

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – May 12, 2015

I. *CALL TO ORDER*****

Mayor Owen called the regular meeting of the Beech Mountain Town Council to order at 4:00 p.m., Tuesday May 12, 2015 in the Town Hall Council Chambers. Other Council Members present were Paul Piquet, Alan Holcombe, Cindy Keller, and E. ‘Rick’ Miller. Town Attorney Stacy C. Eggers, IV. was present. Staff members present were Town Manager Randy Feierabend; Town Clerk Jennifer Broderick, Finance Officer Steve Smith, Tax Collections Administrator Rebecca Ward, Public Works Director Riley Hatch, Fire Chief Robert Pudney, Police Chief Shawn Freeman, Town Planner James Scott, Director of Tourism and Economic Development Kate Gavenus, and Parks and Recreation Director Sandy Carr. Town Engineer Benjamin Thomas of P.E. West Consultants was also present.

II. *Invocation***** – Dewey ‘Cyclone’ Brett 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 be amended to include an item Councilman Holcombe had requested. The new item of business would appear under § VIII. New Business h. ‘*National Military Appreciation Month Proclamation.*’ Mayor Owen stated that the agenda would stand as amended.

V. *Approval of the Minutes*****

a. *April 14, 2015 Regular Meeting***** – Councilman Miller motioned to approve the April 14, 2015 Regular Meeting Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

b. *April 14, 2015 Closed Session***** – Vice Mayor Piquet motioned to approve the April 14, 2015 Closed Session Minutes. Councilman Holcombe seconded the motion and the vote passed unanimously.

c. *May 5, 2015 Special Meeting***** – Councilman Holcombe motioned to approve the May 5, 2015 Special Meeting Minutes. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

VI. *Public Hearing*****

Public Hearing to Amend Regulations for Accessory Structures – Mayor Owen asked that Town Planner James Scott discuss the ordinance that Council was being asked to consider. Councilman Miller motioned to open the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously. Mr. Scott stated that the proposed amendment

for accessory structures. One accessory structure is already permitted on a lot. This amendment would add to the existing regulations for accessory structures. Strengthening the idea that accessory structures are accessory in nature. Three areas of change. Size cannot exceed 70% of the size of the structure on the lot. Height cannot be taller than the structure on the lot. Accessory structure also needs to be a typical accessory structure. Mayor Owen asked if there were any comments from the public. Hearing no comments from the public Vice Mayor Piquet motioned to close the public hearing. Councilman Holcombe seconded the motion and the vote passed unanimously.

Public Hearing to Amend Regulations for Electric Fences – Councilman Holcombe motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott stated that the proposed amendment for regulating electric fences to make it expressly clear that electric fences are not permitted in Beech Mountain. The Planning Board took up the issue due to owners considering this measure as a deer deterrent. Mayor Owen asked if anyone wished to speak. Hearing no comments from the public Vice Mayor Piquet motioned to close the public hearing. Councilman Miller seconded the motion and the vote passed unanimously.

Public Hearing to Rezone 1103 Beech Mountain Parkway – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott stated that this proposed amendment for rezoning 1103 Beech Mountain Parkway which is commonly known as Beech Plaza. There is some ambiguity about the zoning of this parcel. This property has been used as commercial property since anyone can remember. The proposal is to rezone it as Commercial service. Mayor Owen asked if anyone wished to speak. Hearing no comments from the public Councilman Holcombe motioned to close the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously.

Public Hearing to Amend Regulations Regarding Rules for Town Parks – Councilman Miller motioned to open the public hearing. Vice Mayor Piquet seconded the motion and the vote passed unanimously. Town Planner James Scott stated that Council had before them proposed ordinance amendments to the rules for Town Parks. This would include wording to prohibit individuals from entering on frozen lakes, ponds, or waterways. This is being done for the public's safety. Mayor Owen asked if anyone wished to speak. Hearing no comments from the public 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 comment.

VIII. *New Business*

- a. *Water Plant Project Update*** – Benjamin Thomas, P.E. West Consultants stated that the plans and specifications have been completed for the Water Plant Project. The North Carolina Department of Environment and Natural Resources has approved the documents and issued an Authorization-to-Construct. The United States Department of Agriculture has approved documents and authorized advertising the project for bids. The building Inspections department and fire department have reviewed the plans and specifications and issued a few comments. Town staff, Local Government Commission

staff, and Parker Poe attorneys are preparing for submission of the application to the Local Government Commission for revenue bonds issuance approval. Tentatively trying to make the schedule for approval at the July LGC meeting. Vice Mayor Piquet stated that the schedule is going to incorporate two winters in 18 months which could be very short. Mr. Thomas stated that if the Town delayed longer the worse would be that if a contract was signed the first of September then they would probably be able to get the base for the structure poured. Mr. Thomas stated that submittal reviews would be able to take place. Mr. Thomas stated that a time extension may be needed depending on the weather. Mayor Owen state that he would rather add on to the tail end. Mr. Thomas stated that the contractor is supposed to plan on the average weather for the area that the project is being completed. Councilman Miller asked what the quickest way to get the project started. Mr. Thomas stated that the Town is required to get three bids on the project. Councilman Miller stated that he would like to see the project initiated as soon as possible. Mr. Thomas stated that that the Town could try to get something to the LGC by July. Councilwoman Keller asked how long these projects were usually put out to bid. Mr. Thomas stated that this project right now is proposed to be put out to bid for 90 days. Usually projects are sent out for 60 days. The plus to the 90 days is getting potentially lower pricing. Councilwoman Keller asked what the chances were for the Town being able to get the footer poured in September. Mr. Thomas stated that it was about 50/50. Councilwoman Keller was not sure that rushing the project was the way to go. Councilman Miller asked about inspections. Mr. Thomas stated that West Consultants would provide some inspections but that the Town would be hiring a private company to perform critical inspections. Mr. Thomas stated that the Town could wait until April but that there were could be issues with trying to pour footers in April. Mayor Owen stated that West Consultants would be in charge of determining when the footers would be poured. Knowing who is going to build and getting approval is the important thing. Councilwoman Keller stated that this was what she had been asking about. Mr. Thomas confirmed that it was an 18 month contract. If you lean toward quality construction then you could tell the contractor. Vice Mayor Piquet motioned to solicit bids as soon as possible. Councilman Miller seconded. Mayor Owen asked about the timeframe. Council was fine with the 6 weeks. Mayor Owen called the vote and the vote passed unanimously.

- b. *National Association Drug Diversion Investigators Grant Application*** – Mayor Owen opened the floor to Police Chief Shawn Freeman. Police Chief Freeman stated that this money would be used in conjunction with the Task Force that the Town participates with to assist with funding. Vice Mayor Piquet motioned that staff to make the grant application. Councilman Holcombe seconded the motion and the vote passed unanimously. Councilman Miller asked about the body camera grant. Police Chief Freeman stated that the Town was awarded the grant.
- c. *Benefit Discussion*** – Manager Feierabend stated that out of last month’s meeting staff was asked to provide options concerning benefits, the Market Value Position Study, and an overview of the fiscal year 2015 – 2016 budget. Manager Feierabend read off in detail the specifically requested items by Council. Manager Feierabend stated that there is a balance of insurance reserve fund of approximately \$80,000. Based on the above the Town averages \$16,000 per year into this fund. At the end of this year the Town should

be able to cover 4 individual catastrophic medical claims and has set a goal of attaining \$250,000. Manager Feierabend stated that over the next 5 years there will be 25.53% employees that will be eligible for retirement. The total percentage of employees hired after July 1, 2012 is 30%. This figure shows a 3.7% retention loss in the 2012 – 2013 fiscal year; a 15.09% retention loss in the 2013 – 2014 fiscal year; and in the 2014 – 2015 fiscal year a 16.98% retention loss. Only 55% of the Town's employees have additional lives on the Town's insurance policy. Currently Beech Mountain expends approximately 29.67% of the Town's budget on salaries, wages, and benefits. The 2014 average of 14 Western North Carolina Communities was 29.92%. The 2014 comparison with 14 Western North Carolina Communities shows 7 communities over 30% and 7 under 30%. The 2013 comparison with 13 Western NC Communities shows 6 over 30% and 7 under 30%. Manager Feierabend stated that these numbers show the Town is doing a good job. If the ratio is too high, it becomes difficult to fund services and programs expected by the public. Some options to reduce the budget would be to cut payroll, cut benefits, raise revenue, and/or cut services. Most towns are compressed. People live within a small geographic location. Beech Mountain is not normal, having high maintenance facilities spread out over a large area. Beech Mountain has 70 miles of water lines, 40 miles of sewer lines, 11 water tanks, 5 lift stations, 8 pump stations, and loads of pressure reducer valves. There are 70 miles of roads to maintain with 2,400 units to protect. The Town has 6 parks, a recreation center and miles of trails to maintain along with 2 fire stations. 2/3 of Beech is not built upon but most of this 2/3 has road frontage, sewer and water available to it. Manager Feierabend discussed what the Town could do to save more without cutting benefits or raising millage. The Town could reduce payroll; discuss with the administrator their commission; reduce the aggregate factor and/or have employees contribute. Manager Feierabend reviewed the figures of how the Town's health insurance costs compared to local communities. Town Clerk Jennifer Broderick explained the two insurance plans that the Town had in place for employees; both those employees hired prior to July 1, 2012 and those hired on or after July 1, 2012. Vice Mayor Piquet asked what the upcoming cost is for the Town. Vice Mayor Piquet stated that the budget, as presented today, has no millage rate increase, includes the same benefits, and has no utility rate increase. Manager Feierabend confirmed that this was correct. Councilwoman Keller asked about the employees participating in some portion of the family coverage. Councilwoman Keller asked if the Town could have the employees pay a portion of this premium for the family plan closer to the cost out on the market, yet still realizing a savings. Manager Feierabend reviewed how the Town could further look at reducing the benefit package. If changes are desired by Council the Town could modify the deductible, require employees to contribute and/or cut extra lives subsidies. This cost is \$115,000 per year not \$200,000. Mayor Owen wanted to know the figures from 7 years ago for employee health insurance benefits. Town Clerk Jennifer Broderick advised that the goal of Council had been to stay under the approximate 18% proposed insurance increase that the then current plan administrator was proposing. Staff was directed to establish the figure that staff was working with for health insurance and to determine whether or not this figure included any extra benefits such as dental insurance, life insurance, and vision. Vice Mayor Piquet stated that he would like to have a different benefit discussion and talk about letting the employees hired since July 1, 2012 participate on the grandfathered plan. Manager Feierabend stated that someday the Town may have to make major changes to

insurance benefits but requested that Council try to not make further changes in the Town's health insurance package.

- d. Compensation Study** – Manager Feierabend stated that HR Essentials used 7 out of the 8 communities The MAPS Group that had used as comparables the last time the Town conducted a compensation study. Manager Feierabend pointed out that HR Essentials also used an additional 4 communities. Manager Feierabend presented Option 4 and Option 6 as the proposed implementation methods. Manager Feierabend advised Council that the Proposed Option 4 was. Manager Feierabend stated that he is asking that Council look at implementing one of the options that benefits the Town's senior staff by recognizing the experience component and addressing the compression issue. There has been no pay philosophy methodology funded by Council to create movement within an individual pay grade, other than the certification program, for 10 years. Manager Feierabend pointed out that the funds for implementing the compensation study were included in the proposed budget without showing a budget increase. Councilman Holcombe asked that Manager Feierabend come back to Council with what was believed to be the best plan and to let the Council tweak it. Manager Feierabend stated that Option 6 is the implementation method that he would appreciate serious consideration on. Councilwoman Keller stated that this overall cost does not include for Option 6 does not include the retirement or tax figure. Manager Feierabend responded that this had been included in the proposed budget. Manager Feierabend stated that the amount used in the budget had been the figures for Option 4, which was approximately \$134,000. Councilwoman Keller asked what the total cost would be. Manager Feierabend stated that it would be approximately \$150,000. Manager Feierabend presented the 5 year capital plan with the proposed departmental equipment needs; caterpillar backhoe, "Do-All" Sand Truck, chipper bed for swap loader, chipper, pickup truck, tire changer, steam pressure washer, 120-12-G Grader, mig welder, apparatus 9201 (pumper), two way radios, vehicle 9502, CAD upgrade with FH interface, apparatus 9302 (tanker), individual patrol vehicle accountability program. The reserves after the initial draw down would be \$3,044,309 in the General Fund, \$2,082,869 in the Utility Fund, and \$173,004 in the Sanitation Fund. Mayor Owen asked about staff taking money out of Fund Reserve. Manager Feierabend explained the revolving type loan situation that the Town had set up for their Capital Purchase Plan. Manager Feierabend stated that this program has developed into a successful retention plan. Manager Feierabend informed Council that the proposed budget had no millage increase, the sales and use tax distribution are shown at the historical level of \$85,000 with the extra money being set aside. The current fund balance is \$3,544,309. Expenditure notes are the salaries based on Option #4 of the current salary study. This amount when the budget was prepared was approximately \$134,000 plus the other items. The proposed budget includes the addition of three positions; Police Captain, Parks and Recreation position, and a part time position in the Fire Department. Manager Feierabend stated that when the Town lost Daniel Scagnelli to the Parks and Recreation Director position the Town stopped funding the position that Mr. Scagnelli had previously held in the department. Since then the department has needed an on staff employee to handle fitness classes. Gravel and paving ratios have changed to 50/50 with each being funded for \$120,000. A generator service contract was added to the administration budget; a \$250,000 loan for the 5 year capital plan. Councilman Miller stated that he thought that Council discussed

putting extra money on the Water Plant. \$350,000 to \$500,000 has been discussed between Manager Feierabend and Mayor Owen. The State had originally informed the Town that the Fund Reserve needed to be kept at 60%. The State has reduced this amount to 8.5%, recognizing the size of the Town. Councilwoman Keller asked about the extra money being brought in from the sales tax revenue. Manager Feierabend confirmed that the extra money that the new distribution method created was being put to the side for Council to determine where they wanted it to go. Manager Feierabend reviewed the Enterprise Funds. The revenues are based on current rates remaining the same. Current reserves are \$2,451,767. 2016 budget rolls over to reserves another 283,000 for the Water Treatment Plant. Sanitation Revenue are based on current sanitation rates remaining the same. Current reserves are \$475,004.

- e. **Schedule Dates for Budget Meetings*** – After much discussion Mayor Owen asked that staff schedule budget meeting dates for Wednesday, May 27, 2015 at 4:00 p.m., Wednesday, June 3, 2015 at 4:00 p.m., and Wednesday, June 17, 2015. Each of these meetings would be held at Town Hall in the Council Chamber room at 403 Beech Mountain Parkway, Beech Mountain, NC 28604. Council asked that staff invite Gene Tucker, President and CEO of Tucker Administrators, to present the proposed insurance package.
- f. **Public Hearing Request for Proposed Fiscal Year 2015 – 2016 Budget*** – Mayor Owen stated that the Public Hearing could be called for at Councils regular meeting on Tuesday, June 9, 2015. Vice Mayor Piquet motioned to schedule the public hearing for the proposed fiscal year 2015 – 2016 budget for Councils next regular meeting. Councilman Holcombe seconded the motion and the vote passed unanimously.
- g. **National Military Appreciation Month Proclamation*** – Councilman Holcombe presented a resolution honoring Veterans of the Armed Services.

Note: At 6:09 p.m., Clerk Broderick left the room as a result of a medical need. The remainder of the minutes were taken by Town Attorney Eggers.

Upon Motion to approve the Proclamation of Councilman Holcombe, seconded by Vice-Mayor Piquet, the motion passed unanimously. The Proclamation for ‘*National Military Appreciation Month*’ is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

IX. Old Business

- a. **Vote on Regulations for Accessory Structures*** – Town Planner Scott discussed with Council the desire of staff and the planning board to qualify the definition of accessory structures under the Code of Ordinances. Upon Motion to approve the proposed ordinance amendment by Vice-Mayor Piquet, seconded by Councilman Holcombe, the motion passed unanimously. Ordinance No. 2015-02 ‘*An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Accessory Structures and Buildings*’ is attached as Exhibit A and incorporated by reference as if fully set out within these minutes.

- b. *Public Hearing to Amend Regulations for Electric Fences*** – The Council discussed the resolution to amend the Code of Ordinances to prohibit electric fences. Councilwoman Keller suggested the Council may wish to revisit this section in the event the deer population becomes more problematic. Town Planner Scott suggested the Planning Board may consider whether to allow electric fences in certain zoning districts in the future. Upon Motion to approve the proposed ordinance amendment by Councilman Miller, seconded by Councilwoman Keller, the motion passed unanimously. Ordinance No. 2015-03 '*An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Electric Fences*' is attached as Exhibit B and incorporated by reference as if fully set out within these minutes.
- c. *Public Hearing to Rezone 1103 Beech Mountain Parkway*** – Town Planner Scott discussed the proposal to rezone this property from R-1 to CS-1. Town Planner Scott stated that the owner of the property was in favor of this reclassification. Upon Motion of Councilman Holcombe seconded by Vice-Mayor Piquet, the rezoning was approved unanimously. Ordinance No. 2015-04 '*Rezoning 1103 Beech Mountain Parkway*' is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.
- d. *Public Hearing to Amend Regulations Regarding Rules for Town Parks*** – Following discussion, and upon Motion of Councilman Miller, seconded by Vice-Mayor Piquet, the Council unanimously approved the proposed amendment. Ordinance No. 2015-05 '*An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Rules for Town Parks*' is attached as Exhibit D and incorporated by reference as if fully set out within these minutes.

X. *Town Manager, Staff Reports, and Council Concerns*

Note Cards – Manager Feierabend advised Council that the Town and Tourism Development Authority had recently purchased note cards with the Town logo on them for use by Council members, the Town, and the Tourism Development Authority.

Personnel Policy – Manager Feierabend stated that the Town had recently amended its personnel policy to provide for protection of 'whistle blowers.' Police Chief Freeman stated this matter came up in relation to a grant application, and the inclusion of this terminology was required to meet the requirements of the grant. Town Attorney Eggers advised the personnel policy revision would protect employees from retribution by their supervisors in the event they reported misconduct or misuse of town funds.

North Carolina Department of Transportation Grant Application – The North Carolina Department of Transportation will consider the Town's grant application at its Board Meeting in June. If awarded, this would be a reimbursement grant which would repay the costs of the Town at the conclusion of the project.

Parks and Recreation Department Study – The Town recently received the Parks and Recreation Department Study which was prepared by David Hill and was distributed to

Council Members. The Board agreed to discuss the study during their budget workshops or at their next Council meeting.

Backup Communications Center for Emergency Management – Councilwoman Keller inquired about the status of the grant application for the Town to serve as the backup communications center for emergency management. Chief Freeman stated that bids have been obtained from contractors and the grant paperwork is in process. Chief Freeman advised the State has indicated a high probability the grant will be received.

The Council took a recess at 6:24 p.m.

XI Closed Session – Pursuant to NC GS 143-318.11(a)(3) Attorney Client Matters – At 6:34 p.m., Councilman Miller moved to enter closed session pursuant to N.C. Gen. Stat. §143-318.11 (a)(3) for the purpose of discussing attorney-client matters, including The Town of Beech Mountain v. Milligan and The Town of Beech Mountain v. Genesis Wildlife Sanctuary, Inc. The motion was seconded by Vice-Mayor Piquet and passed unanimously. Upon Motion by Vice-Mayor Piquet, seconded by Councilman Holcombe, the Council voted unanimously to exit closed session at 6:45 p.m.

XII. Other Business – There was no other business.

XIII. Adjourn – At 6:46 p.m., Vice-Mayor Piquet moved to adjourn, which was seconded by Councilman Holcombe. The motion passed unanimously.

Minutes approved by Town Council on June 9, 2015.

Respectfully Submitted,

Stacy Eggers IV., Town Attorney

Richard H. Owen, Mayor

ATTEST:

Jennifer Broderick, CMC
Town Clerk

ATTACHMENT(S)
TO
MINUTES

EXHIBIT A – Ordinance No. 2015-02: An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Accessory Structures and Buildings

EXHIBIT B – Ordinance No. 2015-03: An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Electric Fences

EXHIBIT C – Ordinance No. 2015-04: Rezoning 1103 Beech Mountain Parkway

EXHIBIT D – Ordinance No. 2015-05: An Ordinance to Amend the Town of Beech Mountain Regulations Regarding Rules for Town Parks

Ordinance No. 2015-02

TOWN OF BEECH MOUNTAIN

**AN ORDINANCE TO AMEND THE TOWN OF BEECH MOUNTAIN
REGULATIONS REGARDING ACCESSORY STRUCTURES AND
BUILDINGS**

WHEREAS, The Town of Beech Mountain strives to protect the character of its community and neighborhoods; and

WHEREAS, The Town of Beech Mountain's current ordinances have standards that regulate the construction, location, and design of accessory structures; and

WHEREAS, The Town of Beech Mountain intends to strengthen and clarify these provisions. Specifically, the Town intends that these regulations serve to ensure that accessory structures truly are subordinate to the primary structure on a lot and the purposes for which the lot is zoned; and

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

SECTION I. The Town of Beech Mountain Code of Ordinances, Section: §154.137 'Accessory Structures and Buildings,' is hereby adopted by the Town Council and codified as follows:

§ 154.137 ACCESSORY STRUCTURES AND BUILDINGS.

~~A small accessory building may be placed on a residential lot (provided set back requirements are met) which may include a garage and/or servants' quarters and/or guest suite. Such accessory building may not be constructed prior to the construction of the main dwelling and shall conform substantially with the style and design of the main dwelling.¹ Such accessory building shall not have separate water or sewer services from the primary structure on the lot.~~

(A) One (1) accessory building may be placed on a lot, provided the building adheres to the following standards:

- (1) The use of the building shall be of a nature that is customary and accessory to the primary use of the lot. For example, garages and/or servants' quarters/ guest suites are customary and accessory to principle residential dwellings.
- (2) Accessory structures may not be constructed prior to the construction of the primary structure on a lot.
- (3) Accessory structures shall conform substantially with the style, design, and materials of the main structure.
- (4) Accessory structures shall meet all required setbacks.

- (5) Accessory structures shall not have separate water or sewer services from the primary structure on a lot.
- (6) The size (in square feet) of an accessory structure shall not exceed 75% of the square footage of the primary structure on a lot.
- (7) The height of an accessory structure shall not exceed the height of the primary structure on a lot.

(B) In determining whether a structure is "customary and accessory" to a principle structure, the following shall be considered:

- (1) Size. See (A)(6) above.
- (2) The presence (or absence) of similar accessory structures appurtenant to similar principle structures in the neighborhood or the community.
- (3) Whether the accessory structure would be in harmony with the character of the neighborhood or community.
- (3) The amount of usage the accessory structure has or is likely to have relative to the main structure.

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 12th day of May, 2015.

This Ordinance Adopted the 12th day of May, 2015.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Clerk to the Board

Ordinance No. 2015-03

TOWN OF BEECH MOUNTAIN

**AN ORDINANCE TO AMEND THE TOWN OF BEECH MOUNTAIN
REGULATIONS REGARDING ELECTRIC FENCES**

WHEREAS, The Town of Beech Mountain strives to protect the character and safety of its community and neighborhoods; and

WHEREAS, The Town of Beech Mountain's current ordinances have standards that regulate the construction of fencing; and

WHEREAS, Electric fencing has been determined to pose a danger and a fire hazard. Furthermore, electric fencing has been determined to present a visual appearance that is out of character with the neighborhoods of Beech Mountain; and

WHEREAS, The Town of Beech Mountain intends to strengthen and clarify its fencing regulations. Specifically, the Town intends that the fencing regulations expressly prohibit the use of electric fencing.

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

SECTION I. The Town of Beech Mountain Code of Ordinances, Section: §154.139 'Fences, Landscaping Walls and Hedges,' is hereby adopted by the Town Council and codified as follows:

§ 154.139 FENCES, LANDSCAPING WALLS AND HEDGES.

(E) Fence standards.

(1) *Construction.* All fences, walls, or hedges must be constructed and erected or planted in accordance with the approved plans submitted with the permit.

(2) *Material and color requirements.*

(a) With the exception of division (E)(2)(c) below, fences shall be faced with natural or manufactured wood, stone, brick, or wrought iron.

(b) If painted, fencing must be painted in such a manner that it substantially conforms to the color(s) used on the primary structure on the lot.

(c) Chain link fencing may be erected in the following locations only:

1. To protect tennis courts, swimming pools, athletic fields, and playgrounds;

2. To protect water supply, pumping stations, water storage tanks, and similar utilities or infrastructure; and

3. In the CS-1/ CS-2 districts where protection of the property from trespassers is essential to the health and safety of the community.

(d) Above-ground electric fencing is expressly prohibited, provided that dumpster screening is not considered to be fencing for the purposes of this section.

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 12th day of May, 2015.

This Ordinance Adopted the 12th day of May, 2015.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Clerk to the Board

Ordinance No. 2015-04**TOWN OF BEECH MOUNTAIN****REZONING 1103 BEECH MOUNTAIN PARKWAY**

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 rezone the property described below from the previous zoning classification of the property to the current classification as set forth below; 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 12th day of May, 2015;

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
1950-03-5047-000	1617/330	.81 acres	R-2 or BMR (undetermined)	The Star Group

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 _____ day of _____, 20__.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, Town Clerk

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

Zoning Administrator

Ordinance No. 2015-05

TOWN OF BEECH MOUNTAIN

**AN ORDINANCE TO AMEND THE TOWN OF BEECH MOUNTAIN
REGULATIONS REGARDING RULES FOR TOWN PARKS**

WHEREAS, The Town of Beech Mountain strives to protect safety of its residents and visitors; and

WHEREAS, The Town of Beech Mountain's current ordinances have standards that regulate the use of Town parks; and

WHEREAS, Entering upon frozen lakes or ponds has been determined to be dangerous; and

WHEREAS, The Town of Beech Mountain intends to strengthen and clarify its rules for Town parks. Specifically, the Town intends that the rules for Town parks expressly prohibit entering upon frozen lakes or ponds.

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

SECTION I. The Town of Beech Mountain Code of Ordinances, Section: §93.05 'General Rules for Parks,' is hereby adopted by the Town Council and codified as follows:

§ 93.05 GENERAL RULES FOR PARKS.

All users of town parks shall adhere to the following rules and regulations.

- (A) All town parks open at sun up and close at sunset.
- (B) Motorized vehicles are prohibited on trails, walkways, ball fields and tennis courts.
- (C) Overnight camping or parking within the parks is prohibited.
- (D) Dogs and other domestic animals shall be kept under control at all times.
- (E) Litter left by animals must be removed by the animal's owner.
- (F) Pets are prohibited in the playground area.
- (G) Removal or cutting of any plant material (flowers, trees, shrubs) is prohibited.
- (H) Hunting or trapping in the parks is prohibited.
- (I) Swimming in lakes is prohibited.
- (J) All fishing within park areas must comply with the rules established by the State of North Carolina.
- (K) The rights of others must be respected at all times
- (L) Entering upon frozen lakes, ponds, or other bodies of water is strictly prohibited.

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 12th day of May, 2015.

This Ordinance Adopted the 12th day of May, 2015.

Richard H. Owen, Mayor

Attest:

Jennifer Broderick, CMC
Clerk to the Board