Skiloft – Kevin Mullins** – Kevin Mullins was not present. As a courtesy Mayor Owen directed Council to readdress this item again after § VIII. New Business item f. Local Legislation Request.

**b. Advertise Delinquent Property Taxes – Randy Feierabend** – Councilman Miller motioned to approve the advertisement. Councilman Holcombe seconded the motion and the vote passed unanimously.

**c. Part Time Radio Read Meter Inspector – Randy Feierabend** – Manager Feierabend stated that staff felt that there was a need for direct oversight of the work being performed by Iron Mountain in order to improve quality control. After much discussion Councilman Miller motioned to approve the part time radio read meter inspector position. Councilman Holcombe seconded the motion and the vote passed unanimously. Mayor Owen stated that the salary would be established between himself and Manager Feierabend.

**d. Request to Set Public Hearing for Erosion Control Ordinance – James Scott** – Town Planner James Scott advised Council that this proposed ordinance amendment is being mandated by the State. Vice Mayor Piquet motioned to schedule the public hearing for Councils upcoming April meeting. Councilman Miller seconded the motion and the vote passed unanimously.

**e. Request to Set Public Hearing to Amend Title XV Land Usage §154.272 “Exempt Signs” – James Scott** – Town Planner James Scott stated that currently any off premises signs are prohibited. The intention had been to keep billboards from being erected; however there are major points of interest within the Town and the placement of directional signs would greatly aid visitors in navigating their way around the mountain. The proposed ordinance would allow the Town to oversee the type of sign that was put up. Vice Mayor Piquet motioned to set the public hearing for Councils next regularly scheduled meeting. Councilman Holcombe seconded the motion and the vote passed unanimously.

**f. Local Legislation Request** – Attorney Eggers stated that he has looked into the issues as they relate to charging availability fees for the provision of water and sewer. The way the statute reads is that anyone who is connected to the Town’s water and sewer system is required to pay the availability fees as well as their uses. Anyone who has a building that has water and sewer available to them but is not connected is required to pay the availability fees. Approximately 2/3’s of the Town’s undeveloped lots do have access to water and sewer. The question is whether the Town can charge an availability fee to these lots for having access to water even though they are undeveloped. The current statute does not permit this type of fee. This can be addressed through local legislation with the General Assembly due to the unique circumstances and design of the Town. Attorney Eggers stated that he has spoken with Representative Jordan and Senator Soucek regarding this issue and the feasibility related to that. Senator Soucek seemed receptive to the idea if this is something Council wished to proceed with. The deadline to file a local bill was March 1<sup>st</sup> and has passed however Senator Soucek has the ability to file a blank local bill for any needs that he sees coming up. Senator Soucek indicated that he would be willing to use the local bill place holder that he had for the Town of Beech Mountain. Representative Jordan stated that he was receptive to the idea as well. The deadline to file with Representative Jordan is March 16<sup>th</sup>. The General Assembly’s crossover deadline is May 12<sup>th</sup>. The crossover date is the date that proposed

legislation must have moved on from the House to the Senate. Attorney Eggers stated that Council would need to get in touch directly with their representatives in order to move forward and that he was able to draft the legislation. Vice Mayor Piquet motioned to proceed. Councilman Holcombe seconded the motion and the vote passed unanimously. Mayor Owen stated that Council was simply trying to gain the authority to be able to charge an availability fee to undeveloped lots that have access to water and sewer and that there was no indication that this would be passed by the General Assembly. Councilman Holcombe explained that the State Legislation has been moving towards removing any tax collection revenue from funding water and sewer projects. This means that those charges would have to be charged to the users of the service. To soften this impact Council was of the opinion that it would be good to have an option available to spread out the responsibility amongst all lot owners that have access.

***Revisited Item a. Parking and Snowplowing Issues on Skiloft – Kevin Mullins*** – Mayor Owen stated that Council would table item a. Parking and Snowplowing Issues on Skiloft since Mr. Mullins had not been able to attend the meeting.

## **IX. Old Business**

***a. Vote on Resolution for Local Government Commission for Financing of Radio Read Meter Project – Mayor Owen*** – Councilman Holcombe motioned to approve the amended resolution. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***b. Town Website – James Scott*** – Town Planner James Scott whole heartedly thanked Kathy Khalifa, a local resident and web design professional, for the numerous amount of time that she had dedicated to the Town in order to assist in updating the Town's website. Mr. Scott showed Council the Town's current website as well as Mrs. Khalifa's proposed design for the Town. Mr. Scott pointed out that the updated site has several advantages one of which was appearance. Moreover the new site scales to the size of the user's page and also uses a template that ensures a continuous theme for all of the pages. Flexibility is another advantage. With this program the Town is able to rotate slide shows of seasonal photos and change background images. The last major advantage to the new site is that it utilizes a content management system that is designed to allow ease of use. Council unanimously extended their gratitude to Mrs. Khalifa stating that the new site was very impressive. Councilman Holcombe motioned to approve the new site to go live. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Mayor Owen directed staff at the to contact Mrs. Khalifa to discuss appropriate compensation.

***c. Ordinance Creating Conditional Use Standards for Campgrounds – James Scott*** – Town Planner James Scott stated that since the previous meeting the utility issue had been revised. The intent of the revisions were to make it clear that the Town's water and sewer ordinance standards would apply with only modifications as necessary for the unique situation posed by campgrounds. The required distance to hook up to the Town's utility system is 1,000' for individual water and sewer connections. Sewage dumping stations are not covered under the current water and sewer ordinance so regulations have been included in the proposed campground ordinance. Availability fees are also addressed because the calculation method needed to be different. The amount will be based on 100 square feet. Vice Mayor Piquet motioned to approve the ordinance. Councilwoman Keller seconded the

motion and the vote passed unanimously. Ordinance No. 2011-02 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

**d. Tree Committee Terms for Appointed Members – Randy Feierabend** – Councilman Holcombe motioned to designate 3 year terms to Tree Committee Members Marge Bailey, Renee Castiglione and Peter Patton and that Cindy Keller and the vacant position would serve a 2 year term. Councilman Miller seconded the motion and the vote passed unanimously.

**e. Tourism Development Authority Appointment of Vice Chairperson – Mayor Owen** – Councilman Holcombe motioned to appoint Judy Decker as the Vice Chairperson to the Tourism Development Authority. Councilman Miller seconded the motion and the vote passed unanimously.

#### **X. Town Manager and Staff Reports**

**Budget Amendment for the Water/Sewer Fund for Water Meter Parts** – Manager Feierabend stated that it is very likely that funding will be available from the loan by April 1<sup>st</sup> and that these monies will be reimbursed once that loan has been secured. Councilman Holcombe motioned to approve the budget amendment. Councilman Miller seconded the motion and the vote passed unanimously.

**Stack Stone Flower Beds** – Manager Feierabend informed Council that staff was proposing to create stack stone flower beds throughout the Town as part of the beautification process. Staff wanted to make sure to keep these areas away from where the Town pushes snow. By doing so the whiskey barrels that are used for potting flowers would be preserved. Council agreed that this was a good idea.

**Town Hall Parking Arrangement** – Manager Feierabend stated that Town Hall's parking lot was scheduled to be sealed this spring. Council had before them a proposed parking lot plan for Town Hall which would provide for a total of 34 parking spaces. Council instructed staff to stripe the parking lot as the proposed plan was laid out.

**Including Shared Leave in the Town's Personnel Policy** – Manager Feierabend stated that most Town's have a shared leave policy. Council instructed staff to work on a policy. Manager Feierabend stated that staff would present the proposed policy to Council at their April meeting.

**30 Year Anniversary May 1<sup>st</sup>** – Manager Feierabend stated that an estimated cost of \$3,600 has been provided by the committee that is planning the Town's 30 Year Anniversary celebration. The party will be catered and there will be a live band. Councilman Miller motioned to appropriate up to \$4,000 to fund the event. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

**Genesis** – Councilwoman Keller stated that she had a meeting with Friends of Genesis and that Genesis was now in compliance with the Town's existing lease agreement. Councilwoman Keller asked if other Council members would be interested in setting up a

time and place to discuss potential future arrangements. Council agreed that they would be willing to meet and hear ideas from Genesis.

*Mayor Owen had Council take a short break at 4:23 p.m. Council reconvened at 4:39 p.m.*

- XI. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters and NC GS 143-318.11(a)(6) Personnel Matters** – Vice Mayor Piquet motioned to go into closed session at 4:39 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously. Vice Mayor Piquet motioned to come out of closed session at 4:55 p.m. Councilman Holcombe seconded the motion and the vote passed unanimously.

**XII. Other Business**

**Proposed Lot Budget Amendment** – Councilman Miller motioned for the amount of \$172,078 be moved from the fund balance to pay for the expenditure of purchasing the 5.89 acre lot. Councilman Holcombe seconded the motion and the vote passed unanimously.

**Proposed All Terrain Vehicle for Outdoor Recreation Department** – Vice Mayor Piquet was in favor of the Recreation Department acquiring an all-terrain vehicle as long as the monies for this purchase could be found within the Recreation Departments budget. After much discussion it was concluded that the Recreation Department needed to be able to pay for this purchase with their own funds.

**Litter on the Beech Mountain Parkway** – Councilwoman Keller stated that the Town needed to come up with a plan for removing the litter on the Beech Mountain Parkway as you come up the mountain. Staff was instructed to find a solution.

- XIII. Recessed** – After much discussion amongst Council; Vice Mayor Piquet motioned to recess the meeting at 5:01p.m to Thursday, March 24<sup>th</sup> at 4:00 p.m. at Town Hall. Councilman Holcombe seconded the motion and the vote passed unanimously.

- XIX. Reconvened** – Vice Mayor Piquet reconvened the Regular Meeting of March 8, 2011 at 4:06 p.m., Thursday March 24, 2011 in the Town Hall Council Chambers. Other Council Members present were Rick Miller, Cindy Keller and Alan Holcombe. Mayor Owen was absent from the meeting. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick and Recreation Director Eric Jelinski.

- XX. Pledge of Allegiance** – All present joined in the Pledge of Allegiance Flag.

- XXI. Agenda** – Vice Mayor Piquet amended the agenda to include under § XII. Other Business; All Terrain Vehicle, Letter of Support for the Land of Oz and Recommencing the Genesis Discussion from the previous Council Meeting. Councilman Miller motioned to add All Terrain Vehicle to the agenda. Councilman Holcombe seconded the motion and the vote passed unanimously. Councilman Holcombe motioned to add the Letter of Support for the Land of Oz to the agenda. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Vice Mayor Piquet stated the agenda would stand as amended.

- XXII. Other Business** –

***All Terrain Vehicle*** – Manager Feierabend provided information on the Recreation Departments budget. Vice Mayor Piquet stated that the Recreation Department needed this item now so that they could start repairing the trails immediately for this summers' use. After much discussion Councilman Holcombe motioned to approve \$10,000 from fund reserve to be used by the Recreation Department for the purchase of an all terrain vehicle and this year's trail maintenance. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

***Letter of Support for the Land of Oz*** – Councilwoman Keller stated that for several years she had been hoping that Appalachian State University would reopen their Cultural Museum but that unfortunately this has not happened. It has been disclosed that the Cultural Museum would not be reopened and that the possessions it held would be disbursed to other entities. Years ago the Land of Oz donated numerous items to Appalachian State University's Cultural Museum and would now like to see these items returned. Councilwoman Keller stated that she had a meeting scheduled with the Dean of the College of Arts and Sciences who is over the Cultural Museum to discuss the return of these donated items. Councilwoman Keller stated that she already had support from the Chamber of Commerce and the Historic Society. Councilwoman Keller was requesting that Council show their support through a letter to the Dean of the College of Arts and Sciences. Councilman Miller motioned for staff to generate a letter of support. Councilman Holcombe seconded the motion and the vote passed unanimously.

***Recommencing the Genesis Discussion*** – Councilwoman Keller stated that she met with Eva Jones, Suzane Haliburton and Leslie Hayhurst a couple of weeks ago. Genesis has the funds to clean up the Genesis Center and would like to move forward with providing a learning center there. As for the lease on this property between the Genesis and the Town; Genesis would like to retain the same lease and not have to give up their dome. Additionally Genesis is very content with establishing their Fireweed Facility. On another note there is an individual who is interested in donating a 3 bedroom 2 bath modular home to a non-profit organization such as Genesis or the Town. The modular home is 28' by 56' and is currently located in Woodland Meadows. The approximate cost to move the building is \$30,000. The owner of the modular home is willing to pay half of the moving expense. Genesis has two locations that they would potentially be interested in having this building moved to. Councilwoman Keller asked Council if there was any interest amongst council members in moving this modular home onto Town property. Vice Mayor Piquet stated that he was not in favor of spending this amount of money on a modular home in the hopes that some time in the future the Town would have a need for it. As for the lease with Genesis he was not in favor of having multiple land leases with Genesis. Genesis can continue with their building on Fireweed and use the center at Buckeye Lake as a learning center. Councilwoman Keller stated that the Condor Program at Lees-McRae could be interested in the learning program. Councilman Miller stated that he was not in favor of putting up tax payer money for the purchase of this building and felt that Mrs. Hayhurst should continue to move forward with her project on Fireweed. Councilman Holcombe suggested that they contact Lees McCrae to see if they have any interest in working together with the Town; pointing out that they have students that are in need of a facility. This idea seemed to have a lot more long term vitality to it.

Town Clerk Jennifer Broderick was excused from the meeting at 4:45 p.m.

Councilman Holcombe motioned that the Town open a dialogue with Lees-McRae College about the possibility of them establishing a wildlife preserve up here with the idea being that Lees-McRae would maintain and run the facility and the Town would provide the property. Councilman Miller seconded the motion and the vote passed unanimously.

**XXIII. Adjourn** – Councilman Holcombe motioned to adjourn the meeting at 4:56 p.m. Councilman Miller seconded the motion and the vote passed unanimously.

Minutes approved by Town Council on April 12, 2011.

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Rick Owen, Mayor

ATTEST:

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Jennifer Broderick, Town Clerk

**Ordinance NO. 2011-02****TOWN OF BEECH MOUNTAIN, NC****AN ORDINANCE TO AMEND TITLE XV LAND USAGE TO ALLOW  
CAMPGROUNDS AS A CONDITIONAL USE IN THE R-1 ZONING  
DISTRICT**

**WHEREAS**, allowing campgrounds in the R-1 zoning district will further the Town's efforts to remain an attractive year-round recreation destination; and;

**WHEREAS**, regulations must be set forth to ensure that any campgrounds created in the Town of Beech Mountain are of high quality and operated in an acceptable manner; and;

**WHEREAS**, the conditions upon campgrounds set forth herein provide adequate assurance that any campgrounds created in the Town of Beech Mountain will be safe, orderly, well-planned and will minimize any potential adverse impacts on surrounding land uses; and;

**WHEREAS**, allowing such use in the R-1 district will be in harmony with the spirit and intent of the underlying zoning district and the goals of land usage promoted by the Zoning Ordinance 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. The Code of Ordinances, Chapter 154 (Zoning), Section 154.091 (Permitted Use Table), and Section 154.117 (Conditional Use Standards) are hereby amended to read as follows:

**§ 154.091 PERMITTED USE TABLE.**

(A) P = Permitted

(B) C = Allowed as a conditional use

(C) Blank space = Not permitted

	R-1	R-2	R-3A	CS-1	CS-2	PS	BMR
<b>Campgrounds</b>	<b>C</b>						

(Note to editors: only relevant portion of table shown)

**§ 154.117 CONDITIONAL USE STANDARDS.**



The following standards are applied to specific conditional uses. Before issuing a Conditional Use Permit, the Board of Adjustment shall find that all standards for specific uses listed in this section as well as all standards listed in § 154.116 have been met.

. . .

**(P) Campgrounds**

**(1) Purpose.**

The purpose of this section is to provide standards for the private development of campgrounds as temporary seasonal accommodations for tourists and citizens, not designed for long-term lease or stay. Furthermore, this section aims to regulate and guide the establishment of campgrounds in order to promote public health, safety, and general welfare. This section is designed to accomplish the following specific objectives:

- (a) to further the orderly layout of campgrounds;
- (b) to secure safety from fire, panic, and other dangers;
- (c) to provide adequate light and air;
- (d) to ensure that facilities for transportation, parking, water, sewage, and accessory recreational activities are provided for campground visitors;
- (e) to ensure that campgrounds have a minimal adverse effect upon the neighborhoods or locations in which they are located; and
- (f) to ensure that such campgrounds are not used as permanent places of abode.

**(2) Scope.** This section shall pertain to the development of campgrounds for tent camping, Recreational Vehicle camping, and mixed tent/ RV camping. Permanent structures for camping such as "rustic camping cabins" are not covered under this Section.

**(3) Plan Submission.** Prior to the construction of a campground or the expansion of an existing campground, the developer shall submit a campground plan to the Board of Adjustments in accordance with Section 154.116. The plan shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina and shall include the following items in addition to the requirements of Section 154.116(D):

- (a) Name of the park and developer
- (b) Vicinity Map and Site Plan showing relationship between campground and surrounding area.
- (c) Proposed camper spaces well defined, indicating accurate dimensions and site numbers.
- (d) Surface and/or subsurface drainage plan and flood plain information, if necessary.
- (e) Site data:
  - 1. acreage in total tract.

2. acreage in campgrounds, if applicable.
3. total number of spaces.
4. lineal feet in streets.

(f) Landscaping and buffering

(g) Adjoining property owners.

(h) Title, date, graphic scale, north arrow.

(i) Method of Garbage Disposal.

(j) Other items as necessary to illustrate that the design standards below will be met.

(4) **Design Standards.** The following standards shall be considered the minimum requirements for all campgrounds:

(a) All Campgrounds shall have a gross land area of at least five (5) acres.

(b) *Minimum Space Design.* The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, promote compatibility with neighboring land uses, and further the intent of the zoning Code for the Town of Beech Mountain.

<b>Tent Camp Spaces</b>	<b>All Other Camp Spaces</b>
Minimum Space: 800 sq ft	Minimum Space: 1250 sq ft
Minimum Space Width: 20 feet	Minimum Space Width: 25 feet

(c) A minimum of 30% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the camper spaces, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to guests.

(d) Each camper shall be located at least thirty (30) feet from the edge of any publicly-maintained right of way.

(e) Each camper space shall be identified by a permanent number which shall not be changed. The appropriate number of each camper space must be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.

(f) All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site for a campground and to provide adequate drainage away from the space.

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(g) All spaces shall be located on sites with an average slope of less than 18%.

(h) *Permanent Residence for Owner-operator/ Superintendent.* One single family dwelling shall be permitted on a campground. This residence shall comply with all regulations for single family dwellings in the Town of Beech Mountain Code of Ordinances and in the applicable North Carolina State Building Codes

(g) *Service Building.* Each Campground shall have at least one service building to provide necessary sanitation, restrooms, and laundry tray. This structure may also contain a retail sales counter and/or coin operated machine for the campground guests use, provided there is no exterior advertising. Vending machines may also be permitted in a sheltered area. Service buildings may have one private apartment for use as quarters for a campground owner/ operator.

All public areas of service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All buildings shall be constructed in accordance with the N.C. State Building Code.

(h) *Bath Houses* In addition to the required restrooms in the service building as described above, campgrounds with greater than 50 camp sites must have additional restroom and bathing facilities for men and women (i.e. "bath houses") as described below:

51 – 100 campsites	1 additional bath house (total 2)
101-150 campsites	2 additional bath houses (total 3)
151-200 campsites	3 additional bath houses (total 4)
> 200 campsites	4 additional bath houses (total 5)

These "bath houses" shall provide separate facilities for men and women, and shall have a minimum of:

- two toilets, two showers, and two sinks for women
- two toilets, two showers, and two sinks for men

(i) Permanent structures (i.e. decks, porches, storage buildings) are prohibited on individual camp sites with the exception of concrete pads or other permanent hard surface pads not to exceed 300 square feet on a tent site and 500 square feet on all other sites.

(j) The campground owner is responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and shall be in accordance with Title V, Chapter 50 of the Town of Beech Mountain Code of Ordinances.

(k) One off-street parking space shall be provided and maintained for each camp space. Any other parking needs shall be supplied by a centralized common parking area for the campground. Required parking spaces shall be included within the minimum required space area for each camp space.

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(l) No camp space within a campground shall directly access a public road. Access to all camp spaces and accessory structures within the campground shall be made using internal streets.

(m) *Internal Streets.* One-way streets shall have minimum width of sixteen (16) feet. Two-way streets shall have a minimum width of eighteen (18) feet. Such streets shall be well maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each camper space shall abut an internal street within the campground. All internal streets that dead-end shall be provided with a permanent turnaround. All parking within the campground shall take place off the internal street within designated parking areas only. All internal streets within the campground shall be equipped with adequate and suitable drainage facilities. In accordance with 154.116(D)(5), documentation of adequacy for emergency medical and fire services will be required from the Beech Mountain Fire Department.

(n) *Buffering.* A buffer strip at least thirty (30) feet in width shall be maintained around the perimeter of the parcel on which the campground is situated. This strip shall be free of all encroachment by buildings, parking areas or impervious coverage. No designated camper spaces shall include any areas required for buffering. This area shall contain adequate vegetation, fencing, or landscaping to minimize the visual and noise impact of the campground upon the neighboring parcels.

### (o) Utility Requirements.

(1) Accessible, adequate, safe and potable water as well as adequate and safe sewage disposal facilities shall be provided in each campground. To achieve these ends, Chapter 51 of the Town of Beech Mountain Code of Ordinances (Water and Sewer Use) shall apply with only the following exceptions:

a. Where Town of Beech Mountain water or sewer systems exist within 1,000 feet of the park, the Town may require the developer to connect to such system(s). When connected to such systems their supply shall be used exclusively.

b. Each campground shall provide a minimum of one sewage dumping station and at least one (1) sewage dumping station for each 50 Recreational Vehicle camper spaces, which are not equipped with individual sewer and water connections. Sewage dumping stations shall be approved by the appropriate County Health Authority.

c. Availability fees for water and sewer for campsites provided with individual water and sewer connections or services shall be based on the current availability fee rates based on 100 sq. ft. per site regardless of the actual size of such site. Standard availability fee rates shall apply to bath houses, service buildings, and any other permanent structures on the premises.

d. The Beech Mountain Fire Department may require the installation of fire hydrants as necessary to ensure safety. In accordance with 154.116(D)(5), documentation

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of adequacy for emergency medical and fire services will be required from the Beech Mountain Fire Department before a Conditional Use Permit is granted.

(p) *Campfires.* Campfires and fire pits shall be designed and located according to the following restrictions:

- The location of these sites shall be selected with safety as a priority.
- They shall be in open areas away from structures, campers, and debris. To this end no designated campfire site may be within 8 ft of the line separating camp spaces.
- They shall be lined with permanent campfire rings, constructed of steel or other suitable material and embedded in concrete or rocks, in order to prevent the spread of fire.

(5) *Operating regulations.* The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this section and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition. The campground owner shall notify campground visitors of all applicable provisions of this section and inform them of their responsibilities under this section.

(a) Every campground owner or operator shall maintain an accurate register containing a record of all occupants and owners of campers in the campground. The register shall be available for inspection at all times by authorized town representatives. The register shall contain the following information:

- (1) Name and address of the occupants of each space.
- (2) Camper space number.
- (3) Date when occupancy within the campground begins and date when occupancy within the campground ceases.

(b) No more than one camper may be parked on any one space. Campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.

(c) Building and grounds shall be maintained free of rodent/insect harborage and infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The campground owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.

(d) Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

(e) It shall be unlawful to park or store a manufactured home or a type of Recreational Vehicle that is designed for permanent residence or long term stay in a campground. "Park Model" RV's are considered to be designed for long term stay.

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(f) The transfer of title of a camper space or spaces either by sale or by any other manner shall be prohibited within a campground as long as the campground is in operation.

(g) All camping units must be placed individually on approved camper spaces where all design standards and utilities have been completed. No more than one camper may be parked on any one space. Campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.

(h) No camper space shall be used as a permanent place of abode. Any action toward removal of wheels of a camper except for temporary purposes of repair is hereby prohibited. Underpinning/ underskirting is prohibited.

(i) No campground may operate and must be vacated of all campers during the months of January and February.

(j) Campfires:

- Are permitted only when weather and conditions allow
- Must be extinguished between midnight and sunrise
- Must be attended while burning
- Are limited to designated sites
- Said sites shall be inspected by the Town Manager or his designee on an annual basis and a yearly permit issued if safety standards are met.

(6) **Enforcement.** Failure to comply with the operating regulations for campgrounds shall be considered a zoning violation and shall subject the offender to civil penalties in accordance with Section 154.376 of this chapter. Furthermore, continued violation of these regulations shall constitute a breach of the Conditional Use Permit, and such permit may be revoked in accordance with Section 154.116(F)(2).

(Note to editors: only relevant portion of Section 154.117 shown)

SECTION II. CODIFICATION. The provisions of Section 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 immediately upon its passage and publication according to law.

EXHIBIT A

2011-02

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 8<sup>th</sup> day of March, 2011.

This ordinance adopted this the 8<sup>th</sup> day of March, 2011.

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Rick Owen, Mayor

ATTEST:

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Jennifer Broderick, Clerk