

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
September 14, 2009**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, September 14, 2009 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 Chuck McKeown  
Alderman Rosalie Phillips

The following staff members were also present:

Marcia D. Onieal, Town Manager  
Ron Sneed, Town Attorney  
Steve Jones, 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  
Pam Hoen, Customer Service Representative  
Anna V. Stearns, Administrative Assistant  
Darlene Whisenant, Administrative Assistant

Representing the media:

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

Mayor Bartlett led the Pledge of Allegiance. Rev. Ron Horgan, Executive Pastor of Montreat Presbyterian Church, led the prayer.

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

- A. Recognition – Black Mountain Tennis Association’s Quickstart Junior Tennis Team, Judy Eubanks

The 8 and under age group of the Quickstart Junior Tennis Team won the Mountain League competition. The Mayor presented each player with a trophy.

- B. 3<sup>rd</sup> Quarter Entrepreneurial Award recognizing Lewis “Bud” Haney of Nine South

Mr. Haney was recognized by the Board for his development of the NineSouth townhomes on NC Highway 9. Mayor Bartlett presented Mr. Haney with a plaque recognizing him as Black Mountain’s Entrepreneur of the Quarter.

- C. Proclamation declaring September 17-23 Constitution Week in Black Mountain (request of Alderman Phillips, on behalf of the Daughters of American Revolution.)

Mayor Bartlett read the proclamation declaring the week of September 17<sup>th</sup> through 23<sup>rd</sup> of each year Constitution Week in the Town of Black Mountain. He also read the preamble to the Constitution of the United States.

## III. CITIZEN COMMENTS

**Carter Blaisdell**, 13 Hiawasee Avenue, recommended a private fund be established to help raise funds to develop the park on the property to be acquired downtown. He also spoke on behalf of the West Side Neighborhood Association. There are 264 housing units along streets in this neighbor. The Robert’s Farm Development would add approximately 250 housing units, nearly doubling the number of housing and creating a traffic strain on existing streets. He feels the development is of high quality, but does not agree with the density, or proposed three story buildings. He believes this development will alter the character of the neighborhood. Byrd Road is currently a one-way street down to the access road. He would like to see this become a two-lane road. This would keep some of the traffic off of Hiawasee Avenue.

**Bob Gunn**, 109 Pleasant Drive, spoke about the proposal to dismiss the ABC Board members. He said that 2 of the 5 Alderman have been enjoined from discussing this issue tonight. He believes that the remaining Alderman should refrain from addressing this issue as 40% of the Town’s voters will not be represented in the discussion. He quoted Teddy Roosevelt in saying, “We are the people, you and I.”

**E.V. Gouge**, 131 Fairway Drive, suggested that the Town divert the money and energy currently planned for the downtown park, to the property recently developed by Alderman Sobol as a walking park behind the Bi-Lo. He would like to see the property in the center of Town used for commercial development.

**Ruby Wheelon**, 223 South Laurel Circle, believes that the people of the community should be given an explanation about why David Turbyfill was terminated from the ABC Store. Her husband worked with Mr. Turbyfill for nearly 25 years. Mr. Turbyfill has worked at the ABC Store for nearly 35 years without complaint. He had nearly reached his retirement, and she does not believe his termination was justified.

**Stephanie Wilds**, 28 Dunsmore Avenue and owner of Accoustic Corner. Her business is located across from the property that the Town proposes to purchase in the center of Town. She has acquired about 140 signatures from residents and business owners in Black Mountain in support of this purchase and construction of a park, including 55 downtown business owners. She believes that less than 2% of the people she spoke to are opposed to the idea. She has copies of a conceptual plan developed by Randy Burris, a local landscape architect, which includes a parking area, water feature and amphitheater for outdoor events. She believes the loss of tax revenue will be negligible, because the park will increase the tax values of surrounding properties. The Town will acquire more parking, more opportunities for events such as Holly Jolly and Sourwood Festival. This would encourage pedestrian traffic to cross the street and provide a town square and heart for the town. She encouraged the Town to consider that two developers have not found a commercial development on this site to be economically feasible. She believes that the most likely purchaser of this property would be a chain, such as CVS or Walgreens.

**Pamela Norton**, 103 Oakland Drive, said that the Town sold a park that had been donated to the Town about 10 years ago because the park was too expensive to maintain and the Town desperately needed money. She believes that the purchase of a park for \$2 million is financially irresponsible on behalf of the Town. She believes that the private sector could raise the money and develop this property for this purpose if this is the best use of the property. She does not believe that the Town can properly maintain a \$2 million park when it could not maintain a one-acre park with play equipment ten years ago. She believes she could obtain many more than 144 signatures opposing the purchase if people were aware that \$2 million is being spent to acquire the property.

**Joe Tyson**, 309 North Dougherty Street, quoted Thomas Paine who said, “Government is best that governs least.” He suggested that public hearings for the land use code could be addressed in separate public hearings rather than as part of the regular monthly meeting.

**Margaret Neville**, 8 Silver Place, spoke in support of the purchase and development of the downtown park. She said that multiple studies show that greenspace and public parks support economic development in communities. She also said that use of this space as a park will help protect the viewshed from downtown. She encouraged the Alderman to be the council that will be remembered as the council that had the wisdom, vision and courage to move forward with this opportunity for the Town.

**Gay Fox**, 307 Tomahawk Avenue, spoke in support of the purchase and development of the downtown park. She likened development of the park to the construction of the parkway and other public works undertaken by President Roosevelt during the Great Depression. She believes that the Town can obtain grants to assist with the construction costs of the park, which will protect the view of the mountains from downtown. She also spoke about the Robert's Farm development and her concern about the increased traffic that will be generated from this development. She is particularly concerned about the lack of a stop-sign at the intersection of Craigmont Road and North Fork Road. She has been informed that the DOT cannot put stop-signs at this intersection because the state right-of-way intersects the town and county boundaries at this intersection. She also believes that the intersection of Craigmont Road with Byrd Road and Hiawasee Avenue will be made even more dangerous by this development. She urged the Alderman not to approve this plan at the proposed density.

**Johnny Allison**, 34 Western View Street, requested that the aldermen schedule separate meetings for review of the Land Use Code.

**Bob Orr**, 21 Vance Avenue, complimented the Town for the placement of the new sign at the end of the I-40 off-ramp. He read a letter he has written about the treatment of David Turbyfill and Kenny Teague by the ABC Board. A copy of his letter was mailed to each ABC Board member and a copy is attached to these minutes. According to Mr. Turbyfill procedure was not followed, resulting in both employees being awarded unemployment benefits. He thanked Mrs. Wheelon for her speaking on behalf of Mr. Turbyfill. He also addressed Alderman Sobol in saying that he should perhaps not address this issue since his brother is one of the ABC Board members.

**Heather Cotton**, 19 Walker Cove Road, said that she is AICP certified with a degree in regional planning and has a background in parks management and urban development. She suggested that the Alderman form a committee to more closely evaluate the proposed project along with the possibility of a public-private partnership.

**Johnny Braden**, 105 Richardson Avenue, thanked the Board for their service to the Town. He hopes that the Board will recognize the opportunity before them tonight..

#### **IV. COMMUNICATIONS FROM THE TOWN ATTORNEY - None**

#### **V. CONSENT AGENDA**

##### **A. Adoption of the Minutes**

*Motion: To adopt the minutes of August 6, 2009 – Agenda Session, August 10, 2009 - Regular Session, August 10, 2009 - Closed Session, August 11, 2009 – Closed Session, September 1, 2009 – Closed Session, September 1, 2009 – Special Session*

##### **B. Resolution Commending the Service and Recognizing the Retirement of Shirley J. Raines as Town Clerk (R-09-18)**

*Motion: To adopt the resolution of recognition, as already presented to Shirley Raines on the occasion of her retirement, August 31, 2009*

C. Budget Amendment #2009-03

*Motion: To approve budget amendment #2009-03, allocating \$595 received from VFIS Insurance to be designated for the replacement of a damaged radio*

D. NCWTFC FIT Grant Project Ordinance Amendment

*Motion: To approve project ordinance amendment in order to carry forward unexpended funds in the amount of \$15,923 from years 1 and 2 to year 3, ending June 30, 2010*

E. DHS/FEMA Grant Project Ordinance Close-out

*Motion: To approve closing out the FY2007 Assistance to Firefighters Grant, which provided the Town \$182,508 in funding for fire fighting and personal protective equipment*

F. **CALL FOR PUBLIC HEARING** on the Proposed Masterplan and Development Agreement for the Robert's Farm Property by RJH Development, Inc.

*Motion: To call for a public hearing on the proposed Master Plan and Development Agreement for the "Robert's Farm Property" (PIN 0609-88-7008-00000) on Monday, October 12, 2009 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Town Hall located at 160 Midland Avenue.*

***On a motion by Alderman Brown, the consent agenda was approved unanimously.***

**OLD BUSINESS**

A. Proposal to Dismiss ABC Board Members

Alderman Brown thanked the citizens who have spoken tonight during public comment. She made the motion last month to dismiss the ABC Board for what she believes to be justifiable reasons. Due to a restraining order against her and against Ruth Brandon, her summons to Superior Court, the possible cost of defending litigation on the part of the Town and the drain on Town staff resources, she will withdraw her motion for this meeting. She believes that her constitutional rights of free speech have been violated by this action.

***Alderman Brown withdrew the motion to dismiss ABC Board Members.***

B. **SECOND PUBLIC HEARING** on proposed updates to Land Use Codes and consideration of adoption with an effective date of January 1, 2010

Elizabeth Teague gave a presentation to the Board of Aldermen summarizing changes that have been proposed to the Land Use Code since the last public hearing. The Aldermen may adopt this code tonight with an effective date of January 1, 2010, or may refer proposed changes back to the Planning Board for additional review and recommendation. Planning Board Chair, Ames Tryon, assisted in the presentation of changes proposed to the zoning map, including changing the area along the southern margin of Camp Branch Road from CR-1 to SR-2, and changing areas around the Llama Vista development on NC Highway 9 from

SR-2 to UR-8. There has also been a request by property owners along Sunset Drive to change this area from the proposed mixed-use district to a residential district. That area is currently zoned R-10. The plumbing code has been revised to require a second shut-off valve within 12 feet of the town's water meter, rather than within 3 feet. The Zoning Administrator has suggested that staff be allowed the discretion to grant variances to the setback within 1 foot.

At this time, Mayor Bartlett opened the hearing to public comment.

**John Allison**, 104 Western View Street, said that there was a request to zone Sunset Drive for commercial use about 10 years ago. He believes that adding commercial uses to this area will add a great deal of traffic to a residential neighborhood. He asked that the Board consider leaving this neighborhood zoned for residential use.

**Joe Tyson**, 309 North Dougherty Street, is concerned that the permitted uses table in the Central Business District restricts retail uses over 60,000 square feet. This will mean that his business will have to go through the conditional use process for any expansion. He would like to see the Central Business District allow commercial uses of all sizes. He noted that the OI District allows only walk-up restaurants, and commercial uses only up to 25,000 square feet, which he feels is too restrictive. He believes that 60 foot building heights should be allowed in the commercial districts.

**Harry Hamil**, 15 John Myra Avenue, repeated the request that additional hearings be scheduled for additional review of the proposed Land Use Code. Mr. Hamil distributed a letter for the record with corrections he believes should be made to the draft. The Central Business District regulations require that a building be constructed up to the existing sidewalk. The new draft provides for a 12-foot front setback, which will require business owners to beautify and maintain the area between the sidewalk and building, and will decrease available building space. He believes a maximum setback of 6 feet should be required in areas where no sidewalks have been built. In areas with existing sidewalks, the buildings should be built up to the sidewalk. He also believes that the re-zoning should be done separately from the adoption of the text of the new Land Use Code. He is also concerned about areas along Flat Creek Road and Montreat Road that have been zoned SR-2, meaning a maximum of 2 units may be built per acre. The existing neighborhood has been split into two zoning districts. John Myra Stepp developed the original neighborhood in the 1930's. Mr. Hamil would like to see a more dense zoning in this area. There are some concerns about agriculture in the code and citizens who will appreciate the opportunity to address the board about these issues at a later time.

**Lisa Milton**, 406 West State Street, began by addressing the TR-4 District, from South Blue Ridge Road bordered on the North by the interstate and on the South by the Town limits. This zoning reduces the buildable number of units on these parcels by 40%. The existing zoning will allow up to 10 units, while the proposed zoning will allow only 6 units. There are 14 owners in this area who own a combined 110 acres of land with only 12 houses. There is a large amount of flat, undeveloped land in this zone. She believes that the Town should encourage the construction of homes along the valley floor instead of along the mountain ridge. She requested that this area be zoned UR-8. She also spoke about the permitted uses within the HB-8 district along US Highway 70 and State Street up to the Central Business District. She does not believe

that residential uses should be allowed in this commercial district, because residential uses within these zones will reduce available commercial development space. She also spoke addressing the Conditional Use approval process. She would like to see more opportunity for public comment for conditional use applications since citizens may not offer public comment at the Board of Adjustment hearings.

**Joe Tyson**, 309 North Dougherty, spoke again addressing the use and location of dumpsters in the ordinance. Mr. Tyson suggested that screening of dumpsters from public right of way or adjacent commercial property boundaries not be required. He is in favor of requiring screening of dumpsters from abutting residential boundary lines.

**Mayor Bartlett** asked that staff address the issues raised and present a revised draft for an additional public hearing at the next meeting.

*Alderman Brown made a motion to continue the public hearing to October 12, 2009. The motion passed unanimously.*

## **VII. NEW BUSINESS**

### **A. Appointment of Deputy Clerk**

*Alderman Brown made a motion to appoint Rosa Hilbert as Deputy Clerk to the Town of Black Mountain. The motion passed unanimously.*

### **B. Endorsement of Support and Participation in joint regional ARRA application for grant funding of regional greenway from Old Fort to Black Mountain to City of Asheville**

Elizabeth Teague said that this grant opportunity was presented by the City of Asheville. Buncombe County's Greenways Commission will lead this project. This will expand the work done on the Point Lookout Trail and expand opportunities for the construction of trails connecting Old Fort to Azalea Road in Asheville.

*Vice Mayor Sobol made a motion to adopt a resolution of support for a joint proposal and application for a TIGER grant, with the City of Asheville and Buncombe County, for construction of a regional greenway under the ARRA federal stimulus program. The motion passed unanimously.*

### **C. PUBLIC HEARING to consider authorizing application to Local Government Commission for Approval of Financing for Purchase of Downtown Property**

Town Manager Marcy Onieal said that the Board of Alderman authorized the execution of an Offer to Purchase to the current owner for \$2.1 million pending financing approval from the Local Government Commission and environmental contingencies being met. The Town has received financing proposals from BB&T to finance \$2.1 million either (a) over a

15 year term at a 4.71% interest rate with annual payments of approximately \$238,000, or (b) over a 20 year term 4.92%, with annual payments of approximately \$208,000. The property has an appraised value of \$2.8 million. The Offer to Purchase and Contract has been executed by all parties. The Town has received a “No Further Action” from NCDENR for Underground Storage Tanks on the Williams Service Center property. The owner is in the process of completing an environmental assessment on the Squeaky’s property. A notice of residual petroleum will be completed and attached to the deed. Tanks have been removed from both properties and soil remediation has been performed. Attorney Sneed added that if the owner is unable to obtain a “No Further Action Letter” on the Squeaky’s property, the Town will not be obligated to complete the purchase. Town Manager Marcy Onieal clarified that 429 signatures have been obtained on a petition in favor of purchase of the park. She added that no payment would be due during the current fiscal year.

At this time the Mayor opened the public hearing and invited members of the public to speak.

**Bob Gunn**, 109 Pleasant View Drive, believes that a park in the center of town would be a wonderful use of the property, but is very concerned about the cost to the Town. Mr. Gunn previously challenged the Board to come up with a creative way to finance this purchase without the need for a property tax increase. He does not believe the economy has improved enough to justify this kind of expenditure by the Town. He would support a decision either way. He is concerned about the environmental issues, which may exist on the properties. This could affect the resale value of the property. Any remediation cost should be attributed to the current owner and not passed on to the town.

**Elaine Loutzenheiser**, 410 Avena Road, recalled the presentation of The Settings to the Planning Board several years ago and the promised increased revenue. The development has not generated the promised revenue. She does not believe that the Town should take on additional debt for this purchase and lose the tax revenue which would be generated by the commercial development of this property.

**Stephanie Wilds**, 28 Dunsway Avenue, addressed comments made earlier in the meeting suggesting that a park be constructed behind Bi-Lo. The park behind Bi-Lo must be left as an undeveloped park because it is located within floodplain and utility rights of way. The property at the center of downtown is currently on the market and will be sold to a commercial developer if the Town does not purchase it. She suggested that there are creative ways to fund construction of the park improvements, but the Town must act now to purchase the property.

**Richard Hudson**, 106 Pleasant Drive Circle, spoke in favor of the purchase and construction of the park. He suggested that the Town could explore revising its financing agreements for this purchase down the road. He said that this purchase provides the Aldermen with a unique opportunity to really make a difference for the Town in the long term.

**Ryan Stone**, 46 Bethel Road, said that Black Mountain has one of the lowest tax rates of any comparable municipality in western North Carolina, due to the responsible fiscal management of the Aldermen. The current proposal for the purchase includes a property tax

increase of 3 cents per \$100 value. He does not see this purchase as a necessity for the Town, especially considering that the Town owned the property a short time ago. He believes that tax rates should not be increased to cover the purchase price of this park. The construction of the park should be incorporated into the Town's Master Plan and opportunities for construction of the park should be explored in the future once the credit markets have thawed and the results of the stimulus are felt on every level.

**Harry Hamil**, 15 John Myra Avenue, said he believes the town should adopt a master plan for the development of the downtown area. This could attract public/private partnership for the development of the plan. He believes that if the Town adopted such a master plan, the Town would not develop this park because of the small size of the central business district. He believes the Town should look to expanding the commercial district to the east side of Town. The new land use code encourages commercial development and creep up Montreat Road instead of encouraging new commercial development to the east. He advocates placing a tri-modal transportation station along the corridor to the east.

**Rick Spaulding**, 406 West State Street, spoke saying that this downtown business district is not the best place for construction of a park because this district is intended for commercial enterprises. He believes that a park could be constructed somewhere else. He also does not agree with the expenditure of such a large amount of money on the part of the town. He would rather see the Town purchase the historic Monte Vista Hotel and operate it for a profit.

**Bob Orr**, 21 Vance Avenue, asked how much interest will be paid by the Town over the life of the loan. Mrs. Onieal said that \$791,000 would be paid over 15 years, or just over \$1 million if paid over 20 years at 4.9%. He asked what the actual increase in the tax bill would be. Mrs. Onieal said that on a typical house valued at \$200,000 the tax bill would increase by \$60.00 per year. Mr. Orr said that he would like to see the park constructed and would like it to incorporate facilities for a symphony. He would prefer to see the total debt service payments be much lower. He does not believe this tax increase to be in the best interest of the senior citizen's of the Town.

**Mayor Bartlett** said that any development of this property would involve the creation of about 70 additional parking spaces in the downtown area. He also said that the town conducted an inventory of Town properties and is considering selling some other properties owned by the Town in order to help pay for this project.

**Julie Boyd**, 203 North Dougherty Street, said that she would be happy to pay the increase in her property taxes to pay for the development of the park. She also believes that the development of a park would provide a location for youth in the town to gather and be safe.

**Mayor Bartlett** called for a recess at 8:18 p.m. Mayor Bartlett recalled the meeting at 8:36 p.m.

**Bob McMurray**, 127 Hilltop Road, recalled that Clemson Engineers conducted a study of the Town several years ago and found that the Town does not have a central gathering place, which this park would provide. He also said that the additional parking space is very

much needed. He also said that the Town will have a year before having to make an interest payment in which to raise the money needed to drastically reduce the principal and required interest payments.

**Mary Leonard White**, 112 Fairway Drive, assisted in collection of signatures in support of the purchase and construction of the park. She found that most shop patrons and owners were in support of the park regardless of the increase in taxes.

**Tom Wertz**, Chair of the Black Mountain Beautification Committee, 1162 Old US Highway 70, said that his committee has recommended the purchase of this property not only for construction of the park, but because of the increased parking and the ability to preserve the view of the mountains from downtown. His committee voted unanimously in its recommendation to the Board of Aldermen.

**Gay Fox**, 307 Tomahawk Avenue, said that she believes the vision of the park goes beyond a simple dollars and cents analysis. She compared the purchase of this property to the purchase of Lake Tomahawk by the Town. She believes the downtown park will encourage citizens to gather in downtown. She said this is a once in a lifetime opportunity for the Town.

**Elaine Loutzenheiser**, 410 Avena Road, spoke saying that a large commercial enterprise such as Walgreen's or CVS, will not be built in the central business district because of the limitations placed on construction in this district. She is upset that the Town could not give raises to Town employees this year, but can find \$1 million to make interest payments.

**Bob Orr**, 21 Vance Avenue, said that the Swannanoa Valley Christian Ministry raised money to construct a brand new facility in Black Mountain. He does not like having the Town pay so much in interest, but believes that the plan is feasible if the Town can raise some funds to help pay down the principal of the loan.

**Alderman Brandon** said that the property will be much more attractive than a commercial building. A park would allow visitors and residents a place to rest while shopping downtown. The park would be within eyesight of the Town Police Department, making it a safe gathering place. It would provide up to 70 much needed parking spaces. She does not favor this expenditure since town employees were not given raises this year. It will remove valuable commercial property from the tax rolls. Additional funds must be spent to develop and maintain the park. She wants to be sure that the Seller is bearing the cost of any necessary environmental clean up. She would have preferred bringing a referendum for voters to decide whether or not to purchase and construct the park, but her request was received too late. She will not support the purchase when it requires a tax increase. She believes that many people who signed petitions supporting the park do not live or own property in Town. She believes that many business owners who signed the petitions may have been tenants who do not own the buildings they occupy and would not be paying the tax increase. She does not believe that a park would, in and of itself, attract new visitors to town. For these reasons she will vote against this proposal.

**Alderman Brown** asked that the many proponents of this project challenge themselves to raise, before the first interest payment is due, the first payment of \$238,000 in

either real money or pledges, so that the Town can cover the first payment without the need for a tax increase. The Town must have an account with the money to match any grant received for the construction of the park, and this could be accomplished through the Town setting aside money raised by the proponents of the project.

**Alderman McKeown** spoke in favor of the project. He recognizes the negatives involved in the project. He said that the Town does not have an option to wait to purchase this property. He hopes that Ingles Markets frozen warehouse will be completed before this project is completed which will offset the loss to the tax rolls. He believes that a Friday night show at this proposed park could attract thousands of visitors to the Town. He also noted that the Town could sell the property later if the Town does not want to continue paying the debt service. He also noted how important the increase in parking will be for the Town. This property is also contiguous to property that the Town owns which would allow the Town the opportunity in the future to expand the park by adding commercial tenants to the Public Safety Building if the Police and Fire Departments were to move in the future.

**Alderman Phillips** asked who members of the public should contact for contributions to this project. Mrs. Onieal said that she will serve as the initial point of contact for this purpose.

**Vice Mayor Sobol** said that the need for parking in this area is far more important than the need for a park. The Town could spend over \$1 million in the future just to construct a parking garage. He will support this project because of the parking. He said that the Bureau of Labor Standards Southeast Regional Office said that the cost of living actually decreased this year by 2.1%, which was one of the reasons that the Town did not give employees a cost of living increase this year. He also said that this \$.03 tax increase would not need to be permanent. As the tax rolls increase, he believes this tax increase could be lessened. Norfolk Southern may be willing to provide some funding if the park is utilized for recognition of the achievement of construction of the railroad tunnels through Old Fort Mountain over 100 years ago.

*With no additional comments to be made, Alderman Brown made a motion to close the public hearing. The motion passed unanimously.*

- D. Resolution Authorizing the Filing of An Application for Approval of a Financing Agreement Authorized by NC General Statute 160A-20 for the Purchase of Downtown Property

*Vice Mayor Sobol made a motion to adopt a resolution of finding of fact, and to authorize the Town Manager to file an application with the NC Local Government Commission for approval of project financing in the amount of \$2.1 million for a term of 20 years at 4.92% interest. The motion passed by a vote of 4-1, with Alderman Brandon opposed.*

**VIII. COMMUNICATIONS FROM THE TOWN MANAGER**

Due to the lateness of the hour, Town Manager Marcy Onieal deferred her report until the October meeting.

**IX. COMMITTEE/BOARD REPORTS**

A. Appointment to fill vacancy on Recreation Commission

*Alderman Sobol moved to appoint Jeff Hunter to the Recreation Commission to fill the unexpired term of Lib Harper. The motion passed unanimously.*

**X. CITIZEN COMMENTS – None**

**XII. ADJOURNMENT**

*With no further business, Alderman McKeown made a motion to adjourn at 9:21 p.m. The motion passed unanimously.*

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Carl R. Bartlett, Mayor

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Marcia D. Onieal, Town Manager

ATTEST

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Rosa Hilbert, Deputy Clerk

Prepared by:

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Anna V. Stearns, Administrative Asst.