

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 246  
SENATE BILL 257

AN ACT TO INCORPORATE THE TOWN OF BEECH MOUNTAIN, AND TO  
AUTHORIZE ITS GOVERNING BOARD TO SERVE EX OFFICIO AS THE  
GOVERNING BOARD OF THE BEECH MOUNTAIN SANITARY DISTRICT.

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the Town of Beech Mountain is enacted to read:  
"THE CHARTER OF THE TOWN OF BEECH MOUNTAIN.

"ARTICLE I.

"INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. Incorporation and Corporate Powers. The inhabitants of the Town of Beech Mountain are a body corporate and politic under the name of the 'Town of Beech Mountain'. Under that name they have all the powers, duties, rights, privileges and immunities conferred and imposed on cities by the general law of North Carolina.

"ARTICLE II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. Corporate Boundaries. The corporate boundaries of the Town of Beech Mountain shall be as follows until changed in accordance with law:  
BEGINNING on a concrete monument, corner of W. T. Elder and Carolina Caribbean Corporation's original boundary (hereinafter called CCC), said monument being located in the 'Meadow' atop Beech Mountain, said monument being located North 75 degrees 29 minutes East, 2942.64 feet from USGS station 'Beech'. Thence, with two original CCC lines South 82 degrees 23 minutes West, 1242.13 feet to a monument and South 72 degrees 40 minutes West, 1222.50 feet to a corner of Rockledge Florida Corp. Thence, with Rockledge Florida Corp. lines as follows: South 23 degrees 37 minutes East, 200.00 feet; South 73 degrees 25 minutes West, 309.44 feet; South 61 degrees 27 minutes West, 255.46 feet, South 70 degrees 31 minutes West, 200.47 feet and North 66 degrees 06 minutes West, 164.70 feet; thence two lines crossing Rockledge Florida Corp. and Mary Frisbee properties North 20 degrees 00 minutes East 660.00 feet and North 43 degrees 43 minutes West, 5281.27 feet to a corner of the Calvin property. Thence, with the Calvin line North 02 degrees 49 minutes East, 790.59 feet to a concrete monument. Thence, a line across CCC property North 32 degrees 22 minutes West, 13,098.03 feet to an original CCC corner. Thence, with original CCC lines as follows: North 33 degrees 10 minutes West, 1542.84 feet; North 86 degrees 40 minutes West, 386.03 feet, South 34 degrees 04 minutes West, 349.21 feet; North 45 degrees 40 minutes West, 436.55 feet; North 35 degrees 15 minutes West, 197.10 feet and South 89 degrees 53 minutes West 776.07 feet to an iron stake; thence, a line across the original

CCC property North 25 degrees 13 minutes East, 1896.65 feet to an original corner; thence, with an original CCC line North 23 degrees 21 minutes East, 470.55 feet; thence a line across the original CCC property South 76 degrees 45 minutes East 4279.13 feet to an original corner; thence, with an original CCC line South 70 degrees 50 minutes East, 950.00 feet to a point in Buckeye Creek. Thence, three lines across the original CCC property North 82 degrees 13 minutes East, 1238.05 feet; South 61 degrees 57 minutes East, 2662.05 feet and South 30 degrees 25 minutes East, 3232.18 feet; thence, with original CCC boundary lines as follows: North 87 degrees 39 minutes East, 355.90 feet; South 88 degrees 48 minutes East, 670.94 feet, South 70 degrees 53 minutes, East, 451.92 feet; South 01 degrees 34 minutes West, 183.51 feet; South 29 degrees 13 minutes East, 989.13 feet; North 89 degrees 17 minutes East, 544.16 feet; North 47 degrees 19 minutes East, 110.92 feet; South 88 degrees 28 minutes East, 1210.29 feet; North 01 degrees 39 minutes West, 1100.74 feet; South 79 degrees 29 minutes East, 1180.33 feet; South 10 degrees 49 minutes East, 316.93 feet, South 54 degrees 22 minutes East, 868.41 feet; South 04 degrees 17 minutes West, 275.84 feet; South 87 degrees 43 minutes East 1698.13 feet and South 3113.00 feet to an original CCC corner. Thence, two lines across original CCC property South 39 degrees 10 minutes East, 1393.15 feet to a point in Sawmill Branch and South 85 degrees 00 minutes East, 200.00 feet to an original corner. Thence, with two original CCC lines North 89 degrees 33 minutes East, 489.02 feet and South 05 degrees 25 minutes West, 977.20 feet to an original corner. Thence, a line across original CCC property South 03 degrees 44 minutes West, 2536.78 feet to a point in the Edelstein Property, thence with the Edelstein property the following courses and distances: North 63 degrees 46 minutes East, 800.24 feet thence South 52 degrees 52 minutes East, 310.25 feet to an iron; thence South 76 degrees 04 minutes East, 426.22 feet to the center of an old woods road; thence with the center of said road and with the Watson line as follows: South 61 degrees 34 minutes East, 226.72 feet; South 52 degrees 24 minutes East, 85.39 feet; South 47 degrees 33 minutes East, 136.49 feet and South 22 degrees 35 minutes East, 205.93 feet; thence leaving road South 60 degrees 32 minutes West, 967.05 feet to a concrete monument, the corner to Bill Elder; thence with the Elder line North 85 degrees 44 minutes West, 1076.37 feet to a point in the original CCC line and W. T. Elder line; thence with the CCC-Elder line South 07 degrees 11 minutes West, 905.44 feet; North 85 degrees 22 minutes West, 1002.49 feet; South 00 degrees 49 minutes East, 327.68 feet; North 87 degrees 24 West, 2491.09 feet and South 00 degrees 30 minutes West, 2902.63 feet to the point and place of BEGINNING.

The above described tract contains 4136.19 plus or minus acres.

### "ARTICLE III.

#### "GOVERNING BODY.

"Sec. 3.1. Name of Governing Body; Number of Members. The governing body of the Town of Beech Mountain is the Town Council, which consists of five (5) members.

"Sec. 3.2. Manner of Election of Town Council. The qualified voters of the Town of Beech Mountain voting at large shall elect the members of the Town Council.

"Sec. 3.3. Terms of Office. Members of the Town Council are elected to two-year terms which shall run concurrently.

"Sec. 3.4. Mayor; Term of Office. The Mayor shall be the councilman receiving the largest number of votes in the municipal election and shall serve a term of two years. In the event of a tie or the councilman receiving the largest number of votes declines to serve as Mayor, the Mayor shall be elected by majority vote of the council from its membership.

#### "ARTICLE IV.

##### "RESTRICTIONS ON REGULATIONS.

"Sec. 4.1. Extraterritorial Jurisdiction. The Town may not exercise any extraterritorial jurisdiction or extraterritorial powers under Article 19 of Chapter 160A of the General Statutes.

"Sec. 4.2. Regulations. The incorporated area owned or operated by Beech Mountain Resort, Inc., on the date of ratification of this act, or its successors in title, shall not be subject to town regulations or ordinances which restrict its operation as a ski resort, theme park, or recreational area (or to activities related to such use), this exclusion to include zoning, hours or days of operation, building permits and inspections, and ordinances which regulate noise or lighting associated with its operation as a ski resort, theme park, or similar recreational area, or off-street parking, provided, however, that sufficient off-street parking must be provided for any new activities or new slopes opened after ratification of this act.

#### "ARTICLE V.

##### "ELECTIONS.

"Sec. 5.1. Conduct of Town Elections. The Town Council shall be elected according to the nonpartisan plurality method and the results determined as provided in G.S. 163-292.

"Sec. 5.2. Administration of Elections. Elections shall be administered as provided in G.S. 163-285.

#### "ARTICLE VI.

##### "ADMINISTRATION.

"Sec. 6.1. Manager Form of Government. The Town of Beech Mountain shall operate under the council-manager form of government provided by Part 2 of Article 7 of Chapter 160A of the General Statutes.

#### "ARTICLE VII.

##### "TAXATION FOR FISCAL YEAR 1980-81.

"Sec. 7.1. Budget for Fiscal Year 1980-81. The newly incorporated Town of Beech Mountain is authorized to adopt a budget and levy property taxes for the portion of the 1980-81 fiscal year during which it is incorporated. In adopting the budget and levying taxes late in the fiscal year 1980-81, the town's governing body need not follow the schedule of action set forth in the Local Government Budget and Fiscal Control Act but shall observe the sequence of actions in the spirit of the act insofar as is practical.

"Sec. 7.2. Property Taxes for Fiscal Year 1980-81. Property taxes levied by the Town of Beech Mountain as authorized in Section 7.1 of this Charter shall be due and

collected as provided in G.S. 160A-58.10 in the case of taxes levied for part of the year following annexation.

"ARTICLE VIII.

"INTERIM TOWN COUNCIL.

"Sec. 8.1. For the period from May 1, 1981, until the date of the organizational meeting after the 1981 municipal election provided by G.S. 160A-68, the following persons shall serve as the interim council:

Vernon Holland, Mayor  
Edwin Lotz, Councilman  
Fred Pfohl, Councilman  
Reuben Mooradian, Councilman  
Gordon Ripley, Councilman."

**Sec. 2.** In accordance with the provisions of G.S. 130-126.1, the Town Council of the Town of Beech Mountain shall become ex officio the governing board of the Beech Mountain Sanitary District, if the Beech Mountain Sanitary District Board of Commissioners adopts a resolution in accordance with that section.

**Sec. 3.** Section 1 of this act shall become effective May 1, 1981. Section 2 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1981.