

TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
September 14, 2020

The Biscoe Town Board of Commissioners met in a regular session on Monday, September 14, 2020 at 7:00 pm in the Municipal Building.

Board Members Present:

Mayor Eddie Reynolds, Commissioner Gene Anderson, Commissioner Kay Kinch, Commissioner Dutch Anliker, Commissioner Lashaunda Ryan, and Commissioner Barry Jackson.

Members of Management Present:

Town Manager Brandon Holland, Town Clerk Laura Morton, Public Works Director Sam Stewart and Police Chief Shane Armstrong.

Call to Order/Moment of Silence/Pledge of Allegiance

Mayor Reynolds called the meeting to order at 7:00 pm. The Pledge of Allegiance to the American Flag was recited and a moment of silence was observed.

Conflict of Interest Statement

Town of Biscoe Code of Ethics provides that public officials and employees be independent, impartial and responsible to the public; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for town public officials and its employees, disclosure of interest in legislative action must be stated for the public record. The mayor or any member of the town council who has an interest in any official act or action before the council shall publicly disclose on the record of the council the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the council pursuant to G.S. 160A-75.

Public Comment

The following spoke during public comment forum:

Zondra Harris of 658 Bruton Street was present to discuss the Town's Social Media Policy. She was upset about the Police Chief's post on social media. She read through part of the Town's Social Media Policy.

Adoption of the Agenda

A motion was made by Commissioner Anliker, seconded by Commissioner Jackson, and so the motion carried unanimously to adopt the agenda with one addition of the AIA Grant Application.

Approval of the Consent Agenda

A motion was made by Commissioner Anliker, seconded by Commissioner Jackson, and so the motion carried unanimously to approve the following items on the Consent Agenda:

- a) Approval of August 10, 2020 Board Meeting Minutes
- b) Approval of August 17, 2020 Board Meeting Minutes
- c) Approval of August 31, 2020 Board Meeting Minutes
- d) Approval of September 2020 Monthly Financial Report

Public Hearing – Golf Cart Ordinance

A motion was made by Commissioner Ryan, seconded by Commissioner Anliker, and the motion carried unanimously to recess the regular session and call to order a Public Hearing to receive comments regarding the proposed Golf Cart Ordinance.

Mayor Reynolds opened the floor for public comments.

Mr. Jimmy Patterson of Biscoe said that he wasn't sure if the Golf Cart Ordinance was a good idea. He said there have been a lot of golf cart accidents. He said he doesn't feel that it is in the best interest of Biscoe unless it is scrutinized heavily. If the Board is considering it there needs to be rules and regulations.

Mr. Johnny Harris of Biscoe also spoke. He said accidents can happen anytime and anywhere. He said he would like to speak on behalf of his neighbor Mr. Maness. He is handicapped. I agree there should be rules and regulations and it shouldn't be for recreation; it should be for a specific purpose.

Approval of the Golf Cart Ordinance

A motion was made by Commissioner Barry, seconded by Commissioner Ryan and so the motion carried 3-2. The motion carried to approve the Golf Cart Ordinance. (Voting against: Mayor Pro-tem Gene Anderson and Commissioner Jackson).

AYES: 3; NAYS: 2

Attachment #1

Appointment of Kellee Johnson to the Biscoe Planning Board

A motion was made by Commissioner _____, seconded by Commissioner _____, and the motion carried unanimously to appoint Kellee Johnson to serve on the Biscoe Planning Board.

AYES: 5; NAYS: 0

Approval of AIA Grant Application

A motion was made by Commissioner _____, seconded by Commissioner _____, and the motion carried unanimously to approve the AIA Grant Application for the Town of Biscoe as presented by LKC Engineering.

AYES: 5; NAYS: 0

Attachment #2

Budget Amendment #2 (20-21-02) – Police Department (to receive revenues)

A motion was made by Commissioner _____, seconded by Commissioner _____, and the motion carried unanimously to approve Budget Amendment #2 (20-21-02) for the Police Department to receive insurance proceeds.

AYES: 5; NAYS: 0

Updates

- a) Code Enforcement/Clean-up
- b) CDBG-I Bruton Street Project
- c) Police Department
- d) CARES Act

COVID-19 Update

- a) Halloween in the Park
- b) Recreation

Closed Session – Pursuant to NCGS 143-318.11 (a) (6) – Personnel

A motion was made by Commissioner _____, seconded by Commissioner _____, and so the motion carried unanimously to recess the regular meeting and call to order a Closed Session – Pursuant to NCGS 143-318.11 (6) – Personnel

AYES: 4; NAYS: 0

A motion was made by Commissioner _____, seconded by Commissioner _____, and so the motion carried unanimously to adjourn the Closed Session and reconvene the regular meeting. The Board came out of closed session with nothing to report.

AYES: 4; NAYS: 0

Adjournment

There being no further business to bring before the Board, Commissioner Anliker, made the motion to adjourn, and Commissioner Kinch made the second. All voted in favor. Meeting adjourned at 7:45 pm



Mayor

Town Clerk

PROPOSED ORDINANCE OF THE TOWN OF BISCOE, NORTH CAROLINA ESTABLISHING A GOLF CART ORDINANCE

WHEREAS, there is public interest in having means of local travel that is cost effective and energy efficient as an alternative to motor vehicles; and

WHEREAS, NCGS 160A-300.6 now authorizes a city, by ordinance, to regulate the proper operation of golf carts on any public street or road within its municipal limits or on property owned or leased by the city where the posted speed limit is thirty-five miles per hour (35 m.p.h.) or less; and

WHEREAS, the Board of Commissioners has determined that safe, proper operation of golf carts on streets and roads within the town is in the public interest and, if properly regulated, will promote the public health, safety and welfare;

NOW, THEREFORE, LET IT BE ORDAINED by the Board of Commissioners of the Town of Biscoe, NC that:

Section 1: Definitions and Rules for Construction

Driver's License: A valid license issued to operate a motor vehicle by the State of North Carolina or any other state.

Financial Responsibility: Liability insurance coverage is required on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highway in the State of North Carolina.

Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty miles per hour (20 m.p.h.).

Operate: To drive, or be in physical control of a golf cart that is moving or has its key inserted and in the "on" position.

Operator: Only persons 16 years of age and older holding a driver's license may operate a golf cart.

Section 2: Policy Statement and Liability Disclaimer.

Golf carts, hereinafter "cart(s)," are not designed or manufactured to be used on public streets and roads, hereinafter "road(s)," and the Town of Biscoe in no way advocates or endorses their operation on roads. By regulating such operation, the Town of Biscoe is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or without risk if done in accordance with this Ordinance. In addition, nothing in this Ordinance should be construed as to allow the operation of other non-highway vehicles such as "4-wheelers" , "side-by-sides" or other all-terrain vehicles; "Gators" or other similar utility vehicles; and "go-carts" or similar recreation vehicles. Furthermore, all persons who

operate or ride upon carts on roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Biscoe has no liability under any theory of liability, for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the roads of the Town of Biscoe.

Section 3: Standards of Operation on Public Streets; Rules and Regulations

It is unlawful to operate a golf cart on a public street or road within the Town unless the following requirements are met:

- a) The golf cart shall be registered with the Town of Biscoe as provided in Section 4.
- b) No person shall operate a golf cart unless that person is at least sixteen (16) years old and possesses a valid driver's license.
- c) Operator must carry proof of liability insurance
- d) Passengers must be properly seated while the cart is in motion, shall ride only in approved seats, and at no time may ride on any part of the cart used to carry golf bags, in a utility bed, or in or upon any other device not specifically designed to carry passengers.
- e) No child younger than eight (8) years of age or under eighty pounds (80 lbs.) in weight shall ride in a golf cart.
- f) All passengers shall be properly restrained by safety belts.
- g) No cart shall be operated with more passengers than are recommended by the manufacturer.
- h) The golf cart shall only be operated within the Town of Biscoe's municipal limits with a posted speed limit of thirty-five miles per hour (35 m.p.h.) or less.
- i) Golf carts shall be operated in accordance with all applicable state and local laws and ordinances that apply to vehicle operation, including all laws, regulations and ordinances pertaining to the possession, and use of alcoholic beverages. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
- j) Golf carts shall not be operated on private property without the expressed, written consent of the property owner.
- k) No golf cart shall operate at a speed greater than reasonable and prudent for

the existing conditions and in no instance at a speed greater than twenty miles per hour (20 m.p.h.)

- l) Golf carts shall operate to the extreme right of the roadway.
- m) Golf carts shall yield to all pedestrian and vehicular traffic.
- n) Golf carts shall not be operated on sidewalks or through street-side parking areas.
- o) Golf carts shall only operate between daylight hours unless equipped with approved headlights and taillights. Daylight is defined as the hours between thirty (30) minutes after sunrise until thirty (30) minutes prior to sunset.
- p) All golf carts operating in the Town of Biscoe shall have the following equipment:
 - 1. A rear vision mirror
 - 2. At least one rear reflector
 - 3. Seatbelts
- q) The Chief of Police, or their designee, may prohibit the operation of golf carts on any street or road if the Chief determines that the prohibition be necessary in the interest of safety.

ADDITIONAL STAFF RECOMMENDATIONS

- Hand Signals when Turning
- No Riding on Sidewalk
- Can cross but not ride along the length of
 - Sedberry Rd
 - Hunsucker St
 - Wright Rd

Section 4: Registration Required

- a) No golf cart shall operate on any street or road within the Town of Biscoe without acquiring a permit from the town and a vehicle inspection from the Police Chief, or their designee.
- b) A one-time fee of fifty dollars (\$50 USD) shall be assessed for all new golf cart registrations.
- c) Thereafter, an annual fee of twenty dollars (\$20 USD) shall be assessed to golf cart registration renewals.
- d) The registration period for golf carts runs from January 1 to December 31 of each calendar year. Registration fee amounts shall be paid in full at the time of registration.

- e) Prior to the issuance of a permit, each applicant shall acknowledge by signed statement they have received and read the provisions of this Ordinance and agree to its terms.
- f) Golf cart owners must complete the registration form provided at Town Hall and subsequently receive a permit to operate a golf cart in Town. Completed forms will be maintained by the Biscoe Police Department.

Section 5: Proof of Liability Insurance

- a) The operator must possess proof of liability insurance on the golf cart intended for registration in an amount not less than the amount required by the North Carolina law for motor vehicles operated on a public highway in the State of North Carolina.

Section 6: Penalties and Remedies

- a) Pursuant to NCGS 14-4(b), any act constituting a violation of this Ordinance or failure to comply with any of its requirements shall subject the offender to a civil penalty of fifty dollars (\$50 USD), with each day constituting a separate offense, plus any court costs and attorney fees incurred by the Town.
- b) A second violation will result in the revocation of the owner's golf cart permit for one calendar year from the date of violation. After the penalty year is complete, the owner's renewal of the golf cart permit shall be deemed a "new" registration and will be required to pay the one-time fifty dollar (\$50 USD) fee as provided in Section 5.

Section 7: Severability and Conflict of Laws

If this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end, the provisions of this Ordinance are declared to be severable.

Section 8: Effective Date

This Ordinance shall be effective upon adoption. This _____ day of _____, 2020.

W Eddie Reynolds, Mayor

Attest:

Laura Morton, CMC, NCCMC
Town Clerk