

**MINUTES OF THE TOWN SQUARE STEERING COMMITTEE
PLANNING RETREAT
Wednesday, June 2, 2010
10:00 am - 2:00 pm**

THE TOWN SQUARE STEERING COMMITTEE held a planning retreat and lunch on Wednesday, June 2, 2010 in the Board Room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

Town Manager Marcy Onieal called the meeting to order at 10:00 am, noting again that her role as initial convener/facilitator is intended to be a temporary one, with the committee itself ultimately determining its own leadership and operational procedures.

The following members were present:

Town Appointees:

Mayoral Appointee- *Richard Hudson*
Town Manager- *Marcy Onieal*

Town boards & Commissions:

ABC Commission – *(declined to participate)*
Greenways Commission – *Julie White*
Historic Preservation Commission – *Bill Munn*
Housing Commission – *Connie Pruitt*
Planning Board – *Ryan Stone*
Recreation Commission – *Terry McElrath*
Urban Forestry Commission – *Van Burnette*

Community Business/Cultural/Service Agencies:

Beautification Committee – *Tom Woerz*
Black Mountain Center for the Arts – *Jane Reeves*
Black Mountain-Swannanoa Chamber of Commerce – *Don Farrow*
Business to Business – *Tom Gill*
Certified Entrepreneurial Community Task Force – *Mary Leonard White*
Health Initiative – *Mike Mayer*
Martin Luther King, Jr. Corporation – *(no response)*
Public Library Board – *(no response)*
Swannanoa Christian Ministries – *(declined to participate)*
Swannanoa Valley History Museum – *Wendell Begley*

Adjacent Businesses:

Acoustic Corner – *Stephanie Wilds*
Town Hardware – *(declined to participate)*
Tyson Furniture – *(declined to participate)*

Others in Attendance:

Darlene Whisenant, Town Clerk
Steve Jones, Fire Chief

Absent:

Board of Aldermen Appointee – *Rosalie Phillips*

White Horse – *Bob Hinkle*

Historic Properties Commission – *Bill Munn*

Pinnacle Properties – *Chris Bolick*

Ms. Onieal reminded the committee that the Board of Aldermen has requested this committee to prepare and provide an initial progress report to the Board by June 14, 2010. She then led the group in discussion as they discussed establishing Ground Rules for the Town Square Steering Committee. By consensus, the group agreed to abide by the following guidelines for all meetings:

Town Square Steering Committee Ground Rules

1. Start and stop meetings on time
2. Everyone participates
3. Only one person talk at a time; listen more/talk less
4. Don't assume – employ active listening; check out assumptions; request clarification
5. Be open to all ideas – brainstorming is OK; there is no right or wrong at this stage
6. Agree to disagree (with civility)
7. Use consensus-based decision-making; majority rules only as a last resort
8. Once a decision of the group is made, respect and support decision publicly and privately, even if your personal views differ
9. Be an advocate in the community for the input process

Interim Use Policy

Addressing the Board of Aldermen's charge to the committee to recommend an interim use policy for the town square property, Ms. Onieal asked the members to consider and discuss the following topics:

- 1) Liability Issues
- 2) Who should be able to use the space and for what purpose?
- 3) Who should regulate use of the space?
- 4) What procedures/enforcement mechanisms should be in place?
- 5) How does interim use impact future use and development of the site?

Members suggested several allowable uses:

- Parking
- Miscellaneous commercial (farmer's market, independent vendors, etc.)
- All activity prohibited
- All activity permitted (except illegal and dangerous)
- Mixed use

The Committee asked Ms. Onieal to clarify the current status of the property, specifically with regard to the intention of the Board of Aldermen to sell, hold or develop, and to describe current uses and expose any liability the town may incur with certain permitted or designated uses.

Ms. Onieal indicated that the Board had indeed discussed all three possibilities for disposition of property and that earlier board support for the property purchase had waned a bit in light of the economic downturn and the town's budgetary pressures and proposed tax rate increase. She explained that the payment on the property is due in July, and must be included in the proposed budget regardless of future disposition, so that will give the committee considerable time to seek out unbiased and broad-based public opinion regarding future use of property.

She further explained that liability for the town square property is really no different than that for any other Town-owned property, open to the public. The Town could be liable for unsafe or hazardous conditions it causes or for which it is specifically responsible, but the Town carries blanket liability insurance for personal injury or damage to property, and the town square property is covered in the same manner and to the same extent that other municipal parking lots and "public property" are. In general, municipal liability would be limited to damages caused directly by the town's negligence, but would not apply to injury caused by people to themselves or others on public property.

Ms. Onieal explained that currently the Town is neither granting permission for, nor prohibiting activity on, the town square site. Typical activities to date have occurred spontaneously. In recent weeks the space has been used as overflow parking for downtown businesses, as a mini-farmer's market, for non-profits soliciting donations, as a gathering spot for volunteer projects, as a space to advertise events, for overnight camping, for political campaigning, for selling home crafted goods, for setting up a lemonade stand, for tour bus parking, for an impromptu antique car display.

Several committee members suggested the town make improvements to the property now to convert the space to more efficient public parking. Concern was expressed that anything spent now on the space may be wasted if the property is sold or redeveloped, and that if the town becomes accustomed to the entire site being devoted to parking, it may be difficult to introduce a different plan for development down the road. The committee discussed at length how to manage overnight or long-term parkers and how to limit parking without striping or controlling access. Fire Chief Steve Jones expressed concern about any sanctioned use of the upper part of the site that might cause citizens to be at risk from the traffic of emergency vehicles entering and exiting from the Fire Station. The discussion then turned to commercial activity, with general agreement that the sale of Christmas trees and small-scale individual and non-profit sales activity that has occurred to date have not been perceived as a problem. The general consensus of the committee was that attempting to administer and enforce restrictions on the use of the space would be a difficult task at best and an unwise use of staff time and town resources.

Ryan Stone distributed a draft policy, prepared by Planning Board member Buzz Yeatman, proposing an amendment to the Town's Code of Ordinances that would define "*temporary private use of vacant public property*", a copy of which is attached and hereby made a part of these minutes. The draft policy was previously distributed to the entire Planning Board, which accepted it without discussion or action. The committee asked Ryan to express its

appreciation to Mr. Yeatman for his efforts. The committee also reviewed the Town's existing special event permit process and fee structure for possible applicability to managing the town square property.

After lengthy discussion, the committee recommended the following with regard to Interim Use:

1. Leave the space as undesignated public property
2. Continue to observe a first come/first serve, hands-off approach to managing the space.
3. Post signage to indicate the property is town-owned and in the process of being developed. Include verbiage seeking input for Town development pointing to a web page on the Town website and/or a telephone number to call. Include verbiage prohibiting commercial use and overnight parking
4. Allow the public to use the property as it would any other open public space, subject to enforcement by Black Mountain PD
5. Don't try to "fix" something that isn't currently broken

Process for Soliciting, Receiving, Interpreting & Responding to Public Input

After thorough and lively discussion, the Committee recommended a process of education and public input regarding future use of the Town Square property, utilizing the following means:

- **Community Meetings**
A series of community meetings convened at different locations with members of the Steering Committee and Board of Aldermen present, including at least one on the site itself. Boards & Commissions should share in responsibility for hosting community meetings
- **Fact Sheet / Questionnaire**
Create a fact sheet / questionnaire available in printed & electronic formats to educate the public regarding the property and to solicit input about how to proceed. These will be distributed at select high-traffic areas such as the Post Office, grocery stores, library, etc.
- **Website**
Post information on the Town of Black Mountain website that contains the same content as the Fact Sheet / Questionnaire and create an electronic form/survey so users can post their input.
- **Email/Social Networking**
Create an email address so the public can email their input. Utilize social networking applications (Facebook/Twitter) to reach younger audiences
- **Black Mountain News/Radio 106.9**
Use articles and press releases in the newspaper to inform and solicit response via the website, email, etc.

- **Outreach Points**
Distribute the Fact Sheet / Questionnaire and hold informal meetings at various places where residents are concentrated such as Highland Farms and other retirement centers.
- **Personal Feedback**
Committee members willing to have names and contact info published in order to receive one-on-one feedback
- **Committee Assistance**
Seek services of interns at Western Carolina, Montreat, or Warren Wilson Colleges to assist with development of printed materials and assembly of data

Information Sharing

It was suggested that the fact sheet and questionnaire be kept simple, limited to one side of one page. Fact sheet should include simple timeline, facts related to cost, financing, investment value, brief explanation of public input process, etc. The information the committee wishes to seek from the public essentially boils down to two questions:

- 1) *What would you like to see happen with the town square property?*
- 2) *Do you think the Town should contribute to, or commit public funds to make that happen?*

In an effort to ensure that input is solicited from a broad cross-section of the community, the committee identified critical constituencies and interests, which will need to be targeted for communication and input. Some of the groups below are specific constituencies, whereas others are simply good ways to access large numbers of the general public:

1. Board of Aldermen/political constituencies on both ends of spectrum
2. General Public – not particularly aligned as a constituency
3. Tourists/visitors
4. Individual local constituencies represented by members of Steering Committee
5. Existing Business Community
6. Cultural Community
7. Educational Community
8. Minority Community
9. Colleges
10. Conference Centers
11. Public Safety (Police/Fire)
12. Potential Donors (Individual)
13. Potential Donors (Institutional)
14. Private Developers/Realtors
15. Churches

16. Part-time residents
17. Service Organization (i.e. Rotary, Lions, Kiwanis)
18. Senior Retirement Centers (Highland Farms, Blue Ridge Apartments, Shady Brook)
19. Other non-profits
20. Hiking/Biking/Running/Recreational Clubs
21. Tailgate Market
22. State Agencies
23. Medical Community
24. Homeowners Associations
25. Major Employers in the Community

Ongoing Committee Involvement

If the Board of Aldermen supports these recommendations and so directs, the Committee has agreed to reconvene for the following purposes:

- Create the Fact Sheet / Questionnaire and other pertinent information
- Work with the Board of Aldermen to help schedule Community Meetings to generate interest and receive feedback from the public
- Work with Town staff to generate information for the website and receive and catalog email responses
- Work with the media to ensure that timely information is made available to the public
- Schedule and attend informational meetings at various outreach points
- Make information available at high-traffic areas such as the Post Office, supermarkets, etc.
- Compile the responses from the public (the Committee suggests the option of using one or more intern(s) for this process)
- Report back to the Board of Aldermen with compiled public input by the January 2011 Board meeting
- Consider next steps to proceed with implementation if given the go-ahead by the Board of Aldermen

Next Steps

By consensus, the committee chose Tom Gill, representing Business to Business to serve as its spokesperson for the purpose of reporting to the Board of Aldermen at their regular meeting on June 14, 2010 at 6:00 pm. The committee also set a tentative meeting date for Thursday, June 24 at 4:00 pm in Town Hall, depending on direction received from the Board of Aldermen. There being no further business, the adjourned at 2:00 pm.