

MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – March 14, 2017

- I. CALL TO ORDER** – Mayor E. ‘Rick’ Miller called the regular meeting of the Beech Mountain Town Council to order at 4:00 p.m., Tuesday, March 14, 2017 in the Town Hall Council Chambers located at 403 Beech Mountain Parkway Beech Mountain, NC 28604. Other Council Members present were Paul Piquet, Rick Owen, Wendel Sauer, and Renee Castiglione. Town Attorney Stacy C. Eggers, IV. was present. Staff members present included Town Manager Tim Holloman, Town Clerk Jennifer Broderick, Finance Officer Steve Smith, Public Utilities Director Robert Heaton, Public Works Director Riley Hatch, Fire Chief Bob Pudney, Police Chief Shawn Freeman, Police Captain Tim Barnett, Parks and Recreation Director Sean Royall, Building Inspector John Merritt, and Tax Administrator Rebecca Ward.

Mayor Miller introduced the new Town Manager Tim Holloman to all 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 Miller opened the floor for Councils consideration of the agenda. Councilman Sauer motioned to approve the agenda. Councilwoman Castiglione seconded the motion, the vote carried unanimously.
- V. Consent Agenda** – Mayor Miller opened the floor for Council to take action on the consent agenda. Vice Mayor Piquet motioned to approve the consent agenda. Councilwoman Castiglione seconded the motion, the vote passed unanimously. The consent agenda was approved as follows with consent agenda item ‘c’ attached as Exhibit A and consent agenda item ‘d’ through attached as Exhibit B. Exhibits A thru B are incorporated by reference as if fully set out within these minutes.
- a. February 14, 2016 – Regular Meeting
 - b. February 14, 2016 – Closed Session
 - c. Tax Refund and Releases
 - d. Budget Amendment #5-2017
- VI. Public Comment** – There was no public comment.

VII. New Business

- a. Recognition of the Service of Police Officer Hal Bullock to the Town of Beech Mountain** – Mayor Miller read aloud the proclamation honoring Police Officer Hal Bullock’s service to the community and provided Mr. Bullock with a framed proclamation. Police Chief Shawn Freeman presented Mr. Bullock with a commemorative shadow box. Mr. Bullock received a round of applause. Vice Mayor Piquet motioned to approve the proclamation. Councilman Sauer seconded the motion, the vote carried unanimously. *‘A Proclamation by the Town Council of the Town of Beech Mountain Honoring the Service of Police Officer Hal Bullock’* is attached as Exhibit C and incorporated by reference as if fully set out within these minutes.
- b. Water Plant Replacement Project Update** – Dale Schepers, Construction Administrator for West Consultants, provided a contract summary update for the Water Plant Replacement Project. Mr. Schepers stated that as of March 14, 2017 the Town is 541 days into the 510 contract days, representing 106% of the contract period. Mr. Schepers reported that notification has been received from the contractor that the new substantial completion date is set for the middle of April. Mr. Schepers reported that work was completed through pay request 18, representing 75% work completion. At the monthly progress meeting held March 9, 2017 the contractor indicated that the anticipated work completion date is mid-May. Mr. Schepers stated that work quality is acceptable and that the substandard condition of the exterior concrete finish previously reported to Council has been addressed. Mr. Schepers reported that the metal building panels are on site and installation has begun along with the installation of the filter drain system. Testing on the hydro static concrete tanks is being completed. Installation of process piping and equipment, electrical work, along with coordination with automation equipment and programming is also taking place. The next monthly construction progress meeting is scheduled for April 13, 2017 at 10:30 a.m. at the Buckeye Recreation Center. It is anticipated that the Council will have three or more representatives at this next meeting. Town Clerk Jennifer Broderick was directed to publicly advertise this meeting for Council.
- c. Spruce Hollow to Beech Mountain Parkway Project** – Public Utilities Director Robert Heaton stated that M&M Construction of Banner Elk, Inc. has been progressing in the project good having laid approximately 75’ (feet) to 100’ (feet) more pipe.

- d. *Town Seal*** – Mayor Miller commended the work completed on the Town Seal by previous Town Manager Ed Evans and staff. Mayor Miller opened the floor for Councils consideration of the proposed Town Seal. Councilwoman Castiglione motioned to approve the Town Seal. Vice Mayor Piquet seconded the motion. Councilwoman Castiglione thanked Parks and Recreation Director Sean Royall for his professionalism during the process of refining the final product. Mayor Miller called for the vote, the vote carried unanimously. The Town Seal is attached as Exhibit D and incorporated by reference as if fully set out within these minutes.
- e. *Schedule Planning Retreat*** – At the conclusion of Council discussion Mayor Miller scheduled a Planning Retreat for Council for April 20, 2017 at 9:00 a.m. at the Foscoe Grandfather Community Center located at 233 Park Road, Banner Elk North Carolina 28604.

VIII. *Town Manager and Staff Reports*

355 Locust Ridge Road – Manager Holloman informed Council that the Town has been approached by the owner of 355 Locust Ridge Road concerning the potential sale of a Town owned lot that borders his property.

IX. *Town Council Comments*

Insurance Services Office Inspection – Councilman Sauer asked Fire Chief Bob Pudney to present information to Council on the upcoming Insurance Services Office inspection. Fire Chief Pudney stated that the last time the Insurance Services Office performed a service inspection for the Town was in 2008. The rating at that time saw the Town drop from a 7 to a 6 which resulted in a lowering of insurance premium costs for property owners on the mountain. Fire Chief Pudney stated that the inspection performed will include review everything, including the Fire Department, Police Department, E-911 services, and emergency response system. Typically the rating is received six months after the inspection has been performed. Fire Chief Pudney stated that during the inspection everyone begins the process with 105 points, which maximum amount of points. From there a deduction process begins. This service will impact future residential and commercial fire ratings and insurance costs.

Mayor Miller stated that Council would take a short break at 4:29 p.m.

- X. *Closed Session – Pursuant to NC GS §143-318.11(a)(3) Attorney Client Matters*** – At 4:35 p.m., Vice Mayor Piquet 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 *Town of Beech Mountain v. Genesis*

Wildlife Sanctuary, Inc., Solars v. Town of Beech Mountain and Town of Beech Mountain v. Milligan. The motion was seconded by Councilwoman Castiglione and passed unanimously. Upon motion by Councilwoman Castiglione, seconded by Councilman Sauer, the Council voted unanimously to exit closed session at 5:04 p.m.

XI. Other Business

Health Insurance – Councilman Owen stated that every year at budget time the Town discusses health insurance. Councilman Owen recommended that as part of the review process the Town consider using the services of a company Banner Elk has been working with to act as a consultant and analyze the Town's health insurance. This analysis would include looking at everything from the plan underwriting to the financial gain by the parties involved. Their consulting service only makes money if the Town makes decisions to follow their recommendations for realized savings. Councilman Owen stated that there would be a cost to staff of time. Manager Holloman stated that he is a big proponent of the state health plan and would like to provide Council with more information on this plan. Manager Holloman wanted to check with employees and Council to see if these services would be favorable. Councilman Owen stated that this is a much bigger conversation. There was Council consensus that it is advantageous to review what is going on, keeping the benefits the same and saving money.

XII. Adjourn – At 5:14 p.m., Councilman Sauer moved to adjourn, which was seconded by Vice Mayor Piquet. The motion passed unanimously.

Minutes approved by Town Council on April 11, 2017.

E. 'Rick' Miller, Mayor

ATTEST:

Jennifer Broderick, MMC
Town Clerk

**ATTACHMENT TO MINUTES
BEECH MOUNTAIN TOWN COUNCIL
Regular Meeting – March 14, 2017**

EXHIBIT A – Tax Releases and Refunds:

- i) Leslie Knowles
- ii) Angel & Joyce Moreno
- iii) Angel & Joyce Moreno
- iv) Town of Beech Mountain
- v) Echostar Satellite

EXHIBIT B – Budget Amendment #5-2017

EXHIBIT C – Proclamation: *‘A Proclamation by the Town Council of the Town of Beech Mountain Honoring the Service of Police Officer Hal Bullock’*

EXHIBIT D – Town Seal

Town of Beech Mountain
Budget Amendment #3-2017
Tuesday, February 14, 2017
ss

<u>Account</u>	<u>Description</u>	<u>Debt</u>	<u>Credit</u>
65-399-0000	Transfer from Reserve		60,000.00
65-410-7400	Capital Outlay	60,000.00	

To authorize additional spending
for the required E911 Backup
Center

Adopted this, the 14th day of February 2017.

E. 'Rick' Miller

Attest:

Jennifer Broderick, MMC
Town Clerk

Town of Beech Mountain
Budget Amendment #4-2017
Tuesday, February 14, 2017
ss

<u>Account</u>	<u>Description</u>	<u>Debt</u>	<u>Credit</u>
10-335-0013	Recreational Trails Program Grant		49,230.00
10-541-7400	Capital Outlay	49,230.00	

To authorize additional spending
for the NCDOT Pathway Grant

Adopted this, the 14th day of February 2017.

E. 'Rick' Miller

Attest:

Jennifer Broderick, MMC
Town Clerk



James 'Jes' Scott, AICP
Interim Town Manager
Stacy C. Eggers, IV, Attorney

Town of Beech Mountain

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Beech Mountain, North Carolina 28604-8012
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Council Members
E. "Rick" Miller, Mayor
Paul Piquet, Vice Mayor
Renec Castiglione
Wendel Sauer
Rick Owen

RESOLUTION No. 2017-01 TOWN OF BEECH MOUNTAIN

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, TO AMEND AUTHORIZED INDIVIDUALS FOR DEPOSIT ACCOUNTS, INVESTMENT ACCOUNTS, AND BANK SIGNATORIES FOR BRANCH BANKING AND TRUST, MOUNTAIN COMMUNITY BANK, AND HIGHLANDS UNION BANK

BE IT RESOLVED by the governing Board (hereafter the "Town Council") for the Town of Beech Mountain that all banks and all depositories where the Town of Beech Mountain has money on deposit and where the various departments of the Town of Beech Mountain have money on deposit, be, and they are hereby authorized and empowered to disburse the same upon checks, wire transfers, vouchers, and other like instruments signed by either E. 'Rick' Miller, Mayor of the Town Council or Paul Piquet, Vice Mayor of the Town Council or Town Manager Tim Holloman, or Finance Officer Steven Smith, and this authority shall be effective from the date of Monday, March 6, 2017 and continue until such banks and depositories are notified in writing of its revocation, and it is provided that all checks drawn on any deposit of the Town must carry the signature of the Finance Officer Steven Smith and one of the three recognized signatories for the Town as follows; E. 'Rick' Miller, Mayor of the Town Council or Paul Piquet, Vice Mayor of the Town Council or Town Manager Tim Holloman.

BE IT FURTHER RESOLVED that all former actions of the Town Council with respect to signatures required to disburse funds of the Town of Beech Mountain are hereby rescinded.

On motion of Councilman Wendel Sauer, seconded by Vice Mayor Paul Piquet the foregoing resolution entitled '*A Resolution of the Town Council of the Town Of Beech Mountain, North Carolina, to Amend Authorized Individuals for Deposit Accounts, Investment Accounts, and Bank Signatories for Branch Banking and Trust, Mountain Community Bank, and Highlands Union Bank*' was duly adopted by the following vote at a regular meeting of the Town Council held Tuesday, February 14, 2017:

AYES: Mayor E. *Rick* Miller, Vice Mayor Paul Piquet, Councilwoman Renee Castiglione, Councilman Owen, Councilman Sauer

NAYS: None

E. *Rick* Miller, Mayor

**State of North Carolina
Town of Beech Mountain**

I, Jennifer L. Broderick, Town Clerk of the Town of beech Mountain, North Carolina **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled '*A Resolution of the Town Council of the Town of Beech Mountain, North Carolina, to Amend Authorized Individuals for Deposit Accounts, Investment Accounts, and Bank Signatories for Branch Banking and Trust, Mountain Community Bank, and Highlands Union Bank*' adopted by the Town Council of the Town of Beech Mountain, North Carolina, at a meeting held on the 14th day of February, 2017.

WITNESS my hand and the corporate seal of the Town of Beech Mountain, North Carolina, this the 14th day of February, 2017.

(SEAL)

Jennifer L. Broderick, MMC
Town Clerk
Town of Beech Mountain, North Carolina

Ordinance No. 2017-04

TOWN OF BEECH MOUNTAIN

AN ORDINANCE TO REMOVE LOCAL GOVERNING FEES FROM THE TOWN'S CODE OF ORDINANCES THAT ARE ESTABLISHED BY THE TOWN COUNCIL IN THE TOWN'S MASTER SCHEDULE OF FEES

WHEREAS, the Town Council of the Town of Beech Mountain has adopted the 2016-2017 Fiscal Year Budget Ordinance; and

WHEREAS, the Town Council included within the 2016-2017 Fiscal Year Budget Ordinance a master Schedule of Fees; and

WHEREAS, the Town Council desires to annually review the master Schedule of Fees in conjunction with the preparation of the Town's annual budget; and

WHEREAS, the Town Council desires to approve within the annual Budget Ordinance a master Schedule of Fees; and

WHEREAS, the Town of Beech Mountain has within the current Code of Ordinance fees that are statutorily authorized to be administered by the governing board; and

WHEREAS, the Town of Beech Mountain has the authority to remove these fees from the Code of Ordinances.

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

SECTION I. Sections: §§51.001 'Water And Sewer Connections Required', §51.008 'Tampering with Water or Sewer Equipment', §51.025 'Definitions', §51.030 'Billing Procedures; Account Information', §51.031 'Meter Fees', §51.045 'Services; Connections', §51.134 'Disconnection of Meter', §51.152 'Rereading Policy', §51.153 'Water Data Log', §72.02 'Rules and Regulations', §90.01 'Public Safety Telephone (9-1-1)', §92.17 'Registration', §95.03 'Permit Required for Alarm System', §154.117 'Conditional Use Standards', §154.249 'Procedure for Review and Approval of Subdivision Plats', and §154.278 'Short-Term Signs' of the Code of Ordinances, Town of Beech Mountain, North Carolina, is hereby amended by the Town Council and codified as follows:

§ 51.001 WATER AND SEWER CONNECTIONS REQUIRED.

(A) All owners of real estate for which a Certificate of Occupancy has been issued, that is located within 200 feet of any town water and/or sewer line, shall

connect with such water and/or sewer line, in accordance with the provisions of this chapter.

(B) DELETED

(C) In all cases where water and sewer lines are within 200 feet of the property line, the owner of the property shall connect to both the water and sewer lines of the town. Where either water or sewer is not available, a private well or septic tank built by the owner shall be maintained by the property owner until such time as a water line or sewer line shall be extended to serve the property.

(D) At such time as a town sewer line becomes available to a parcel of property being served by either a private septic system or a private wastewater disposal system, the property owner must make application and connect the structure to the town sewer line within 60 days after receipt of notice from the town. The property owner must pay the connection fee then in effect when application for connection is made. However, in light of the fact that the property owner has previously invested in a private sewage system, the owner shall not be required to pay the availability ~~connection~~ fee.

(E) At such time as a town water line becomes available to a parcel of property being served by a private well, the property owner must connect the structure to the town water line within 60 days after receipt of notice from the town. The property owner must pay the connection fee then in effect when application for connection is made.

(F) All property owners who constructed a private septic system during the moratorium on new connections to the town's sewer system mandated by the State of North Carolina shall make application for and connect to the town's sewer system no later than five years after the date the state moratorium was lifted. Because the property owner has invested in a private septic system, said owner(s) shall not be required to pay any availability ~~connection~~ fee at the time of the connection. ¹

(G) All property owners who are using a private septic system and who have been granted a waiver prior to November 30, 2000 from connecting to the town's sewer system, shall make application for and connect to the town's sewer system no later than five years after the date the State of North Carolina mandated moratorium on new connections to the town's sewer system was lifted. Because the property owner has invested in a private septic system, said owner(s) shall not be required to pay an availability ~~connection~~ fee at the time of the connection. ²

(1989 Code, Title III, Ch. 30, § 1-1) (Ord. passed 7-10-1990; Ord. passed 12-12-2000; Ord. passed 8-14-2006; Ord. passed 2-10-2009)

Editor's note:

¹ Added by Amendment December 12, 2000.

² Added by Amendment December 12, 2000.

Appendix A, B and C removed by Resolution on August 14, 2006.

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§ 51.008 TAMPERING WITH WATER OR SEWER EQUIPMENT.

All meters, hydrants, water lines, sewer lines, and other equipment furnished by the town for the purpose of providing water or sewer service are the property of the town. No person, firm or corporation shall connect to, tamper with, or in any way affect the operation of, a meter, hydrant, water line, sewer line, or other equipment owned by the town without prior written permission from the town. ~~The penalty for violation of any these provisions is are located in § 51.131 Penalty.~~ (1989 Code, Title III, Ch. 30, § 1-8) (Ord. passed 7-10-1990; Ord. passed 2-10-2009)

§ 51.025 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~(A) **AVAILABILITY FEE.** Shall mean the fee charged (1) to all new customers to the town's water and/or sewer system and (2) to all existing customers who expand their home or business, thereby increasing their demand for water and/or sewer service.~~

(B) **CUSTOMER.** Shall mean any individual, family, business or institution that hooks on to the town's water and/or sewer system and uses the same.

(C) **CONNECTION FEE.** Shall mean the fee charged ~~to new customers to the town's water and/or sewer system that place an additional demand on said existing system, and by all existing customers to the town's water and/or sewer system that place an additional demand on said existing system through an expansion or a modification of an existing structure.~~ the customer by the town for installing the necessary lines and meter according to the rate schedule as maintained in the Utilities Department.

(1989 Code, Title III, Ch. 30, § 2-1) (Ord. passed 7-10-1990; Ord. passed 2-10-2009; Am. Ord. 2015-06, passed 8-11-2015)

§ 51.030 BILLING PROCEDURES; ACCOUNT INFORMATION.

(A) No water or sewer connections shall be made until such time that application has been made and all connection fees and availability fees paid. In projects requiring other permits, no connections shall be made until such time that all required building, zoning, driveway and other permits required by the Town of Beech Mountain, county, state or federal agencies have been obtained.

(B) The Town of Beech Mountain may reject any application for service not available under a standard rate, or which includes excessive service costs, or which may affect the supply of service to other customers or may be detrimental to the waste treatment process due to the volume, character or content of the discharge.

(C) The Town of Beech Mountain shall reject any applications for connection or applications for service when the applicant is delinquent in payment of bills incurred for service supplied at any location.

(D) Customers requesting the water and sewer services or transfer of these services shall pay, at the town office, utility service deposits in the amount required by

ordinance at that time. Upon discontinuance of the water and sewer services, and after the customer has paid his or her final bill for those services, the deposit will be returned to the depositor upon request. No interest will be paid on water and sewer deposits. Security deposit charges are set by the Town Council. The master Schedule of Fees is maintained in the Clerk's office.

Current security deposit charges are: ¹

	<i>Residential (Per Unit)</i>	<i>All-Other</i>
<i>Water Deposit</i>	\$50	\$75
<i>Sewer Deposit</i>	\$50	\$75

(E) If any customer shall have service discontinued by the town for nonpayment, a deposit equal to twice the basic deposit for the particular service shall be collected prior to reconnection of service.

(F) All service accounts shall be billed at least a minimum monthly charge as specified in the rate schedule adopted pursuant to this chapter, regardless of the account status, consumption or occupancy of the structure, and said charge shall commence effective with the installation of the meter.

(G) Accounts for sprinkler systems only shall not be billed a minimum charge nor shall water utilized in the extinguishment of fire be billed to the customer if said sprinkler system is separated from all other plumbing fixtures and appurtenances and is metered separately from all other consumption or usage. Any water passing through sprinkler systems due to negligence, carelessness, frozen pipes or improper maintenance shall be billed in accordance with the rate schedule in effect at the time.

(H) In cases where the customer provides conclusive proof that a leak has occurred in his or her plumbing system that has caused demand to increase and has been fixed, the utility bill for the period of time when the leak occurred may be adjusted by reducing the sewer portion of the bill to reflect average sewage charges for the account, or the minimum sewage charge, whichever is greatest. In no such circumstances shall the sewage portion of the bill be reduced below the minimum monthly charge for the period.

(I) Any water account which is charged a large amount in any one billing period due to a leak is eligible for a 15% reduction in water charges, if the following conditions apply: (a) the leak must be verified by the Town Manager or Public Works Director; (b) the total water charges for the billing period must exceed \$500; and (c) the number of gallons recorded on the water meter for the billing period in question must be at least twice the average gallons consumed over the previous 12 months. The town will not accrue interest charges on the balance due from the leak, if the customer has been approved to pay the charges over a period of months. Interest charges will begin to accrue on the entire balance past due if the customer is late in making payment on the approved schedule. This provision applies only to large balances resulting from private plumbing leaks in a single billing period, and does not apply to subsequent charges for water service after the leak has been repaired. ²

(J) Situations requiring that special arrangements be made for the payment of past due accounts may only be approved by the Town Manager.

(K) Customers will be billed on a schedule determined by the Town Council. ³

(L) Bills are past due and delinquent on the twentieth day of each month in which they are mailed. If the twentieth day falls on a weekend or holiday, bills will be past due and delinquent if not paid in full by the end of the next business day. The customer shall be responsible for an administrative charge computed from the date of delinquency at the rate of 1.5% per month on the delinquent balance. After an account becomes delinquent, the town will send the customer a notice of delinquency. Service may be discontinued by the town pursuant to §§ 51.130 *et seq.* herein.

(M) If any customer shall have service discontinued by the town for nonpayment, a deposit equal to twice the basic deposit for the particular service shall be collected prior to reconnection of service. In addition, all past due balances, penalties and appropriate reconnection fees shall be satisfied prior to reconnection of service.

(N) Not less than three-day's' notice must be given in person or in writing at the Town Utilities Office, to discontinue service for a change in occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

(1989 Code, Title III, Ch. 30, § 2-6) (Ord. passed 7-10-1990; Ord. passed 9-8-1992; Ord. passed 8-10-1999; Ord. passed 8-14-2006; Ord. passed 2-10-2009; Ord. 2014-02, passed 1-14-2014)

Editor's note:

¹ Division (D), deposits required changed by amendment September 8, 1992.

² Second paragraph added by amendment August 10, 1999.

³ Division (K) amended by resolution August 14, 2006.

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§ 51.031 METER FEES.

(A) There shall be a charge of \$25 ~~fee established by the Town Council~~ for each time the town turns the customer's meter on or off at the request of the customer between the hours on 7:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. For cut-offs requested on weekends, holidays or other than normal business hours (above) a \$45 charge ~~fee established by the Town Council~~ that will be levied.

~~The master Schedule of Fees is maintained in the Clerk's office.~~

(B) There shall be a charge of \$25 ~~established by the Town Council~~ to turn on a customer's meter whenever the meter was turned off due to:

- (1) The customer's failure to pay his or her bill;
- (2) To prevent fraud by the customer;
- (3) The customer's violation of any provision of this chapter; and
- (4) The disconnection of electric service to the structure.

~~The master Schedule of Fees is maintained in the Clerk's office.~~

(1989 Code, Title III, Ch. 30, § 2-7) (Ord. passed 7-10-1990; Ord. passed 2-10-2009)

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§ 51.045 SERVICES; CONNECTIONS.

(A) Where service is available, and upon receipt of all necessary connection ~~and availability~~ fees, the town may extend service lines to serve properties as follows:

(1) In cases where the distribution or collection lines run in a roadway immediately adjacent to the property to be served, the town shall run a service line from its water and/or sewer main to the property line.

(2) In cases where the distribution or collection lines from which service is to be obtained is located in a street separated from the property to be served by the property of another, the town shall run the service line from its distribution or collection line to the property line of the lot located adjacent to the road in which the main distribution or collection line is located.

(B) Generally, service lines, meters, etc., installed by the town to serve properties will be located at a point along the property line mutually agreed upon by the Town and property owner. However, in such cases where mutual agreement cannot be reached as to the most suitable location, the decision will rest with the Public Works Director.

(C) The property owners shall be responsible for connecting all plumbing fixtures, piping and appurtenances on the property with the service lines installed by the town. Once installed, the property owner shall be responsible for maintaining his or her water service line from the property or structure being served to the meter. Similarly, the property owner is responsible for the maintenance of the sewer service line from the property or structure being served to the sewer service line extended by the town. The location of all sewer lines must be approved by the Public Works Director. All sewer lines must be buried unless the Public Works Director determines it is not feasible to do so. If any lines are not buried, they must be camouflaged from view. ¹

(D) The property owner shall furnish and maintain a private cutoff valve on the customer's side of the water meter. The cutoff valve shall be of curb-stop quality, shall be located immediately on the customer's side of the water meter, shall be kept in good working order, and shall be protected from the elements in a suitable manner. State Building Code prohibits underground installation of combination stop-and-waste valves and cocks.

(E) Furthermore, a pressure reduction valve, preferably with a pressure gauge, shall be installed on the customer's side of the water meter in all existing and new construction.

(F) In order to protect the water supply of the Town of Beech Mountain and thereby insure the availability of water for human needs, it is crucial that customers utilize their private cutoff valve during winter months when the home, unit or business will be unoccupied. All utility customers are required to turn water service off using their private cutoff valve when the structure will be unoccupied for more than three days between October 1 and April 30. Failure to do so may result in the town's cutting off service and billing the customer for the cutoff fee. ²

(G) The town neither guarantees customers uninterrupted service, nor does it assume any liability for damage to private property due to interruptions in service. All utility customers are urged to ensure that their plumbing systems and appurtenances are adequately equipped with back-flow prevention devices or vacuum relief valves as necessary.

(1989 Code, Title III, Ch. 30, § 3-1) (Ord. passed 7-10-1990; Ord. passed 10-9-1990; 12-8-1992; Ord. passed 2-10-2009; Ord. passed 6-8-2010)

Editor's note:

¹ Division (C) amended October 9, 1990.

² Division (E) added by amendment December 8, 1992 and subsequent subsection renumbered.

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§ 51.134 DISCONNECTION OF METER.

(A) The town may disconnect the water meter of a customer after service has been discontinued due to reason in divisions (A), (B), (G), (H), (J), (K), (L) or (M) set forth in § 51.133 above.¹ Subject to the provisions of § 51.135 below, the meter will only be reconnected after the customer has:

(1) Corrected the conditions which were responsible for the disconnection of the meter.

(2) Paid the appropriate reconnection fee as set forth herein, plus all other unpaid charges.

(B) If an owner requests disconnection or is cut off for good cause (e.g. non-payment of the bill) and then is reconnected at the same address within one year of disconnection, the reconnection charge shall be the appropriate base charge times the number of months disconnected plus \$100 a fee established by the Town Council. The master Schedule of Fees is maintained in the Clerk's office. If disconnection is for a period of longer than one year or is sold to a new owner during a period of disconnection, the fee for reconnection shall be in the amount required for a new connection.

(1989 Code, Title III, Ch. 30, § 12-5) (Ord. passed 7-10-1990; Ord. passed 6-12-2007; Ord. passed 2-10-2009; Ord. passed 10-13-2009; Ord. 2013-06, passed 4-9-2013)

Editor's note:

¹ Amended by the Council June 6, 2007.

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§ 51.152 REREADING POLICY.

The customer may request a special meter reading if the customer feels that his or her bill is incorrect. A fee established by the Town Council of \$10 shall be charged for each such rereading after the first one in any 12-month period when requested by the customer. The master Schedule of Fees is maintained in the Clerk's office.

(1989 Code, Title III, Ch. 30, § 13-3) (Ord. passed 7-10-1990; Ord. passed 2-10-2009)

§ 51.153 WATER DATA LOG.

The customer may request a water data log if the customer feels that his or her bill is incorrect. A fee established by the Town Council shall be charged for the data log after the first water data log request in any 12-month period when requested by the customer. The master Schedule of Fees is maintained in the Clerk's office.

§ 72.02 RULES AND REGULATIONS.

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

(A) Carts can be driven on any town-maintained roads. (Beech Mountain Parkway to the entrance of Ski Beech is a state-maintained road);

(B) Carts can drive only to and from the Beech Mountain Club Golf Course for the purpose of playing golf;

(C) Carts are not to be used as an alternative means of transportation;

(D) Carts must be equipped with rear vision mirrors;

(E) Drivers of carts must have a valid drivers license;

(F) Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles;

(G) All carts must be inspected by the Beech Mountain Police Department annually before traveling on the public roads. The Department shall charge a \$25 fee established by Town Council per inspection and issue visible proof of compliance that can be attached to the cart. The master Schedule of Fees is maintained in the Clerk's office;

(H) The maximum occupancy of a golf cart traveling on town roads shall be one person per seat;

(I) Occupants less than 16 years of age may only ride in a cart on town roads if they are playing golf with the licensed driver;

(J) All applicable state laws will be adhered to, including the possession and use of alcoholic beverages; and

(K) Drivers must take the most direct route from their point of origin to the course, and from the course back to their destination.

(1989 Code, Title VI, Ch. 79, § 2) (Ord. passed 8-11-2003; Ord. passed 11-9-2004; Ord. passed 6-14-2005) Penalty, see § 70.99

§ 90.01 PUBLIC SAFETY TELEPHONE (9-1-1). Repealed this ____ day of _____, 2017. [JB1]

(A) ~~Short title.~~ This section shall be known and may be cited and referred to as ~~Public Safety Telephone Ordinance, 9-1-1.~~

~~(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**9-1-1 CHARGE.** A contribution to the town for the 9-1-1 service start up equipment costs, subscriber notification costs, addressing costs, billing costs and non-recurring and recurring service supplier charges resulting from 9-1-1 service.~~

~~**9-1-1 SYSTEM or 9-1-1 SERVICE.** An emergency telephone system that provides the user of the public telephone system the ability to reach a public safety answering point by dialing the digits 9-1-1. The term **9-1-1 SYSTEM or 9-1-1 SERVICE** also includes **ENHANCED 9-1-1 SERVICE**, which means an emergency telephone system that provides the user of the public telephone system with 9-1-1 service and, in addition, directs 9-1-1 calls to appropriate public safety answering points and provides the capability for automatic number identification and automatic location and identification features.~~

~~**EXCHANGE ACCESS FACILITY.** The access from a particular telephone subscriber's premises to the telephone system of a service supplier.~~

~~**EXCHANGE ACCESS FACILITIES** include service supplier provided access lines, PBX trunks and centrex network access registered, all as defined by tariffs of the telephone company as approved by the State Utilities Commission. **EXCHANGE ACCESS FACILITIES** do not include service supplier owned and operated telephone pay station lines, or Wide Area Telecommunication Service (WATS), Foreign Exchange (FX) or incoming only lines.~~

~~**PUBLIC SAFETY TELEPHONE ACT.** G.S. Ch. 62A.~~

~~**SERVICE SUPPLIER.** A person or entity who provides exchange telephone service to a telephone subscriber.~~

~~**TELEPHONE SUBSCRIBER or SUBSCRIBER.** A person or entity to whom exchange telephone service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription.~~

~~(C) Provisions:~~

~~(1) Effective the first complete billing period of the service supplier following June 14, 1991, there is imposed a monthly 9-1-1 service charge, in the amount specified in division (C)(2) below, upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are located within the corporate limits of the town.~~

~~(2) The monthly 9-1-1 charge shall be determined from time to time by resolution of the Town Council and depending on the costs set forth in the definition of "9-1-1 charge" above. The monthly fee shall not exceed \$2 per exchange access facility per month.~~

~~(3) The service supplier shall be responsible for collecting and remitting to the town the 9-1-1 charges as provided by the Public Safety Telephone Act.~~

~~(4) Administration and collection activities to enforce and give effect to the provisions of this section shall be conducted pursuant to the provisions of the Public Safety Telephone Act.~~

(1989 Code, Title VI, Ch. 66) (Ord. passed 6-11-1991)

§ 92.17 REGISTRATION.

(A) All dogs over four months in age that are kept within the corporate limits of the town for a period of more than 30 days shall be registered.

(B) Registration shall consist of the completion of a form identifying the animal, setting forth the name, address and telephone number of the owner, and attesting, with proof thereof, the inoculation of the dog as provided for herein.

(C) Each dog will be given a serial number and the town shall issue a metal registration tag for a fee of \$1. established by the Town Council. The master Schedule of Fees is maintained in the Clerk's office.

(D) The town in its discretion may allow the owner of the dog up to 72 hours after registration to provide the necessary proof of inoculation.

(Ord. passed 8-11-1992; Ord. passed 9-8-1992)

§ 95.03 PERMIT REQUIRED FOR ALARM SYSTEM.

(B) Each permit shall be issued to be effective January 1, or the date of issuance, and shall expire December 31 of the same calendar year. The initial permit fee and subsequent annual renewal fee shall be established by the Town Council \$8, and each along with a subsequent annual renewal fee shall be \$8. The master Schedule of Fees is maintained in the Clerk's office.

§ 154.117 CONDITIONAL USE STANDARDS.

(P) *Campgrounds.*

(q) *Utility requirements.* 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:

1. Where town 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;
2. Each campground shall provide a minimum of one sewage dumping station and at least one 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;

3. Availability ~~Connection~~ fees for water and sewer for campsites provided with individual water and sewer connections or services shall be based on the current availability ~~connection~~ fee rates ~~established by the Town Council~~ based on 100 square feet per site regardless of the actual size of such site. ~~The master Schedule of Fees is maintained in the Clerk's office.~~ Standard availability ~~connection~~ fee rates shall apply to bath houses, service buildings, and any other permanent structures on the premises; and
4. 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 of adequacy for emergency medical and fire services will be required from the Beech Mountain Fire Department before a conditional use permit is granted.

§ 154.249 PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.

(A) *General.*

(1) No final plat of a subdivision within the Town of Beech Mountain shall be recorded by the Register of Deeds of Watauga or Avery County until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedure established in this subchapter.

(2) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Zoning Administrator to determine if the property is located in a Public Water Supply Watershed. ¹

(3) Furthermore, no street shall be maintained by the town nor street dedication accepted for ownership and maintenance, nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a final plat is required to be approved unless and until such final plat has been approved.

(B) *Minor subdivision review process.* ²

(1) *Purpose.* The minor subdivision review procedure affords a simplified process for the review and approval of qualifying a subdivision. Such subdivisions should have only limited impact on community facilities and services. If for any reason the Zoning Administrator should determine that a subdivision which meets the basic criteria for the minor subdivision review process has features that could potentially represent the need for a more thorough review, he or she shall state in writing the reasons for his or her determination. Approval shall be denied under the minor subdivision review process, and the subdivider referred to the major subdivision review process.

(2) *Definition.*

(a) Any number of lots on an existing, approved street provided the following conditions are met:

1. Involves no street right-of-way dedication or street construction of any kind; and
2. Not requiring extension of public water and/or sewage lines; and
3. Not requiring creation of new drainage easements through property to serve property in the rear; and
4. Does not create any new or residual lots that do not conform to the requirements of the Zoning Ordinance, these Subdivision Regulations or any other land use controls, regulations or ordinances of the town; or

(b) Involves no more than four lots (expressed, planned or implied).

(3) *Submissions to Zoning Administrator.*

(a) The subdivider shall submit to the Zoning Administrator three copies of the final plat, accompanied by a filing fee of \$20 established by the Town Council. The master Schedule of Fees is maintained in the Clerk's office.

(b) The final plat shall be reviewed by the Zoning Administrator and other members of the town staff for compliance with this subchapter and other town policies. The town's consulting engineer shall also review the plat when deemed necessary by the Administrator.

(c) Within 30 days of the first consideration of the final plat, the Zoning Administrator shall approve or disapprove the final plat. If the final plat is in compliance with the subchapter, the Zoning Administrator shall approve the final plat.

(d) If the Zoning Administrator disapproves the final plat, he or she shall state in writing his or her reasons for such action, specifying the provisions of this subchapter with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within five days of disapproval, and one copy shall be retained by the Zoning Administrator as part of his or her proceedings.

(e) Appeal from the Zoning Administrator shall be by petition to the Planning Board to be heard at their next regularly scheduled meeting following the Zoning Administrator's ruling.

(f) The original tracing and one paper print of the final plat shall be retained in the Zoning Administrator's office.

(g) The approval of a final plat shall not be deemed to constitute or affect the acceptance by the town of any dedication shown on the plat. However, the Town Council, by resolution, may accept any dedication made to the public of lands or facilities located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction shall not place on the town any duty to open, operate, repair or maintain any land or facility.

§ 154.278 SHORT-TERM SIGNS.

Standards for size, number, and duration of display period. The following table shall govern the number and size of short-term (not greater than 48 hours) signs.

<i>District</i>	<i>Short Term (<48 hours) Sign Size</i>	<i>Number of Short Term Signs</i>
<i>CS1</i>	See § 154.278	See § 154.278
<i>R1</i>	See § 154.278	See § 154.278
<i>R2</i>	See § 154.278	See § 154.278
<i>R3(A)</i>	See § 154.278	See § 154.278
<i>PS</i>	See § 154.278	See § 154.278
<i>CS2</i>	See § 154.278	See § 154.278
<i>MP</i>	See § 154.278	See § 154.278
<i>MH</i>	See § 154.278	See § 154.278

(A) Such signs must be located such that they in no way hinder driver visibility or otherwise create hazards to driver or pedestrian safety.

(B) Signs shall not exceed two square feet in size.

(C) No temporary small scale event sign shall be higher than four feet above the adjacent road surface.

(D) If off-site signs are located in the town right-of-way, they may be no closer than four feet from the edge of the pavement or gravel roadway and shall not be spaced such that more than one sign is visible from any given point along the roadway. In no event may these signs be located in such a manner as to impair public safety by blocking visibility or access. The town reserves the right to move or remove any sign that is located in such a manner as to create a dangerous situation as determined by the town.

(E) If off-site signs are located on private property, only one sign per property is permitted. Written permission of the property owner must be obtained.

(F) Short term signs may not be erected on a single property more than once every seven days.

(G) Short term signs remaining erected longer than 48 hours or otherwise not meeting the criteria of this section may be removed by the town and a civil penalty in the amount of \$25 established by the Town Council per sign may be assessed to the owner of the property to which the sign refers. The master Schedule of Fees is maintained in the Clerk's office.

(H) Short term signs complying with these regulations may be erected without a permit.

(Ord. 2016-03, passed 2-9-2016)

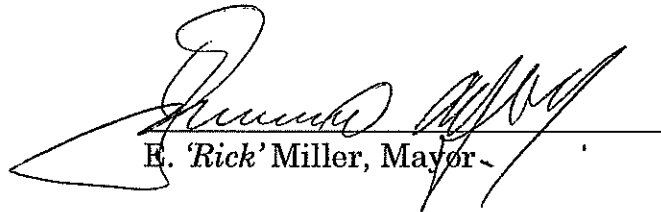
SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

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.

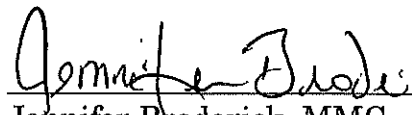
SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

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 14th day of February, 2017.

This Ordinance adopted the 14th day of February, 2017.


E. 'Rick' Miller, Mayor

Attest:


Jennifer Broderick, MMC
Town Clerk

