MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP
May 10, 2010

THE BLACK MOUNTAIN BOARD OF ALDERMEN held its regularly scheduled agenda workshop on Monday, May 10, 2010 at 5:00 p.m. in the meeting room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for May 10, 2010.

I. CALL TO ORDER

Mayor Bartlett called the meeting to order at 5:00 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager
Ron Sneed, Town Attorney
Anna V. Stearns, Clerical Assistant
Jim Orr, Recreation & Parks Director
Elizabeth Teague, Planning Director
Kevin Pressley, Police Chief
Steve Jones, Fire Chief

The Board reviewed the items that were proposed for the May regular session meeting and made the following changes:

- Deleted Item 7C, "Ordinance defining Electronic Gaming Operations as an "Amusement" and adding same to Business Privilege License Fee Schedule."
- Added Discussion of US Highway 70 Sidewalk Quality and Discussion of Change in Golf Course Rates under Item 3(D): Staff Communications - Other.

Mayor Bartlett said that his sources at the League of Municipalities had indicated that the town can prevent the licensing of video gaming machines through its ordinances. Attorney Ron Sneed said that the difficulty has been framing a definition in such a way that the companies who manufacture the machines can't simply modify the machine to get around the definition. The Planning Board recommended a high licensing fee, given the large amount of revenue produced

by the business, and classification within the code of ordinances as an amusement so that these machines might only be permitted in the highway business and industrial districts and would not be allowed in the downtown districts. The Mayor asked Attorney Sneed to look into the constitutionality of devising an ordinance or definition that would block licensing of the machines altogether.

At the request of the mayor, who had a scheduling conflict, the Board changed one of the proposed Budget Workshop dates from June 10, 2010 to June 11, 2010 at 8:30 a.m.

Alderman Showers announced that the Mills Chapel Baptist Church will hold a street ministry on May 29th from 10-2 at Lake Tomahawk, and he invited all of the aldermen to attend.

Al Richardson addressed the board with his concerns about the Goodson Cove development project. The developer, Reese Lasher, has asked the City of Asheville to provide water to the development. It is possible that the Town may receive a formal request to allow the City of Asheville to install a water line through the golf course and up Richard Lane. Under the Sullivan Acts, the city has an obligation to provide water to anyone within Buncombe County who requests service, but it does not have an obligation to provide access for the installation of private lines to reach the city's water lines. Neighboring property owners are asking that the Town not facilitate Lasher's request by granting an easement across Town rights-of-way.

Ames Tryon, Planning Board Chair, reminded the Aldermen that the Planning Board had worked for some time on a voluntary annexation plan for Goodson Cove. Mr. Tryon still believes that annexation is in the best interest of the town. The Planning Board had pressed the developer to reduce density and cluster development in the flattest portions of the property. When the developer returned to the Planning Board, the new plan only reduced the proposed density by 3 units, leaving it at 68. The Planning Board was not willing to accept this plan and asked the developer to try again to reduce the density. Mr. Lasher elected not to come back to the Planning Board with a revised plan.

Alderman Sobol said that Mr. Lasher may be able to get water from North Fork Road if he is granted access across the property owned by Tom Brown. The developer could also access sewer using a gravity line across Chapel Road, which would allow development of the northern portion of the property. Mr. Lasher will not be able to develop the lower portion of the property without having the Town grant an easement across the golf course property for access to the sewer line.

Mr. Tryon also said that there has been significant structural damage to the retaining wall in the development, due to water drainage. The asphalt has cracked and will have to be repaved.

Mr. Richardson said that the neighbors would like a commitment from the Board that it will not grant an easement for a water line.

Town Manager Marcy Onieal said that Asheville will have to supply water either over North Fork or up Richard Lane. Allowing expansion of the water system up Richard Lane would actually benefit Black Mountain citizens and the town's water system in significant ways. The Richard Lane alignment would significantly improve water pressure for all customers on the

north and west side of town; the city would be willing to permanently relinquish approximately 85 customers to become Black Mountain customers and a pump station that would allow the Town to pump an unlimited quantity of water from Asheville in the event of emergency (the Town is currently restricted to approx 200,000 gallons/day due to pressure differentials). The developer would also provide service access to the Allen Mountain water tank and radio tower, thereby allowing the town to abandon its deteriorating "pigtrail" access off Pinnacle Drive. She reported that the developers' engineers have already begun making repairs to the road and retaining wall damaged by erosion. They now believe that a spring re-emerged behind the wall, which was probably dry and not visible during the period of drought, as the road was being constructed.

II. ADJOURNMENT

Alderman Sobol moved to adjourn the meeting at 5:57 p.m. and the motion was unanimously approved.

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Carl R. Bartlett, Mayor

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Marcia D. Onieal, Town Manager

ATTEST

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Darlene R. Whisenant, Town Clerk

Prepared by:

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Anna V. Stearns, Administrative Asst.