

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
February 14, 2011**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** held its regular monthly meeting on Monday, February 14, 2011 at 6:00 p.m. in the board 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 Joan Brown  
Alderman Ruth D. Brandon  
Alderman Tim Rayburn  
Alderman Carlos Showers  
Alderman C. Michael Sobol

The following staff members were present:

Marcia D. Onieal, Town Manager  
Ronald E. Sneed, Attorney  
Darlene Whisenant, Town Clerk  
Anna Stearns, Administrative Assistant  
Elizabeth Teague, Planning & Development Services Director  
Kevin Pressley, Police Chief  
Steve Jones, Fire Chief  
Casey Conner, Recreation Services Director  
Mark Combs, Public Services Director  
John Shaw, Golf Course Superintendent  
David Ballard, Golf Operations Manager  
Jennifer Tipton, Permits Clerk

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 Black Mountain Emergency Services Chaplain, Susan Bumgarner. 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 re-broadcast of each regular meeting is shown throughout the month on

Charter Cable's Buncombe County Channel 2 at 8:00 p.m. on Fridays, at 2:00 p.m. on Saturdays, and at 8:00 p.m. on Sundays. Meetings initially air the same week in which they occur and are shown weekly until the next regularly scheduled meeting. Citizens may also go to the Town website and click on "Town Board Video Stream" at any time and view the most recent regular meeting of the Board of Aldermen.

## II. MAYORAL PROCLAMATIONS

The Mayor announced a rally to be held at Owen Middle School on February 17<sup>th</sup> at 7:00 p.m. to discuss upcoming budget cuts to the Buncombe County School system. On Wednesday, February 16<sup>th</sup> at 7:00 p.m. the Buncombe County Schools Superintendant will answer questions from the public at the Swannanoa First Baptist Church.

### A. Honoring the Legacy of Dr. Martin Luther King, Jr.

Mayor Bartlett asked that the proclamation which was delivered and read by Alderman Showers at the annual Martin Luther King, Jr. Prayer Breakfast on February 5, 2011 be entered into the minutes.

### B. Acknowledging the athletic accomplishments of Don McMahill in track and field

Mayor Bartlett read the proclamation honoring Don McMahill for his athletic accomplishments, and his service on Black Mountain town boards.

### C. Acknowledging the athletic accomplishments of Dawson Hunter in the NC Senior Games.

Mayor Bartlett read the proclamation honoring Dawson Hunter for his athletic accomplishments and volunteer service in the community.

### D. Resolution Commending the Service & Recognizing the Retirement of Sherry C. Williams, Deputy Finance Officer (#R-10-15, adopted 12/31/10)

Mayor Bartlett asked that the proclamation, which was previously approved by the Board and read and delivered by Vice Mayor Joan Brown to Sherry Williams upon her retirement on December 31, 2010, be entered into the minutes.

## III. CITIZEN COMMENTS

**Phyllis Parker**, Chapel Road, spoke to the board about the Town's leaf pick-up policy. The town's leaves formerly were picked up by a vacuum truck that did not require residents to bag leaves. Currently residents must bag leaves, which are picked up by a contract crew who rip open the bags and dump the leaves into the truck. The present policy results in thousands of

plastic bags blowing around neighborhoods and going into the landfill. She also said that the current policy that allows for seniors living in a home valued at under \$200,000 to have their leaves bagged by FIRST, Inc. at no charge, is not fair to all citizens, and that property valuation is not necessarily reflective of a person's ability to pay someone to bag leaves for them. The current policy results in some citizen's paying more property taxes and receiving less service. She would like for the Town to once again provide a vacuum truck to pick up leaves throughout the community without the need for them to be bagged at all.

#### IV. CONSENT AGENDA

- A. Adoption of Minutes  
*Motion:* To adopt the minutes of December 20, 2010 (Agenda Workshop), December 20, 2010 (Regular Session), and January 10, 2011 (Agenda Workshop and Regular Session cancelled due to inclement weather).
- B. Budget Amendment #FY2011-09  
*Motion:* To approve Budget Amendment #FY2011-09 as submitted, allocating \$14,020.00 to line item 10-10-5100-181 for purchase of a crime dog, and to allocate \$1,000.00 to line item 10-83-6109-151 for purchase of gravel for Black Mountain Recreation Park.
- C. Declaration of Surplus Property–Recreation and Parks Dept 1997 Ford F150  
*Motion:* To declare as surplus a 1997 Ford F150 truck, assigned to the Recreation and Parks Department; and to authorize staff to dispose via auction on GovDeals.
- D. Cooperative Agreement between the Town Square Steering Committee and Black Mountain Parks and Greenways Foundation.  
*Motion:* 1) To endorse the cooperative agreement executed by and between the Town Square Steering Committee (Tom Gill, Chair) and the Black Mountain Parks and Greenways Foundation (Michael Mayer, Chair), whereby the Foundation agrees to serve as fiscal agent for the Committee's efforts to develop public and private sources of charitable contributions for future development of the Town Square Project; and 2) to authorize the Town's Finance Director to transfer to the Foundation's Town Square account, any and all contributions received by the Town to date, which have been designated for the Town Square Project.
- E. Co-Sponsorship as a Participating Site for YWCA's 4<sup>th</sup> Annual National Stand Against Racism Day on April 29, 2011.  
*Motion:* To declare April 29, 2011 as "Stand Against Racism Day" in Black Mountain; and to adopt a motion providing for Town co-sponsorship of, and in-kind assistance to, the local coordinating committee for related events throughout the year.
- F. Appointment to the North Carolina Firemen's Relief Fund Board  
*Motion:* To appoint Freddie Robinson to the North Carolina Firemen's Relief Fund Board for a two-year term ending December 31, 2013.
- G. Resolution of Support for the International Code Council and North Carolina building Codes Council to adopt recommended revisions to the Energy Code.  
*Motion:* To adopt the resolution of support as presented.

*Alderman Sobol requested that item G be removed from the consent agenda in order to provide additional comment. The motion was unanimously approved.*

*Alderman Brandon requested that Item D be removed from the Consent Agenda. The motion was unanimously approved.*

*Alderman Rayburn moved to approve consent items A, B, C, E and F as presented. The motion was unanimously approved.*

*Alderman Rayburn moved to approve consent item D. Alderman Brandon expressed her opposition to the purchase of the Town Square property and suggested that the Board consider the merits of selling the Town Square property instead. The motion was approved 4-1, with Ms. Brandon voting in opposition.*

## **V. COMMUNICATIONS FROM BOARDS/AGENCIES/CONSULTANTS**

### **A. Transit System Funding & Schedule Update**

Mariate Echeverry, Transportation Planning Manager, City of Asheville  
Lori Hembree, Administrator, Buncombe County Mountain Mobility

Mariate Echeverry summarized recent changes in route, schedule and policy for the Black Mountain-Asheville bus route provided by Asheville Transit, precipitated by the loss of state, federal and city funding for the service. The new route, which became effective January 31, 2011, has been funded using a Job Access and Reverse Commute (JARC) grant in partnership with Buncombe County's Mountain Mobility, the City of Asheville, the Town of Black Mountain and Warren Wilson College. This funding will continue through January 30, 2013, at which time the transit partners will face a similar challenge in maintaining funding for the routes serving Black Mountain. The Board expressed concern and dismay over some of the specific changes made due to budget constraints, including: 1) reduced number of daily runs between Asheville and Black Mountain, 2) fewer stops along the route, 3) new policy which prevents flagging or stopping buses between established stops, 4) timing of last run between Asheville and Black Mountain. The Board also discussed the opportunity for public/private partnerships and the possibility of the Town providing its own public transportation to Asheville. The Town Manager noted the welcome reduction in passenger fares that accompanied the route and schedule changes and the high value the Town receives for the very modest contribution made to support transit. Although the annual cost of providing transit service to, in and around Black Mountain is in excess of \$350,000, the Town's share of that cost, provided by revenue from motor vehicle registration fees, is an \$18,000 match toward Mountain Mobility service and no match for the Asheville Transit service. Alderman Brown asked that the board be given the ridership reports for the previous year. Alderman Sobol asked for a more detailed breakdown of the City's operational costs for the Asheville Transit route.

The Mountain Mobility representative was not present at the meeting to give a presentation. Ms. Onieal noted that Buncombe County is considering contracting out the local Mountain Mobility (Trailblazer) service as a cost-saving measure.

B. Metropolitan Sewerage District (MSD) Revenue-Sharing Extension Policy  
Bob Watts, Black Mountain MSD Board Appointee

Mr. Watts summarized the differences among the six revenue-sharing proposals for sewer extensions that are currently under consideration by the MSD board and will be voted on later this week. Two of the plans were previously approved by the planning committee. In 2008, MSD changed its policy to eliminate revenue-sharing with member agencies and private developers. Mr. Watts is not personally in support of proposals that offer to give money back, particularly to private developers, and voted against any change in the policy at the December Planning Committee meeting, but asked for input from the Board. The Board concurred with the Manager's and MSD staff recommendation and expressed their support for proposals B, C, and F, all of which would offer some revenue sharing with municipalities and private developers. Members of the Board encouraged Mr. Watts to set personal feeling aside and vote in a manner that represented the best interests of the Town of Black Mountain as directed by the Board.

C. Town Square Steering Committee Update  
Tom Gill, Steering Committee Chair

The Board heard an update from Tom Gill, Chair of the Town Square Steering Committee. Mr. Gill read from the handout (*attached to, and made part of, these minutes*). A website has been created and can be accessed at [www.blackmountaintownsquare.com](http://www.blackmountaintownsquare.com). The public may use the new website to track the progress being made to plan for future development of the town square property.

D. Black Mountain Library Board Annual Report  
Ron Sneed, Board Member

Mr. Sneed said that the Library Board continues to maintain the library grounds, building and the heating and cooling units. The Library Board has acknowledged the need to complete ADA compliance upgrades as revealed by the Town's recent ADA compliance audit, and will work with the Town Manager to schedule and budget for needed upgrades as part of the Town's overall ADA transition plan. Mr. Sneed thanked Ms. Onieal for initiating and working with Progress Energy to complete an upgrade to exterior/parking lot lighting, which has significantly improved night-time safety and security for library users and their vehicles.

**VI. UNFINISHED BUSINESS**

A. Citizen Request to Consider Changes in Leaf Collection Program

Mark Combs, Public Works Director, explained the current operation of the leaf collection program to the board. Mayor Bartlett read aloud the six options being presented by staff to address the concerns that the current program is inequitably provided to citizens and represents a reduced level of service from when the Town provided leaf collection and disposal as an in-house, rather than contracted service. Mr. Combs noted that the Town discontinued comprehensive leaf collection and disposal some years ago, due to chronic equipment failure and as a board-directed cost-saving measure.

***Alderman Sobol moved that the town limit leaf-bagging assistance to those individuals who qualify for a Homestead Exemption, as determined by the Buncombe County Tax office.*** Alderman Rayburn asked that this item be carried over so that the Board can gather additional information. ***Alderman Sobol withdrew his motion.***

***Alderman Showers moved that the town make no changes in current policy, but address the issue again in FY2012, as part of a comprehensive study of all sanitation services, costs and potential revenue, in advance of the expiration of the Town's service contract with GDS in June, 2012. The motion was unanimously approved.***

- B. Proposal to discontinue unmonitored public convenience sites for MSW (Municipal Solid Waste) and Cardboard Recycling

Mr. Combs displayed several pictures recently taken at the cardboard recycling site at Recreation Park. Because the site at Recreation Park had become a nuisance and a dumping ground, and at the request of the property owner, the dumpsters have been removed, the property has been cleaned up and “No Dumping” signs have been posted. The Town pays GDS \$1,800 per year for the dumpsters and collection from them. The Board discussed several location options to relocate the dumpsters.

Alderman Sobol recommended placing cardboard dumpsters behind the Fire Substation on Blue Ridge Road, noting that this location would require screening on only two sides. Alderman Brown requested that the staff investigate further the possibility of placing the cardboard dumpsters at this or other locations. By consensus, the board agreed to table this item, pending further information and report by staff.

- C. Laurel Lane Sewer Extension

Mr. Combs reviewed the cost estimate for the extension of the sewer line along Laurel Lane to serve 6 additional homes. The Town will be paying 65% of the cost for approximately 300 feet of the extension. MSD will be paying 100% of the cost for extension in lieu of rehab to properties already served (or able to be served) by MSD. The project cost estimate provided by MSD, using same unit costs for which the Town is currently under contract with T&K Utilities, estimates that the Town's cost will be approximately \$25,000. Alderman Sobol questioned this figure believing it should be less and asked staff to check and confirm MSD's calculations.

***Alderman Brown made a motion to approve the expenditure of approximately \$25,000 to extend new sewer line along Laurel Lane to accommodate six annexed properties omitted from the***

*original design plans.* Ms. Brandon said that she will support this proposal now that MSD has agreed to cost-share and the cost to the Town has been reduced. ***The motion was approved unanimously.***

## **VII. NEW BUSINESS**

- A. Citizen Request to Consider Enacting an Ordinance Requiring Property Owners to Clear Sidewalks along Property Boundaries of Snow, Ice, Trash and Debris (*request of citizen John Rountree*)

Mr. Rountree was not present at the meeting to make his request.

***Alderman Brown made a motion to remove this item from the agenda. The motion was unanimously approved.***

## **VIII. COMMUNICATIONS FROM STAFF**

- A. Town Attorney – Ron Sneed

Mr. Sneed had nothing to report at this time.

- B. Town Manager – Marcy Onieal

Ms. Onieal made reports or announcements regarding the following items:

- Historic District National Register Certification received for South Montreat Road District
- ADA Compliance Update
- Revenue Audit Update
- North Carolina League of Municipalities Legislative Caucus Report
- North Carolina League of Municipalities Town Hall Day-May 4, 2011/Regional Updates in April, 2011
- North Carolina City County Managers Association Managers Conference
- Staff Appointments and Departmental Reorganizations
  - Casey Conner has been appointed as the Recreation Services Director
  - The parks maintenance staff has been transferred to Public Services Department under supervision of Jamey Matthews who, along with Steve Harmon, was recently promoted to Public Services Crew Supervisor
  - All golf course operations and maintenance employee have been transferred out of Recreation and Parks Department and are temporarily reporting to the Town Manager in anticipation of hiring a Golf Course General Manager this spring. Golf course operations will

- continue to come under the umbrella of the Recreation Commission and the General Manager will report directly to the Town Manager
- Betsy Wilson, retired after 42 years as Finance Director for the City of Lenoir, has been contracted for approximately 20 hours/week for the remainder of the fiscal year to serve as Finance Department consultant, and to provide interim departmental leadership in anticipation of the appointment of a new Finance Director this spring.
- Finance Director Assessment Center with six finalist for the position scheduled for February 23-24, 2011
- Golf Operations & Facilities Update

C. Manager's Quarterly Report – Leadership Staff

Darlene Whisenant delivered her quarterly report as Town Clerk, particularly noting the initiation of the CodeRED community notification system and encouraging all citizens to register on the Town's website.

Steve Jones delivered the quarterly report for the Fire Department. He spoke about the recent passing at the age of 92 of volunteer firefighter Charlie Arnette, who had continuously served the department as a volunteer for over 70 years, and was still active until just shortly before his death. The fire department responded to 10 structure fires in the last two months, more than most local fire departments answer in a full year.

John Shaw delivered the quarterly report for the maintenance of the Golf Course. The golf maintenance staff assisted the Public Services Department with snow removal this winter. The lease for the golf course maintenance equipment will expire July 1, 2011. Mr. Shaw has solicited bids from three major distributors for new maintenance equipment leases and will investigate the possibility of combining a renewed equipment lease with a new lease purchase agreement for cart replacement. As approved by the Board in December, Pat O'Brien, the Southeastern Director and Chief Greens Consultant for the USGA, will be at the Golf Course on March 7<sup>th</sup> to meet with the Town Manager and golf staff to assess current operations and develop a comprehensive golf course maintenance/rehab plan. The estimate for repairing #16 green is approximately \$35,000-\$40,000. Re-sodding tees with Bermuda mix is estimated at approximately \$10,000-\$12,000. A staff recommendation will be forthcoming after receipt of USGA consultant's review and recommendation.

David Ballard delivered the Golf Operations quarterly report. Golf Course revenue has increased modestly compared to the same time last year, due primarily to better weather conditions. The course was closed 28 days this winter as compared to 91 closed days last winter for the same period. Staff is in the processing of planning a website for the course that will allow for better advertisement of tournaments and weekly specials at a relatively low cost.

Jennifer Tipton delivered the quarterly report for the Planning & Development Services Department. Revenue is down slightly compared to last year, due to continued slump in new construction and new business permitting. The Planning Board will present recommended text

amendments to the Land Use Code in March. The South Montreat Road and Dougherty Heights neighborhoods have been officially listed with the National Historic Register.

Kevin Pressley delivered the quarterly report for the Police Department. The department will soon take delivery of a fully trained search/rescue/drug discovery canine and Officer Chris Staton will be attending a four week-training program with his K-9 partner prior to putting the canine in service. The department hopes to begin doing demonstrations with the dog in May.

Mark Combs delivered the quarterly report for the Public Services Department.

Casey Conner delivered the quarterly report for the Recreation Services Department, noting that the Community Garden will be opening March 1<sup>st</sup>.

Ms. Onieal reviewed progress on the plan adopted by the Board at the December meeting, which approved a restructuring of golf operations staffing, and authorized the manager to begin planning for improvements of course facilities with a loan of up to \$250,000 from the General Fund. Ms. Onieal reviewed the engineer's report from Medlock & Associates Engineering, explaining that the upstairs flooring in men's lounge, snack shop, deck, and porch present immediate safety concerns as they are supporting as little as 18 pounds per square foot (psf) live load, when the required standard is 100 psf for all current uses. Ewing & McConnaughy Construction provided a cost estimate of \$14,000 just to bring the floor system into compliance. The remaining violations related to building code, ADA compliance, health code, and tenant/member use needs have not yet been carefully evaluated or addressed, but the manager conservatively estimates needing at least \$100,000 to bring the facility into full code compliance, assuming continuation of all current uses, with that figure based on construction costs the Town has recently incurred for needed code compliance renovations at Lakeview Center. Ms. Onieal noted that due to safety deficiencies of this magnitude and liability concerns, state law requires this building either be brought up to code, or closed for occupancy/use. The Town's building inspector has ordered immediate closure of the building, but with a proviso granting the current tenants time to vacate as provided for in their lease agreement with the Town. Ms. Onieal noted that the Women's Golf Association has never had a formal lease with the town and that the Men's Golf Association's lease expired in 1993, but has been allowed to continue on a month-to-month basis without formal notification by either party since that time. The original lease required 30 days written notice for lease termination and notice to vacate. Ms. Onieal reported that the Men's Association had formally requested in writing that they be given 60 days to vacate instead of 30, and that she had already given permission to the Women's Association to use the lower level lounge area through the hosting of their spring tournament, which is expected to be in late April or early May.

Ms. Onieal recognized John DeWitt, the Chair of the Recreation Commission, and thanked the Commission for its active engagement and leadership, thoughtful deliberation and continuing commitment to finding best possible solutions within resources available for the challenges the Town faces with regard to golf operations. She also thanked the seven-member Golf Advisory Group, which is working closely with staff to review and recommend priorities and strategies for implementing the improvement plan. The manager stated she had originally recommended in December that the Board of Aldermen approve funds for immediate renovation

of the facility, but upon further review of the current operating budget and the higher-than-expected cost to bring the entire facility into compliance, Ms. Onieal recommends that the Board hold off making an immediate decision and revisiting the issue after the consultant and golf staff return a comprehensive course renovation and maintenance plan, so that the facility, equipment and course needs can be considered together in context of highest priority within resources available.

Ms. Onieal clarified that for the immediate future, the Town has only three choices with regard to addressing the clubhouse: 1) close temporarily and go ahead and commit funds to renovate the facility so as to bring it into full code compliance and allow it to reopen within the year; 2) close until more facts are known and the Board can make a well-informed decision as to future disposition; 3) permanently close and secure and/or demolish/dispose of the building. Ms. Onieal noted that the majority of Recreation Commission and Manager's Golf Advisory Group members recommend not spending additional money on the existing facility, as it does not currently meet, nor has it ever adequately met, members' or the Town's needs. Based on the Advisory Group's recommendation that the facility be demolished, and that plans be initiated for construction of a new facility, the manager is in the process of seeking estimates for demolition and disposal. Due to current budgetary constraints, Ms. Onieal favors closing the building without further expenditure, other than what is minimally necessary to maintain the facility in its current condition, and delaying any decision for permanent disposition until the matter can be revisited during the budget process in May and June.

***Alderman Brown moved to demolish the building and begin plans for future construction of a new facility.*** Alderman Showers indicated he would prefer not to spend the money to demolish the building at this time. Alderman Sobol suggested that the Town could repair the club area and deck and close off the kitchen and snack shop area. ***The motion was defeated by a vote of 2-3, with Aldermen Showers, Sobol and Rayburn voting against.***

***Alderman Showers moved to board up and secure the building until such time as funds become available for renovation, or some other future disposition, and to provide 60 days notice to the tenant to vacate the premises. The motion was approved 3-2, with Aldermen Brown and Brandon voting against.***

## **IX. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN**

Mayor Bartlett thanked MLK Committee Chair Tom Cannon for hosting the Martin Luther King, Jr. Prayer Breakfast in February.

Alderman Showers said that his job at Swannanoa Youth Development Center is ending March 1, as was announced in the media, but that he is not planning to leave the area and will complete his term as Alderman.

**X. CITIZEN COMMENTS**

**Marilyn Sobanski, Rainbow Recycling**, expressed her wish that the Town continue to provide a cardboard recycling facility. She is in favor of moving the facilities behind the fire substation. She also spoke about the leaf vacuum truck. When the town provided this service before, the Town spent considerable amounts of money repairing the trucks.

**Elaine Loutzenheiser**, 410 Avena Road, expressed displeasure that the Board's frequent changing of position and direction to staff on various issues is strenuous on staff and counterproductive to good government. She commended the manager and staff for all of their hard work.

**XI. CLOSED SESSION**

*Alderman Sobol made a motion to go into closed session at 9:20 p.m., as permitted in NCGS §143-318.11(a)(6), for the purpose of discussing personnel matters. The motion was unanimously approved.*

The board returned to open session at 9:25 p.m.

*Alderman Sobol made a motion to reschedule the July monthly meeting to July 18<sup>th</sup> and to reschedule the August monthly meeting to August 15<sup>th</sup>. The motion was unanimously approved.*

**XII. ADJOURNMENT**

*With no further business, Alderman Showers made a motion to adjourn at 9:28 p.m. The motion passed unanimously.*

ATTEST

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Carl R. Bartlett, Mayor

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Marcia D. Onieal, Town Manager

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Darlene Whisenant, Town Clerk

Prepared by:

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Anna V. Stearns, Administrative Assistant