

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
APRIL 11, 2011**

THE BLACK MOUNTAIN BOARD OF ALDERMEN held its regular monthly meeting on Monday, April 11, 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
Rosa Hilbert, Deputy 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
Dan Cordell, Building Inspector
Dean Luebbe, Finance Director

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 Andy Andrews of Montreat Presbyterian 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 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.

Mayor Bartlett announced the Homebuyers Expo hosted by the Black Mountain Housing Commission to be held Thursday, April 14th from 5:30 to 7:30 PM at the Lakeview Senior Center.

II. PRESENTATION – DESIGNATION OF BLACK MOUNTAIN AS A CERTIFIED ENTREPRENEURIAL COMMUNITY

Black Mountain approached AdvantageWest several years ago to learn about their certification program for entrepreneurial communities. AdvantageWest is an economic development group chartered by the North Carolina General Assembly to market the North Carolina Mountains to business owners looking to expand or locate businesses in Western North Carolina. AdvantageWest runs the Certified Entrepreneur Community program.

Mayor Bartlett introduced Mary Leonard White, Chairperson of the Black Mountain Committee for Entrepreneurial Certification, to present information about the certification of the Town of Black Mountain as an Entrepreneurial Community. Ms. White delivered a power point presentation to detail the application process, which took three years to complete.

Mayor Bartlett spoke about the accomplishments of the committee and the things they were able to do to encourage and measure the growth in entrepreneurship in the community. They developed an annual entrepreneurial development program to bring together several entrepreneurs in the community to share their experiences with other entrepreneurs. They worked with staff to put together a packet with all information necessary to a new business owner in Black Mountain. The committee has found several ways to honor successful entrepreneurs in the committee in partnership with the Board of Aldermen and the Black Mountain News. The first year's business license will be offered for free to any entrepreneur who submits a business plan along with his license application.

Mayor Bartlett introduced Dale Carroll Assistant Secretary of the North Carolina Department of Commerce. Mr. Carroll spoke about the work of Governor Bev Purdue and Commerce Secretary Keith Crisco in supporting small businesses in North Carolina. Governor Purdue appointed a Commissioner of Small Business, Scott Dougherty, in the Department of Commerce. Mr. Dougherty has submitted application to the Federal Treasury to develop a capital access program. This program minimizes some of the risk associated with loans to small businesses to encourage financial institutions to lend money to small businesses. He congratulated Black Mountain on being the first municipality in the country to become a Certified Entrepreneurial Community. Mr. Carroll recognized Tommy Jenkins, George Couch and Pam Lewis of AdvantageWest and thanked them for their work on this program.

Mayor Bartlett introduced Pam Lewis, Vice President for Entrepreneurial Development at AdvantageWest. Ms. Lewis, along with Mr. Jenkins, Mr. Couch and Mr. Carroll presented the highway sign commemorating the certification to the Town and the certificate.

III. MAYORAL PROCLAMATIONS

A. Stand Against Racism Week – April 25-29, 2011

Mayor Bartlett read the proclamation declaring the week of April 25-29, 2011 as “Stand Against Racism Week in Black Mountain.”

B. Municipal Clerks Week – May 1-7, 2011

Mayor Bartlett read the proclamation recognizing Darlene Whisenant and Rosa Hilbert in their roles as Town Clerk and Deputy Town Clerk and designating the week of May 1st through May 7, 2011 as the 42nd Annual Municipal Clerk’s Week in the Town of Black Mountain.

IV. CITIZEN COMMENTS

Ames Tryon, Planning Board Chair, on behalf of the Planning Board, presented a Certificate of Appreciation to departing Planning and Development Services Director Elizabeth Teague for all of her outstanding contributions to the Town of Black Mountain.

Homeowner **Beverly Hausley**, 361 Genesis Circle, spoke about her concerns regarding the property located at 362 Genesis Circle owned by Alderman Michael Sobol. Her concerns included drainage problems and an unlicensed vehicle on the property. She also expressed concerns about tenant behavior, poor condition of the property and lack of responsiveness by the property owner to her attempts to make contact and discuss issues of concern, which she perceives as negatively impacting property values and the neighborhood as a whole.

V. CONSENT AGENDA

A. Adoption of Minutes

Motion: To adopt the minutes of March 14, 2011 (Agenda Workshop), March 14, 2011 (Regular Session), March 14, 2011 (Closed Session); March 28, 2011 (Special Called Session-Golf Workshop, Agenda Review); March 28, 2011 (Special Called Session-Golf Workshop); April 1, 2011 (Special Called Session).

- B. Resolution **#R-11-02** designating Dean M. Luebbe as Finance Officer and Meredith Glenn as Deputy Finance Officer for the Town of Black Mountain

Motion: To adopt Resolution #R-11-02 naming Dean M. Luebbe as Finance Officer and Meredith Glenn as Deputy Finance Officer for the Town of Black Mountain.

- C. Budget Amendment **#BA-FY2011-10** allocating loan proceeds in the amount of \$250,000 to Golf Course Operations, line item 50-92-6210-150, for major maintenance and improvements to the golf course and facilities, previously authorized by the Board of Aldermen on April 1, 2011

Motion: To adopt Budget Amendment #BA-FY2011-10 as presented.

Alderman Rayburn moved to approve consent items A - C as presented.

Alderman Brandon requested that the comments of Dave Alexander, Secretary of the Black Mountain Men's Golf Association, on page four of the minutes of the March 14, 2011 regular session be corrected with regard to his assertions that the golf course is self sufficient and had never taken a dime from the Town. She went on to provide information, previously distributed to the Board and discussed in public meetings, which contradicts Mr. Alexander's assertions that the golf course is self sufficient.

Alderman Brandon made a motion for the written remarks provided by Dave Alexander to the Board of Aldermen to be amended to reflect that the Town has, in fact, provided funds to subsidize the operation of the golf course.

Attorney Sneed clarified that the Board cannot alter the remarks provided by Mr. Alexander and as such, no vote was taken.

Alderman Showers asked that the minutes of April 1, 2011 Special Called Meeting, 2nd page, 2nd paragraph be revised to reflect that Alderman Rayburn and Sobol were opposed to the original motion.

Mr. Rayburn's motion to approve the consent agenda was unanimously approved.

VI. UNFINISHED BUSINESS

A. Bear Smart Community Update

- Mark Combs, Public Services Director
- Tonya Poole, Graduate Assistant, Montreat College

Mr. Combs introduced Tonya Poole who has worked to develop the "Keep Bears Wild" program to educate the public about issues pertaining to bear encounters in Black Mountain. Ms. Poole delivered a power point presentation with information about the interaction of bears and

humans. The brochure she has developed with the assistance of Lori Lennon has been designed so that it can also be used as a flier to be placed at various places around Town. Ms. Poole will also be developing a website, public service announcements and presentations to provide additional information to the public.

B. Tennis Court Update

- Ron Sneed, Town Attorney
- Casey Conner, Recreation Services Director
- Judy Eubanks, Black Mountain Tennis Association

Mr. Sneed reviewed the history of the Armor System skid-proof surface placed on the court by S&S Fence Company. When the courts developed dead spots, S&S Fence said that there were drainage and water problems on the court causing these dead spots. They have repeatedly asserted that time will heal the problems, but more than a year has passed and the dead spots have not healed. Mr. Sneed is afraid that the Town may be faced with replacing the surface and then suing S&S Fence Company to recover the cost.

Casey Conner delivered a more comprehensive overview of the problems encountered with the courts and the steps that had been taken by the Town to address the water issues asserted by the company to be the problem. Measures to drain the surface of the court have been in place since before the resurfacing was completed and Mr. Conner prepared a series of dated photos proving the measures have been effective. The manufacturer's website clearly says that any deviations from their 9 installation limitations will cause the surface to fail. One of those limitations was that the surface should not be installed when temperatures fall below 60 degrees overnight. The surface was installed in November. There were no nights in November 2009 when temperatures were above 50 degrees.

Judy Eubanks, 13 Daniel Lane, of the Black Mountain Tennis Association, along with **Dr. Barbara Bowman Hensley**, 111 Taylor Street, and **Michaeline Pastor**, 144 Hilltop Road spoke on behalf of the Black Mountain Tennis Association. Ms. Eubanks said that the surface of the courts is now beginning to peel and asphalt is visible. She is grateful that the town is pursuing repairs to the court and she pledged the support of the Black Mountain Tennis Association in assisting the town with whatever fix is necessary for the court. The Association is a non-profit organization which offers tennis programs for players of all ages. More information about the programs offered by the association can be found at www.blackmountaintennis.com. Ms. Pastor said that having leagues from other communities play on courts with dead spots reflects poorly on the community. Dr. Hensley said that the tennis association brings many visitors into the community from other leagues. She emphasized the positive impact that these visitors have on the community at large. She encouraged the Board to be the voice of the tennis association and to hold responsible the parties involved in wasting the hard earned contributions of the tennis community.

Mr. Sneed will demand a plan for repairs from S&S Fence Company within 2 weeks. Casey Conner will present a plan for making repairs at the next board meeting if a response from the company has not been received.

C. Black Mountain Golf Course Assessment Report & Recommendations

- Patrick O'Brien, Southeastern Director for the USGA
- John Shaw, Golf Course Superintendant

Mr. O'Brien delivered a power point presentation to outline the history of the course, the present financial health of the course, and immediate and long term plans for improvements. The immediate short term goals are first to improve the irrigation system. Parts of this system are no longer manufactured because they are over 20 years old. The control system should be updated to Osmac Technology by Toro. The trees at the #4 green should be removed. These trees are a safety issue because they have been damaged by mowing equipment and disease. New Turf Breeze fans should be installed at the #16 and #8 greens. Sod should be placed to repair damaged areas at the #4, #9 and #16 greens. The greens should be mowed more often and more sand should be used to top dress the greens. He suggests that the town buy turf groomers for the mowers to help vent the greens. He does not believe the #16 green should be rebuilt until after the town has placed the new fan to see if it helps the grass grow. If this doesn't help, the green may need to be moved forward out of the dark/shaded spot so that the grass can get more sunlight. The green surrounds should be made a higher priority for maintenance. He suggests adding a perimeter irrigation system and beginning to resod to tall fescue. These should be fertilized monthly. This sod should be replaced every 6-7 years. He estimates that the suggested repairs will cost \$100,510.

There is not much that can be done to improve the existing tees, fairways and roughs for a variety of reasons. He suggests striping the grass during mowing, increasing fertilizer applications, and mowing the creek banks every 60 days or so. There have been no capital investments in the golf course since 1998. Most courses make these types of improvements annually and he suggests that the Town begin making these capital investments annually.

John Shaw, Golf Course Superintendent, reviewed some of the costs estimated for suggested repairs. The upgrades to the irrigation system will cost about \$60,000. The sod will cost approximately \$11,000 to replace the poor spots on the #4, #9 and #16 greens and also the green surround area at the #16 green. The addition of turf groomers to the mowers would add about \$2,000 to the cost of the lease package for new equipment. Mayor Bartlett suggested exploring a lease purchase arrangement for replacing the irrigation system to reduce the initial capital investment required.

VII. NEW BUSINESS

A. Appointment to fill Vacancy on Town Commission

1. Greenways Commission – (1) vacancy for one-year unexpired term through June, 2012

Applicant: Susan Ward

Alderman Brown nominated Susan Ward to the Greenways Commission through June, 2012. The nomination was unanimously accepted.

B. US70 / NC9 and Town Square Small Area Plan

- Tom Gill, Town Square Steering Committee Chairman, Presenter

Tom Gill read from his report, which is attached and hereby becomes part of these minutes.

Alderman Showers moved to authorize the Town Manager to execute the contract with Martin, Alexiou and Bryson to begin design and public involvement activities related to planning in the area of the proposed Town Square.

Alderman Brandon said she is concerned about the cost of the contract for these services. She is also concerned that entering into this contract means that the Town has firmly committed to the construction of the area as a park. She said that many citizens have commented to her that they are not happy with the purchase of the property or the use of the property as a park. She would like the town to sell the property. ***The motion passed 4-1 with Alderman Brandon opposed.***

C. Call for a Public Hearing on Zoning Text Amendments to the Land Use Code (LUC) as recommended by the Planning Board

Ms. Teague explained the review process that has led up to the text amendments. The Planning Board has spent the last year reviewing the new Land Use Code and suggested revisions from citizens. These proposals are the product of those discussions.

Alderman Brandon moved to call for a public hearing on text amendments to the Land Use Code, as recommended by the Planning Board, on Monday, May 9, 2011 at 6:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue. 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 said that paving at Blue Ridge Road and McCoy Cove Road/Avena Road, which will complete the sewer extension project in those areas, will begin within 2-3 weeks.

Ms. Onieal reported that Planning Director Elizabeth Teague has accepted a position as Planning Director/Assistant Town Manager with the Town of Nags Head, NC and will be leaving the Town of Black Mountain on April 13th. She thanked Mrs. Teague for her many contributions to the Town, including her work on:

- US 70 Corridor Study
- Stormwater master plan
- Pedestrian and greenways master plan
- Safe routes to school program
- Stimulus grants for Flat Creek Greenway and US Highway 70 sidewalk
- The strategic energy plan
- League of Municipalities Green Challenge program
- Major development plans for Goodson Cove, Chapman's Cove, Roberts Farm, and construction of the new Ingles store and the new Ingles warehouse
- Staffing for four separate boards and commissions
- Comprehensive Land Use Code rewrite
- Flood map revisions
- Census 2010

Ms. Onieal also announced that the Request for Proposals for Food & Beverage Service at the Black Mountain Golf Course will be released this week upon approval by the Board, and that bids should be ready for review at the May meeting.

Alderman Brown moved to approve the Request for Proposals for food and beverage sales at the golf course as amended during the Board's Agenda Work Session. The motion was unanimously approved.

IX. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN

Alderman Sobol said that Tim Pasour of Owen High's Future Farmers of America recently took students to the North Carolina Land Judging contest. The group finished with a top five placement in the state. They will advance to the national competition in Oklahoma City, Oklahoma at the end of the month. Funds are being raised through plant sales which are available for purchase at the high school greenhouse.

Alderman Brown suggested that the group might partner with the Beautification Committee to offer plant sales at the Beautification Committee's annual spring festival downtown.

X. CITIZEN COMMENTS

Phil Bisesi, 15 Hi-Vu Drive, thanked Casey Conner for his service to the Town of Black Mountain. He commended the manager on preparing staff to be promoted from within the organization and hopes there will be more internal promotions as positions become vacant.

XI. ADJOURNMENT

With no further business, Mayor Bartlett made a motion to adjourn at 8:18 p.m. The motion passed unanimously.

ATTEST

Carl R. Bartlett, Mayor

Marcia D. Onieal, Town Manager

Darlene Whisenant, Town Clerk

Prepared by:

Anna V. Stearns, Administrative Assistant