

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
January 11, 2010

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, January 11, 2010 at 6:00 p.m. in the meeting room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, PRAYER

Mayor Bartlett called the meeting to order at 6:00 p.m. with the following members present:

Mayor Carl R. Bartlett
Vice Mayor C. Michael Sobol
Alderman Ruth D. Brandon
Alderman Joan Brown
Alderman Tim Rayburn
Alderman Carlos Showers

The following staff members were present:

Ron Sneed, Town Attorney
Pam Hoen, Customer Service Representative
Steve Jones, Fire Chief
Craig Bannerman, Deputy Fire Chief
Jim Orr, Recreation and Parks Director
Steve Padgett, Police Lieutenant
Rick Shreve, Finance Director
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director
Anna V. Stearns, Interim Clerk to the Board

Representing the media:

Jennifer Fitzgerald, Black Mountain News
Mark Vanderhoff, Black Mountain News
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Bartlett led the Pledge of Allegiance, followed by prayer led by Pastor Jerry Wicker of Faith Community Church.

Mayor Bartlett thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. He said that the weekly viewing times of monthly Board meetings are shown on Government Channel 2 at 8:00 p.m. on Friday, at 2:00 p.m. on Saturday, and at 8:00 p.m. on Sunday. The current meeting is shown

weekly throughout the month. Citizens can also go to the Town website and click on “Town Board Video Stream” at any time and view the current Board meeting.

II. COMMUNICATIONS FROM THE MAYOR

The annual Martin Luther King, Jr. breakfast will be held February 6, 2010 at Camp Dorothy Walls.

III. CITIZEN COMMENTS

None at this time.

IV. STAFF COMMUNICATIONS

A. Town Attorney

Attorney Sneed reported that property owners are assisting in making funds available to complete a portion of the infrastructure along Gustavina Road in Phase III of The Settings. Mr. Sneed recommends that the Board place a deadline of April 30, 2010 for The Settings to substantially complete infrastructure on Gustavina Road. This is the same deadline imposed by the lenders for The Settings. At that time if the infrastructure is not substantially complete the Board may recommend to the Buncombe County Board of Commissioners that the bond be called.

The Conditional Use Permit was issued to CRC Health for a private school to be located in the old Monte Vista Hotel. An appeal has been filed by the opposition. Foreclosure by the current owner’s lender has been completed and Carolina First Bank was the high bidder and is now the legal owner. The legal issue as to whether or not the permit is still valid is unclear. The Town is proceeding under the assumption that this permit is valid.

B. Town Manager

No report, as Town Manager was not in attendance due to medical leave.

C. Leadership Team Quarterly Reports

Chief Pressley delivered the quarterly report for the Police Department. Downtown business owners have expressed an interest in starting a crime prevention program. The police department is beginning a Neighborhood Watch program and will host its first community meeting for the Byrd Road and Craigmont Road neighborhood.

Chief Jones delivered the quarterly report for the Fire Department.

Rick Shreve delivered the quarterly financial report. \$2.6 million of the approximately \$3 million in 2009 ad valorem taxes have been collected.

Jim Orr, delivered the quarterly report for Recreation and Parks. The tennis court resurfacing has been completed. Two thousand pounds of produce have been distributed through the Carver Center. Produce is distributed on the 4th Thursday of each month between 3:00 – 4:30.

Robert Watts delivered the quarterly report for Public Works.

Johnny Raines delivered a report about the Christmas Cheer Program. The program served 75 children from 24 families. The program also served 20 families without children. Excess funds were delivered to the Presbyterian Children’s Home. Some funds were also given to the Christian Ministry to assist with heating fuel and electricity costs for disadvantaged families.

V. CONSENT AGENDA

A. Adoption of Minutes

Motion: To adopt the minutes of December 14, 2009 (Agenda Workshop), and December 14, 2009 (Regular Session)

B. Annual Board/Staff Retreat

Motion: To set the date for the annual Board/Staff Planning Retreat on Thursday, February 18, 2010, 9:00 am – 5:00 pm at a location TBA.

C. Community Garden Trail Grant – Adoption of Project Ordinance

Motion: To adopt the Community Garden Trail Grant Project Ordinance, as presented, and as previously approved by the Board.

D. North Carolina Firemen’s Relief Fund Board Appointment

Motion: To appoint Sterling Poe to serve as the board of Aldermen’s appointment until January 2012 as recommended by the Black Mountain Firemen’s Local Relief Fund Board.

The agenda was approved unanimously on a motion by Alderman Brown.

VI. PRESENTATIONS/REPORTS

A. Financial Statements and Independent Auditor’s Report for the Town of Black Mountain for the Year Ended June 30, 2009 – Phil Church & Rick Hammer, Lowdermilk Church & Co., Morganton, NC

Phil Church and Rick Hammer reviewed the report delivered to the Board outlining the Town’s financial positions. The Local Government Commission has accepted the report, which complies with all GASB requirements. The report includes full accrual accounting of assets and liabilities.

Alderman Brown asked why the ABC Board’s financial statements were not audited in accordance with governmental requirements. Mr. Church responded that the ABC Board is not required to report under the GASB standards.

Mr. Hammer reviewed the highlights of the financial report covering broad financial categories, as well as the Water Fund and Golf Course Fund.

Alderman Brown moved to accept the financial statements and accompanying reports as presented. The motion passed unanimously.

VII. OLD BUSINESS

A. Second Reading of revised Land Use Code Ordinance, with effective date of March 15, 2010.

(passed by a vote of 3-2 at the December 14, 2009 regular meeting and requires a second reading and affirmative vote for adoption.)

Alderman Brown moved to adopt the comprehensive revisions to the Town's Land Use Code as previously approved, with an effective date of March 15, 2010.

Elizabeth Teague reviewed the changes made by the Board of Aldermen at the last meeting as they relate to the zoning along Montreat Road. The area from the machine shop to Connally Street has been zoned UR-8, except that the Country Food Store and the adjacent lot have been zoned NMU. The land lying between Connally Street and the C-1 district has been zoned NMU, which is comparable to the present C-2 zoning. NMU replaces the existing C-3 and "Mixed-Use" zoning and allows restaurant, fueling facilities and laundromats as conditional uses.

The ordinance as recommended by the Planning Board included requirements that Master Plan designs and special uses involving property with more than 60,000 square feet of heated space require Planning Board review. Within the Central Business District additional architectural guidelines were required for developments of more than 60,000 square feet. The Board of Aldermen removed both of these requirements at the last meeting.

Alderman Sobol said that he has heard from citizens who would prefer to require big box stores to apply to the Planning Board and Board of Adjustment for review before construction. He believes that removing this requirement goes against the comprehensive plan.

Alderman Brown said that she does not believe that there is land available that would yield itself to a big box store within Town, except properties along US 70, the industrial park or the Cooper Busman plant. She believes that there are citizens who would like to see a large retail store for convenient shopping. She also stressed that any items that are found to not work can be reviewed and amended later.

Alderman Showers called for the vote. Harry Hamil asked permission to speak and the Board recognized him for comment.

Harry Hamil, John Myra Avenue, said that he and his wife own a corner lot in the central business district. The setback is now 12 feet. Corner lots are allowed to reduce the setback along one side to 6 feet. Mr. Hamil will lose 6,000 square feet of buildable space as a result of these new setback requirements. He is also concerned that the ordinance calls for setbacks to be measured from the curb, rather than from the edge of the right of way.

The motion carried 4-1.

Alderman Brown moved to adopt the statement of consistency. The motion passed unanimously.

B. Stormwater Project Grant – Adoption of Project Ordinance and Award of Contract.

The Town was awarded a grant to do stormwater improvements along Tomahawk Branch. The project will improve sediment controls and runoff. Bids have come in significantly lower than anticipated. Staff would like guidance from the Board about whether to construct a 10-foot wide bridge rather than an 8-foot wide bridge. If the Town were to use DOT funds for future projects involving this bridge, it would be required to be 10 feet wide. The 10 feet width also will allow town maintenance trucks to travel across the bridge. Construction of the wider bridge will add about \$66,000 to the cost of the project. The existing bridge is 10 feet wide. Alderman Sobol said that he is not in favor of spending additional funds for the wider bridge when an 8-foot wide bridge will suffice.

The Town's grant match has been reduced to \$158,945 from the anticipated \$206,420. The Town's grant match will increase to \$192,418 to cover construction of the wider bridge.

Alderman Brown moved to adopt the Lake Tomahawk Stormwater and Flood Mitigation Grant Project Ordinance and authorize the town manager to execute a contract for work with the lowest responsible, responsive bidder and to direct staff to include an alternate design for a wider bridge. The motion passed by a vote of 4-1.

VIII. NEW BUSINESS

- A. Discussion of the Town's Emergency Response Protocol for severe weather event, including recent storms of Dec 18-19 and 25-26, 2009.

Mayor Bartlett read the written summary provided by the Town Manager. Bob Watts, Public Works Director, said that storms on this level have not been seen in the last 20 years. The snow was heavy and wet and overwhelmed the Town's plows. The department lacked the manpower to clear roads to meet the public's expectations. The department invested over 500 man-hours dealing with the storm.

Aldermen Brandon and Brown commended the town staff on their efforts during the storm. Alderman Sobol said that he would have liked to see the Town scrape main roads sooner. He also said that he received numerous complaints about town trucks driving around town with the plows up. He suggested setting aside funds to hire private contractors to do additional plowing. He would also like to see the large piles of snow left by the plows moved out of the streets.

Mayor Bartlett also noted that many of the main roads through town are maintained by the State and the Town does not plow them. He suggested reviewing this item with the Town

Manager when she returns for possible solutions. He would like to see the Town improve communications to the public about when roads will be plowed and by whom.

Alderman Showers said that he recognizes that Town staff will not be able to please all of the people all of the time. He also saw trucks driving with the blades up. He asked the public to keep in mind that town staff does the best that they can.

IX. REPORTS OF BOARDS/COMMISSIONS

None at this time.

XIII. ADJOURNMENT

With no further business, Alderman Showers made a motion to adjourn at 7:40 p.m. The motion passed unanimously.

Carl R. Bartlett, Mayor

Marcia D. Onieal, Town Manager

ATTEST

Rosa Hilbert, Deputy Clerk

Prepared by:

Anna V. Stearns,