

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – November 13, 2012

I. CALL TO ORDER

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 3:01 p.m., Tuesday November 13, 2012 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Rick Miller and Alan Holcombe. Council Member Cindy Keller was not present. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Town Planner James Scott, Fire Chief Robert Pudney, Public Utilities Director Robert Heaton and Public Works Director Riley Hatch.

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 stated that the agenda would stand as presented.

V. Approval of the Minutes

a. October 9, 2012 Regular Meeting – Councilman Miller motioned to approve the October 9, 2012 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. October 9, 2012 Closed Session – Vice Mayor Piquet motioned to approve the October 9, 2012 Closed Session Minutes. Councilman Miller seconded the motion and the vote passed unanimously.

VI. Public Hearing

a. Public Hearing for Zoning of Benson Property – Councilman Miller motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Mayor Owen stated that this public hearing was to hear input from the community regarding the proposed zoning of the recent voluntarily annexed property. Town Planner James Scott stated that the Planning Board is recommending to Council that this property be zoned CS-1 because of its location and large size. Mr. Scott stated that CS-1 zoning is flexible in that it permits both residential and commercial use. Hearing no public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. Public Hearing for Regulating Culverts – Councilman Holcombe motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Mayor Owen extended the floor to Town Planner James Scott. Mr. Scott stated that the Towns zoning ordinance currently stipulates a specific type of material that must be used for culverts. Based on new technology Town Engineer Marion Rothrock and Public Works

Director Riley Hatch have asked that this ordinance be modified to allow for the use of newer materials and that the minimum culvert size be increased from 15” to 18”. Hearing no more public comment Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

VII. Public Comment

There was no public comment.

VIII. New Business

a. Request for Proposals to Provide Loan – Manager Feierabend stated the Town is moving forward with the Water Plant Project and the Watauga River Intake Project. Staff is seeking Councils approval to submit request for proposals for financing with Bank of America, Highlands Bank, BB&T, Fifth Third and Mountain Community. Mayor Owen stated that there has been some feedback on the draft request for proposal that Council has in front of them. Attorney Eggers stated that the specific wording in question could be worked on by staff and that the broad framework of the request for proposal itself could be approved by Council. Vice Mayor Piquet motioned that the Town move forward with the request for proposals after making the modification. Ad Hoc Water Committee member Urs Gsteiger stated that this request for proposal is for potential interim financing should the Town require that based upon the final financing that will be chosen by the Town for its utility projects. Councilman Holcombe seconded the motion. Councilman Miller questioned the number of proposed banks. Mayor Owen stated that Council wants the request for proposals made available for any financial institute to receive. Mayor Owen called the motion and the vote passed unanimously.

b. Resolution Concerning Loss of “Transitional Hold Harmless” Reimbursement Funds – Manager Feierabend stated that the transitional hold harmless reimbursement funds that the Town would be looking at losing, should the State stop this funding, would be approximately \$35,000. Mayor Owen stated that these monies being discussed tie into sales tax revenues. State Legislators had taken monies away from municipalities about 10 years ago believing that over the course of a 10 year period municipalities would be able to make up for this loss of funds through an increase revenue seen from sales tax. During this period of time the State has provided funding to assist during this transition. Unfortunately, the economy has stunted the forecasted revenue growth and the 10 year period of time is about to expire. Mayor Owen stated that there are 124 communities that will not be receiving these monies after this fiscal year. What this resolution before Council states is that the State promised municipalities, such as this Town, that we would be free and harmless from this act that was passed 10 years ago and as a result of this not being the case municipalities are asking for an extension to these transitional hold harmless funds. Vice Mayor Piquet motioned to approve Resolution No. 2012-08 concerning the loss of “*Transitional Hold Harmless*” reimbursement funds. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2012-08 is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

c. Resolution Authorizing the Opening of Two Investment Accounts – Mayor Owen stated that this is an effort to try to draw more money out of the capital trust fund and that a lot of communities are doing this right now. Manager Feierabend stated that the interest rate is currently fluctuating between 1% and 2%. Vice Mayor Piquet motioned to approve Resolution No. 2012-09 Authorizing the Opening of Two Investment Accounts. Councilman Miller seconded the motion and the motion passed unanimously. Resolution No. 2012-09 is attached as Exhibit B and incorporated by reference as if fully set out within these minutes.

d. Budget Amendment – Public Utilities Director Robert Heaton stated that this proposed budget amendment for \$3,500 was to correct a clerical error. Councilman Miller motioned to approve the budget amendment. Councilman Holcombe seconded the motion and the motion passed unanimously.

e. Rename Water Tank Road to Bark Park Road – Mayor Owen stated this proposal is from Vice Mayor Piquet. Mayor Owen recommended that the Council call for a public hearing to gather input even though the general statutes do not require Council to do so. Vice Mayor Piquet motioned to schedule a public hearing for Councils next regularly scheduled meeting. Councilman Holcombe seconded the motion and the vote passed unanimously.

f. Mayor Rick Owen 2012 Distinguished Alumni Award from Lees McRae College – Manager Feierabend stated Mayor Owen was honored by Lees McRae College recently as the recipient of their 2012 Distinguished Alumni Award.

IX. Old Business

a. Vote on Zoning of Benson Property – Councilman Holcombe motioned to move forward with zoning the property CS-1. Councilman Miller seconded the motion. Manager Feierabend stated that there had been talk of an upscale bed and breakfast. Councilman Miller asked if this zoning would affect any of the surrounding properties. Manager Feierabend stated that he had spoken with the adjoining property owner and that this owner was fine with this proposed zoning. Mayor Owen called the question and the vote passed unanimously. Ordinance No. 2012-10 is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.

b. Vote on Ordinance Regulating Culverts – Councilman Miller asked about the size requirements changing from 15” to 18”. Public Utilities Director Riley Hatch stated that this would allow for better flow and that the new product that would be able to be used is also smooth on the inside. Councilman Miller motioned to approve the ordinance. Councilman Holcombe seconded the motion and the vote passed unanimously. Ordinance No. 2012-11 is attached as Exhibit D and incorporated by reference as if fully set out within these minutes.

c. Vote on Ordinance Regulating Signs – Town Planner James Scott stated that based upon Councils directive from their last meeting the Planning Board had revamped the proposed sign ordinance so that residential signs would not be required to be routed or sand blasted. Mr. Scott pointed out that there was a clerical error in the proposed ordinance before Council. Mr. Scott stated that if Council did decide to move forward with adopting this proposed ordinance they should omit Section 178 G because it states the same thing as Section 178 A.

Mr. Scott stated that construction signs would be kept to 3 square feet with contractors having the flexibility to have multiple advertisements in this space. Councilman Miller asked about address numbers on a preconstruction site and where the numbers would be required to go. Mr. Scott stated that his recommendation would be to set up a mailbox. Mr. Scott stated that currently it is not mandated where these address numbers needed to be posted. Vice Mayor Piquet motioned to approve the proposed ordinance with the removal of Section 178 G. Councilman Holcombe seconded the motion. The vote passed 3 to 1 with Councilman Miller voting nay. Ordinance No. 2012-12 is attached as Exhibit E and incorporated by reference as if fully set out within these minutes.

d. Resolution Defining Administrative Value in the Newly Adopted Records Retention and Disposition Schedule through Local Policy – Town Clerk Jennifer Broderick stated that in September of this year the North Carolina Department of Cultural Resources released its latest version of the North Carolina Record Retention Schedule for Municipalities which in most aspects is very similar to the previous record retention policy that was being used. The main difference between this schedule and the previous schedule is that periodically in both the old retention schedule and the new retention schedule the disposition instructions state; “Destroy in office when administrative value ends.” The old schedule did not have a set time frame for when administrative value would come to an end. Ms. Broderick stated that based upon conversations with the North Carolina Department of Cultural Resources the resolution that Council had before them proposed that Council define the end of administrative value as 1 day. Vice Mayor Piquet motioned to approve Resolution No. 2012-10. Councilman Holcombe seconded the motion and the vote passed unanimously. Resolution No. 2012-10 is attached as Exhibit F and incorporated by reference as if fully set out within these minutes.

X. *Town Manager and Staff Reports*

Selection of Engineering Consultant – Manager Feierabend stated that engineer consultants have been interviewed by the selection committee that was put in place. Public Utilities Director Robert Heaton stated that the request for qualifications had been properly advertised prior to the interview process beginning. Mr. Heaton stated that the Town received a total of 4 responses back from engineering firms. The 4 firms were West Consultants, Blue Ridge Environmental Consultants, Burgin Engineering and Brown Consultants. Manager Feierabend stated that the committee spent about an hour and a half with each applicant using an evaluation form that was approved by the United States Department of Agriculture. This evaluation form had been used as part of the process in case the Town seeks funding through the United States Department of Agriculture. Based upon the interviews the committee was recommending that West Consultants, PLLC be brought on board to do the engineer work for the Town's new Water Plant Project. The committee was recommending Brown Consultants, PA for the Watauga River Intake Project. Manager Feierabend stated that staff is requesting that Council schedule interviews with these candidates to determine if they feel that these firms were a good fit for the Town and their two upcoming projects. Manager Feierabend asked that Council have a decision made by their next regularly scheduled Council meeting on whether they would like to work with either of these two firms. Manager Feierabend stated that the design work for the Water Plant Project would take 4 to 6 months. After much discussion Council agreed to schedule a special meeting on Wednesday, November 28th at 4:30 p.m. Mayor Owen asked staff to schedule this special meeting for Council to interview West Consultants, PLLC and Brown Consultants, PA.

Selection of Bond/ Local Government Commission Consultant – Manager Feierabend stated that in December Council will be receiving a request from staff to consider the selection of a bond consultant. Manager Feierabend stated that Attorney Eggers, Ad Hoc Water Committee members and staff had met and interviewed potential candidates. From this interview process a single bond consultant had been recommended for Councils consideration.

Clarifier Status of Repair – Public Utilities Director Robert Heaton stated that the specifications have been completed and that staff supports the decision of Town Engineer Marion Rothrock and Mr. Campbell not to start this project until spring because of the weather getting cold.

Lift Station Status of Project – Public Utilities Director Robert Heaton stated that staff has met with the M & M Construction who was awarded the contract for the Lift Station Project. Town Engineer Marion Rothrock stated that M & M Construction has until December 5, 2012 to finish the building portion of the project. Mr. Rothrock stated that the pumps have been ordered but will not be here by December 5, 2012. The contract stipulates that the building is to be finished. Mr. Rothrock stated that the liquidated damages in the contract were \$250 per calendar day. Mr. Rothrock stated that the deadline for this projects completion is June 25, 2013.

Generator Fried Due to Power Outage Caused by the Tennessee Valley Authority – Manager Feierabend stated that recently the Town went without power for over a day. Manager Feierabend stated that the Town brought their equipment back onto the grid slowly but that one of the utility generators was fried. The approximate cost for this generator is \$12,000. Manager Feierabend stated that as a result of this incident Council will see a budget amendment some time in the near future to cover this cost. Manager Feierabend stated that the insurance deductible is \$2,500 and believed that processing an insurance claim would be more costly to the Town down the road. Based upon this staff is recommending that Council just pay for the replacement of the generator out of pocket. Public Utilities Director Robert Heaton stated that one pump at Parkway station was also burned up. As a result a new pump and motor has been ordered and is on its way from California. Mr. Heaton stated that the controls were also messed up and a price has yet to be fixed on this issue.

Request from Sugar Mountain Concerning Old Sign at Base of Mountain – Manager Feierabend stated that the Village of Sugar Mountain would like to buy or have the Town donate the old warning sign that used to be at the base of the Beech Mountain Parkway. After discussion amongst Council Mayor Owen asked Manager Feierabend to negotiate a price with the Village of Sugar. Councilman Miller asked about the new warning sign at the base of the mountain. Manager Feierabend stated that the lights are controlled from the top of the mountain and that this new sign will stay open seasonally. Mayor Owen stated that the sign needs to be modified to say that the warning is only applicable when flashing.

Mayor Owen stated that Council would take a short break at 3:49 p.m.

- XI. Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters; NC GS 143.318.11(a)(5) Potential Acquisition of Real Property*** – Upon motion by Vice Mayor Piquet at 3:55 p.m., seconded by Councilman Holcombe the Council voted unanimously to

go into closed session pursuant to NC GS 143-318.11(a)(3) for Attorney Client Matters; NC GS 143.318.11(a)(5) Potential Acquisition of Real Property. Vice Mayor Piquet motioned to exit closed session at 4:43 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously.

XII. Other Business

High Country Municipal Association Meeting – Councilman Miller stated that the next High Country Municipal meeting was scheduled for Thursday, November 15, 2012 at 6:30 p.m. and would be hosted by Seven Devils.

Town Charter – Vice Mayor Piquet asked about the possibility of having the Town Charter amended. Attorney Eggers stated that this could be done through local legislation. Vice Mayor Piquet stated that Senator Dan Soucek could be contacted if the Town had a resolution in place stating that Council wished to change the Towns Charter. Attorney Eggers stated that he can draft this resolution if Council wishes for this to be created. Mayor Owen stated that Council is considering clarifying the Towns Charter and that this is not being done to the detriment of Beech Mountain Resort. Mayor Owen emphasized that Council is not trying to regulate ski activities. Councilman Miller echoed Mayor Owens statement by saying that Council was not trying to do anything negative to the slopes. Vice Mayor Piquet stated that the Charter needed to be clarified so that the Towns ordinances would apply equally. Mayor Owen stated that it may be a good idea to work with Beech Mountain Resort to provide them an opportunity for input. Vice Mayor Piquet stated that there needs to be a starting point and that Council should have an initial draft resolution created. Mayor Owen asked how Council felt about Manager Feierabend contacting Beech Mountain Resort General Manager Ryan Costin to open up a dialogue. Mayor Owen stated that a zoning ordinance for the ski resort could be a possible solution. Council directed Manager Feierabend to open the dialogue.

XIII. Adjourn – Councilman Miller motioned to adjourn the meeting at 4:54 p.m., which was seconded by Councilman Holcombe. The motion passed unanimously. The meeting was adjourned at 4:54p.m.

Minutes approved by Town Council on December 11, 2012.

ATTEST:

Richard H. Owen, Mayor

Jennifer Broderick, Town Clerk

**ATTACHMENT(S)
TO
MINUTES**

EXHIBIT A – Resolution No. 2012-08: Resolution Concerning Loss of
“Transitional Hold Harmless” Reimbursement Funds

EXHIBIT B – Resolution No. 2012-09: Resolution Authorizing the Opening of
Two Investment Accounts

EXHIBIT C – Ordinance No. 2012-10: Rezoning Ordinance

EXHIBIT D – Ordinance No. 2012-11: An Ordinance to Regulate Culverts in
Beech Mountain

EXHIBIT E – Ordinance No. 2012-12: An Ordinance Regulating Signs

EXHIBIT F – Resolution No. 2012-10: Resolution Defining Administrative Value
in the Newly Adopted Records Retention and Disposition Schedule through Local
Policy



Town of Beech Mountain

Randy E. Feierabend, AICP
Town Manager
Stacy C. Eggers, IV, Attorney

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Council Members
Rick Owen, Mayor
Paul Piquet, Vice Mayor
Alan Holcombe
Cynthia A. Keller
E. "Rick" Miller

Resolution No. 2012-08

Resolution of Beech Mountain Town Council Concerning Loss of *"Transitional Hold Harmless"* Reimbursement Funds

WHEREAS, in 2002 the General Assembly authorized an additional local option sales tax, and repealed existing reimbursements to local governments resulting from earlier repeal of the inventory tax base of local governments; and

WHEREAS, as part of the 2002 repeal of reimbursements, 122 municipalities and 17 counties which had negative budget impacts from the combined repeal of reimbursements and new sales tax have received transitional hold harmless payments for 10 years; and

WHEREAS, the growth in sales tax over the 10 year period of reimbursements is less than projected, resulting in continuing losses to local governments receiving "transitional hold harmless" payments unless the 10 year period is extended; and

WHEREAS, the 2011-2012 State Budget does not include extension of the "transitional hold harmless" period to protect those local governments from losses caused by the 2002 repeal of reimbursements; and

WHEREAS, the Town of Beech Mountain will lose approximately \$35,000 in its 2013-2014 budget year due to the failure of the General Assembly to extend "transitional hold harmless" payments; and

WHEREAS, Whereas, this Town budget shortfall will shift the burden of the General Assembly's inaction on extension of "transitional hold harmless" payments to Town of Beech Mountain citizens and taxpayers.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN THAT;

The North Carolina General Assembly is urged to restore "transitional hold harmless" payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace "transitional hold harmless" payments, as envisioned in 2002 when reimbursements to local governments were repealed.

Beech Mountain's local delegation to the General Assembly is urged to support restoration of "transitional hold harmless" payments to local governments for a reasonable period of time.

The North Carolina League of Municipalities is urged to make restoration of "transitional hold harmless" payments one of its highest legislative goals in the 2013 Session of the General Assembly.

Adopted by the Beech Mountain Town Council this 13th day of November, 2012.

Signed this date: November 13, 2012

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, Town Clerk



Randy B. Peierabend, AICP
Town Manager
Stacy C. Eggers, IV, Attorney

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Resolution No. 2012-09

Resolution Authorizing the Opening of Two Investment Accounts

WHEREAS, The Town of Beech Mountain wishes to open two investment accounts with North Carolina Capital Management Trust; and

WHEREAS, These accounts will be term portfolio's and should receive a better interest rate;
and

WHEREAS, North Carolina Capital Management Trust is a Federal Deposit Insurance Corporation; and

WHEREAS, One account will be used for the General Fund and the other account will be used for the Water and Sewer fund;

NOW THEREFORE, BE IT RESOLVED that the Beech Mountain Town Council unanimously votes to open these two investment accounts.

Passed this 13th day of November, 2012.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, Town Clerk

TOWN OF BEECH MOUNTAIN**Rezoning Ordinance No. 2012-10**

WHEREAS, the Town of Beech Mountain has duly adopted an ordinance to establish zoning districts throughout the Town of Beech Mountain; and

WHEREAS, the Town of Beech Mountain Zoning Administrator is charged with maintaining the Official Zoning Map for the Town of Beech Mountain, North Carolina, pursuant to §154.073 of the Town of Beech Mountain Code of Ordinances; and

WHEREAS, the Town Council of the Town of Beech Mountain, pursuant to a duly advertised public hearing, acted to provide a zoning designation to the property described below upon its recent annexation into the Town; and

WHEREAS, the Town of Beech Mountain Zoning Administrator is to update the records of the Town in regards to the proper zoning classification of the property; and

WHEREAS, this resolution is signed and placed in the files of the Zoning Administrator to properly document duly enacted re-zoning of the property as described below at the regular Town Council meeting for the Town of Beech Mountain which was held on the 13th day of November, 2012;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA THAT THE FOLLOWING REZONING ACTION WAS TAKEN BY THE TOWN OF BEECH MOUNTAIN:

County: Avery

| Parcel Identification Numbers | Deed Book References | Acreage | Previous Zoning Classification | Record Owner(s) @ Date of Rezoning |
|-------------------------------|----------------------|------------|--------------------------------|------------------------------------|
| 185906285775 | 459/1764 | 3.23 acres | None | US Bank National Assoc. |

Present Zoning Classification: CS-1

Restrictions or Conditions specifically placed upon the property as a condition of the rezoning not otherwise set forth in the Zoning Ordinance or elsewhere: None

Present uses of the property which would be deemed a grandfathered, non-conforming use of the property under the new zoning classification:
None

Filed with the Zoning Administrator for the Town of Beech Mountain, North Carolina this the 13th day of November, 2012.

Rick Owen, Mayor

Attest:

Jennifer Broderick, Town Clerk

Amendment to the Official Zoning Map of the
Town of Beech Mountain Acknowledged:

Zoning Administrator

Ordinance NO. 2012-11

TOWN OF BEECH MOUNTAIN, NC

AN ORDINANCE TO REGULATE CULVERTS IN BEECH MOUNTAIN

WHEREAS, the Town of Beech Mountain has enacted a zoning ordinance in order to protect the safety and welfare of its citizens and the character of its community; and;

WHEREAS, the zoning ordinance also serves to ensure reasonable and maintainable standards of development in order to protect citizens' enjoyment of their property; and;

WHEREAS, the zoning ordinance calls for certain types of culvert material where driveway entrances cross ditch lines and does not permit the use of newer material that could function effectively for culverts; and;

WHEREAS, the zoning ordinance currently allows the use of 15" diameter culverts, but experience has proven that a minimum 18" culvert is necessary to accommodate the demands of drainage along our roadways;

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 154.143 is hereby amended to read as follows:

§ 154.143 DRIVEWAY CULVERT.

Where a driveway entrance crosses a ditch line to adjoin an existing public roadway, a corrugated metal or corrugated double wall plastic pipe with a minimum of 18 inches must be installed.

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.

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 13th day of November, 2012.

This ordinance adopted this the 13th day of November, 2012.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, Clerk

Ordinance NO. 2012-12

TOWN OF BEECH MOUNTAIN, NC

**AN ORDINANCE TO AMEND SIGN REGULATIONS IN BEECH
MOUNTAIN**

WHEREAS, the Town of Beech Mountain has enacted a zoning ordinance in order to protect the safety and welfare of its citizens and the character of its community; and;

WHEREAS, the Town of Beech Mountain desires that its regulations be clear, consistent and comprehensible; and;

WHEREAS, the Town has recognized several opportunities to improve upon the wording and content, and consistency of its sign regulations;

**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 154.275 is hereby amended to read as follows:

§ 154.275 RESIDENTIAL SIGNS.

(A) Unless specifically superseded by this section, all residential signs must comply with the material and style standards of Section 154.279. The sign shall conform to all other applicable provisions of this subchapter not inconsistent with this section.

(B) Residential signs for single family homes may be no larger than a combined total of three square feet.

(C) Residential signs for single family homes need not meet the requirements of 154.279(F) or (G) pertaining to routing, sandblasting, carving, recessing or raising portions of the sign to provide a three dimensional appearance.

(D) The street address of each residence must be displayed and visible from the road, as required by the North Carolina State Building Code.

(1) Where buildings are not visible from the road, the street address shall be posted to a monument, post, mailbox, or other means that is visible from the road and clearly identifies the building. It is recommended that these numbers be located near the driveway or access to the building.

(2) Numbers posted on mailboxes or other monuments that are across the road from the building concerned or are otherwise located off of the property concerned are not adequate for the purposes of this section.

(3) For new buildings or buildings under construction, address numbers must be posted within a reasonable time after the permit is issued and must be posted prior to any inspections on the building.

(E) All condominium complexes must display an identification sign no smaller than four square feet. The maximum size of condominium signs shall be governed by the following table:

| Number of Units | Allowable Sign Size |
|--|---------------------|
| 5 or less | 20 sq. ft. |
| 6 - 15 | 25 sq. ft. |
| 16 - 20 | 30 sq. ft. |
| 21 and up | 35 sq. ft. |
| * When two or more complexes share a sign support structure, or if a condominium and subdivision share a sign support structure, each sign may be as large as their allowable limit, up to a maximum of 50 combined square feet. | |

(F) All subdivisions may have identification signs. The following table shall govern the size of subdivision signs:

| Number of Lots | Allowable Sign Size |
|---|---------------------|
| 5 or less | 15 sq. ft. |
| 6 - 15 | 25 sq. ft. |
| 16 - 20 | 30 sq. ft. |
| 21 and up | 35 sq. ft. |
| * When two or more subdivisions share a sign support structure, or if a condominium and subdivision share a sign support structure, each sign may be as large as their allowable limit, up to a maximum of 50 combined square feet. | |

(G) *deleted*

§ 154.278 CONSTRUCTION SIGNS.

Construction signs may be erected, provided the following conditions are met.

- (A) Unless specifically superseded by this section, all construction signs must comply with the material and style standards of Section 154.279. The sign shall conform to all other applicable provisions of this subchapter not inconsistent with this section.
- (B) The contractor or firm (or designated agent) must obtain a sign permit.
- (C) The sign must be erected in such a manner that it faces only the public right-of-way.
- (D) The sign must not exceed three square feet in size.
- (E) The sign must be erected on the property on which the project is being performed.
- (F) A maximum of one construction sign per location may be displayed. For the purposes of this section, multiple advertisements sharing a common support structure shall be considered as one sign.
- (G) The sign shall be removed within seven days after the project is completed.
- (H) All construction sign permits are valid from the time obtained until the next April 1, but in no event shall such permit be valid for a time period of greater than one year. During the time period permitted, such sign may be transferred from property to property but shall not remain on a property more than seven days after the completion of a project.
- (I) The allowable three square feet may be divided among multiple contractors, provided that no more than one sign is used.
- (J) If the construction sign permit is obtained pursuant to a project for which a building permit has been obtained, there shall be no permit fee for the construction sign. If a construction sign permit is obtained for a project other than for which a building permit is required, or if the construction sign permit is obtained prospectively for future undetermined projects, an appropriate fee as provided in the Town of Beech Mountain Permit Fee Schedule shall apply.

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.

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 13th day of November, 2012.

This ordinance adopted this the 13th day of November, 2012.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, Clerk



Town of Beech Mountain

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Resolution No. 2012-10

Resolution Defining Administrative Value in the Newly Adopted Records Retention and Disposition Schedule Through Local Policy

WHEREAS, the Beech Mountain Town Council adopted on October 9, 2012 the Records Retention and Disposition Schedule, Municipal, issued by the North Carolina Department of Cultural Resources on September 10, 2012; and

WHEREAS, the newly adopted schedule asks the governing board to define administrative policy through their own local policy; and

WHEREAS, the Beech Mountain Town Council believes that a minimum retention period of one day to be sufficient to define the ending of administrative value;

NOW THEREFORE, BE IT RESOLVED that the Beech Mountain Town Council unanimously votes to define the end of administrative value through their local policy of one day. This local policy is to be implemented into the newly adopted Record Retention and Disposition Schedule in every place that asks for local policy.

Passed this 13th day of November, 2012.

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, Town Clerk