

**MINUTES
BEECH MOUNTAIN TOWN COUNCIL
March 10, 2009**

I. CALL TO ORDER

Mayor Rick Owen called the regular meeting of the Beech Mountain Town Council to order at 2:00 p.m. in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Randy Corn and Alan Holcombe. Also present were Interim Town Manager Joe Perry, Town Attorney David Paletta, Public Works Director Riley Hatch, Tax Administrator Missy Norwood, and Recreation Director Eric Jelinski. There were a number of interested parties in the audience.

II. Invocation – Charlie Burlison opened the meeting with a prayer.

III. Pledge of Allegiance – All present joined in the Pledge of Allegiance to the flag.

IV. Adoption of Agenda – Persons Wishing to Address the Council and John Sams' Offer to Purchase were added to the agenda. The Agenda was approved as amended.

V. Approval of the Minutes – Councilman Chamberlin moved to approve the February 10, 2009 Regular Minutes as amended. Councilman Adams seconded the motion and it passed unanimously.

VI. Persons Wishing to Address the Council –

Mikey O'Neal, 331 N. Pinnacle ridge Road, expressed her concerns over the Hope After Dope Ministries house on E. Blueberry Lane. Mrs. O'Neal reported that she had spoken with Pastor Curtis Presnell who leased the property for 2 years with an option to purchase with the intent of keeping the Ministry 'Hope After Dope' in that location. Mrs. O'Neal posed the questions to the Council of the legality of the half way house in a residential area and also if they felt it was good for the safety of our families. Mayor Owen indicated to Mrs. O'Neal that the Council shared her concerns. Marla and Nick Gentile, 120 Hemlock Circle, and Cindy Giarrusso, 1504 Beech Mtn. Pkwy. also expressed their concerns over the half way house. Chief Jay Hefner reported that there had been one call reporting a disturbance, between the Pastor and a resident, and some out of county warrants had been served; however no other problems had occurred. Councilman Corn indicated that the Council had been holding discussions with the Town Attorney with regards to the issue and their findings would be reported.

VII. Public Comment – Mrs. Reneè Castiglione, 104 Wild Turkey Lane, reported that the web site needed to be updated.

VIII. Old Business –

1. Recreation Committee – Mr. Jelinski presented the Council with the plan approved by the Recreation Committee for the Buckeye Recreation area. Mr. Jelinski asked the Council to consider a contribution or loan the Recreation Department \$26,000 in order to complete the project before the summer season. The Beanstalk Journeys had proposed a

\$5,000 discount if the project could be placed on their spring schedule. Mr. Jelinski indicated that the total cost was \$65,000, the playground fund only has \$19,000, Watauga County would be making a contribution bringing the total to \$24,000. The projected income from the 'A Cool 5' run was \$15,000, leaving the \$26,000. Councilman Corn asked about the yearly maintenance of the playground to which Mr. Jelinski indicated that it was unknown, however it would be less than the previously approved plan. Mr. Pfohl and Mr. Mettee indicated that they, along with Rory Ellington and other community members would continue to work on fundraisers for the playground, should the Town Council agree to loan money to the project. After a lengthy discussion, Councilman Adams moved to approve a loan for the project fund for the Beanstark Journeys' playground at the Buckeye Recreation Center in the amount of \$26,000 to be repaid in a timely manner from fundraising events for Beech Mountain. Councilman Chamberlin seconded the motion and it passed unanimously. On behalf of the Council, Mayor Owen thanked everyone involved with the project efforts.

2. *Appointment to the Recreation Committee* – Mayor Owen reported that the Recreation Committee had designated expiration terms for their members; Fred Pfohl, Jim Brooks and Barbara Piquet to expire in December 2010. Gil Adams, Calder Smoot, Nancy Owen and Mickey O'Neal would have terms that expire in December 2009. After a brief discussion, Councilman Chamberlin moved to approve the appointments as recommended. Councilman Corn seconded the motion and it passed unanimously.

3. *Streets & Highway Ordinance* – Mr. Paletta reported that he had reviewed the Streets and Highway Ordinance Title IV C 41 and found it to be inadequate. Mr. Paletta recommended the following wording; Section 3-2(a) the amendment would require prior Town authorization before any object is placed in the right of way. Section 3-2-(e) addition of section 3-2-(e) would allow the Town to charge the responsible party with the cost of removing unauthorized objects from the right of way. Councilman Corn moved to approve the amendments to the Streets and Highway Ordinance as presented. Councilman Holcombe seconded the motion. The motion passed unanimously.

4. *Water & Sewer Ordinance* – Mr. Paletta recommended that the Water and Sewer Use Ordinance, Article XII Section 12-4 be amended by adding (j) For failure to pay a penalty assessed for customer's violation of any Town Ordinance, and (k) For failure to pay the costs assessed pursuant to Section 3-2(e) of the Streets and Driveways Ordinance. Section 12-Prior to suspension of services the customer has the right to request a Hearing with the Town manager. Councilman Chamberlin moved to approve the Amendment to Section 12-4. Councilman Corn seconded the motion and it passed unanimously.

5. *John Sams Offer To Purchase* – Mayor Owen reported that John Sams, for Louis & Cindy Manilove, had increased his Offer to Purchase on the 211 sq. ft. of property, located at 138 Hawthorne Road, to \$2,500, as requested by the Council. Councilman Chamberlin moved to accept the Offer to Purchase for \$2,500. Councilman Adams seconded the motion. The clerk was directed to advertise the property for an upset bid. The motion passed unanimously.

IX. New Business –

1. Easement Request – Tom and Lisa Greene – Mayor Owen noted that the Council had a request for the purchase of property at 1432 Beech Mountain Pkwy. to correct a set-back issue. Councilman Corn requested a line survey showing the legal description of the property necessary to correct the problem before making a decision. The Council tabled the issue until Thursday, March 12, 2009; the March 10, 2009 would be recessed until that time.

2. Radio Tower Request – State Highway Patrol Trooper Wayne McNeal addressed the Council with a request to lease property at 101 Water Tank Road for a 70' radio tower, generator and 11' x 19' building to house the equipment. It was noted that the current height of a tower was 35'. Mr. Hatch noted that the Town would be able to put equipment on the tower. After a brief discussion, the Council agreed to allow the project to proceed for the Department of Homeland Security. Trooper McNeal indicated that a lease would be sent to the Town.

3. Avery Quilt Trail – Mr. Pfohl addressed the Council with a request to do a row of quilts along the fence at the Recycling Center. The Quilt Trail project is through the Arts Council and the cost \$150 for each 4' x 4' quilt. Mayor Owen moved to approve the \$600 cost for placing 4 quilts on the Recycling Center fence. Councilman Holcombe seconded the motion and it passed unanimously.

X. Interim Town Manager Report – Mr. Perry reported that a letter of intent had been sent to request Federal Economic Stimulus Funds to help finance the water and sewer project phase two, from the North Carolina Public Water Supply Section. Mr. Perry reported that a draft analysis of about the Greenbrier, Lakeledge Road sewer analysis should be completed in two weeks. Hobbs, Upchurch has applied for stimulus funds to assist with the water project. Mr. Perry's report was accepted as presented.

XI. Closed Session NC GS 143-318.11(a) (3) – Mayor Owen moved to go into closed session at 5:00 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of closed session at 5:08 p.m. Councilman Holcombe seconded the motion and it passed unanimously. No action was taken.

XII. Other Business – The Council had no other business to discuss.

XIII. Recessed – Councilman Corn moved to recess the Regular Meeting of March 10, 2009 until March 12, 2009 at 2:30 p.m. in the Town Hall Council Chambers. Councilman Holcombe seconded the motion and it passed unanimously.

XIV. Reconvened – Mayor Owen reconvened the Regular Meeting of March 10, 2009 at 2:35 p.m. on March 12, 2009 in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Randy Corn and Alan Holcombe. Interim Town Manager Joe Perry was also present.

XIV. Easement Request – Tom & Lisa Green – Mayor Owen indicated that Tom and Lisa Green had submitted an Offer to Purchase for 2,129.96 sq. ft. of property for \$10,000, basing the amount on \$200,000. per acre. The calculated amount would total \$9,779.42. Mayor Owen asked for the survey showing the property at 1432 Beech Mountain Pkwy. with the additional road front footage.

Surveyor Ralph Daultry indicated that he would be completing the survey once the additional property was obtained. A plat would indicate the 3 lots combined into 1 and the road front footage. Councilman Corn moved to sell the 2,129.96 feet of property for \$10,000 plus expenses. Councilman Holcombe seconded the motion. The clerk was directed to advertise the property for an upset bid. The motion passed unanimously.

XV. Other Business – Hope after Dope Ministries – The Council expressed concern for the Hope After Dope Ministries operating out of 114 E. Blueberry. The Council recommended that the Planning Board investigate the issue. Councilman Holcombe suggested the ordinance used in Pinehurst, NC be referred to for recommendations.

XVI. Closed Session NC GS 143-318.11(a) (3) and NC GS 143-318.11(a) (6) – Councilman Holcombe moved to go into Closed Session at 2:50 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of closed session at 3:00 p.m. Councilman Holcombe seconded the motion and it passed unanimously. No action was taken.

XVII. Recessed – Councilman Holcombe moved to recess the meeting at 5:12 p.m. until March 17, 2009 at 3:00 p.m. in the Town Hall Council Chambers. Councilman Chamberlin seconded the motion and it passed unanimously.

XVIII. Reconvened – Mayor Owen reconvened the Regular Meeting of March 10, 2009 at 3:00 p.m. on March 17, 2009 in the Town Hall Council Chambers. Other Council Members present were Gil Adams, Pete Chamberlin, Randy Corn and Alan Holcombe. Interim Town Manager Joe Perry was also present.

XIX. Closed Session NC GS 143-318.11(a) (3) – Mayor Owen moved to go into Closed Session at 2:03 p.m. Councilman Chamberlin seconded the motion and it passed unanimously. Councilman Corn moved to come out of closed session at 4:10 p.m. Councilman Chamberlin seconded the motion as it passed unanimously. Councilman Holcombe moved to offer the position as Town Manager to Randy E. Feierabend, AICP. Mayor Owen seconded the motion and it passed unanimously. Councilman Corn moved to Recess the meeting of March 10, 2009 until Monday, March 23rd 2009 at 3:00 p.m. Councilman Holcombe seconded the motion and it passed unanimously.

XX. Adjourned – Mayor Owen, after a telephone pole of the Council, noted that the recessed March 10, 2009 meeting scheduled for March 23, 2009 at 3:00 p.m. would not be required. Mayor Owen reported that Mr. Randy E. Feierabend, AICP had accepted the Council's offer as Town Manager. Councilman Chamberlin moved to adjourn the meeting of March 10, 2009 on April 14, 2009 at 2:15 p.m. Councilman Corn seconded the motion and it passed unanimously.

Minutes approved by Town Council on May 12, 2009.

Mayor

ATTEST:

Town Clerk