

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
March 10, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, March 10, 2008 at 6:00 p.m. in the meeting room of the Public Safety Building, 106 Montreat Road, 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 Joan Brown
Alderman Ruth D. Brandon
Alderman Chuck McKeown
Alderman Rosalie Phillips

The following staff members were present:

Anthony N. Caudle, Town Manager
Bo Ferguson, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Pam Hoen, Public Response Clerk
Steve Jones, Fire Chief
Jim Orr, Recreation Director
Kevin Pressley, Police Chief
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

Andy Grabel, Black Mountain News
Jim Genaro, Daily Planet
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Bartlett led the Pledge of Allegiance, followed by prayer led by Rev. Dan Snyder, Swannanoa First Baptist Church, Swannanoa, NC.

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 monthly meeting is shown on Government Channel 2 at 8:00 p.m. on Thursday following the monthly meeting and at 9:00 a.m. on Saturday and Sunday following the monthly meeting. 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. CITIZEN COMMENTS

Bonnie Brunn, 323 Circle Lane, Co-Chair, Beautification Committee, addressed the Board requesting permission to close Sutton Avenue from Cherry Street to Black Mountain Avenue on May 17, 2008 for the annual plant sale of the Beautification Committee.

Harry Hamil, 15 John Myra Avenue, said there are two key issues facing the Town in terms of the flood maps. They are: (1) We are trying to get a good flood map; (2) How do we do that? What is the best available methodology? He asks that the FIRM Review Task Force hold a public meeting in the near future on the topic of ascertaining which methodology the Town would best be served by. Mr. Hamil requests that the property owners, the other governmental entities, and any other interested parties be invited to participate.

Buzz Yeatman, 1120 Montreat Road, said he had some questions about the dumpster ordinance that will be discussed tonight. Mayor Bartlett informed him that the item for screening of dumpsters would be deleted from the agenda tonight.

Elaine Loutzenheiser, 410 Avena Road, said if the public hearing on screening of dumpsters is going to be deleted, do we have any assurance that it will not come up again? She said the ordinance should be enforced. Mayor Bartlett said there is no way to assure her it would not come back up at a future date, but the ordinance should be enforced.

III. ADOPTION OF THE AGENDA

The minutes of February 7, 2008 - Agenda Workshop, February 11, 2008 - Regular Session, February 22, 2008 – Special Meeting with Montreat College were approved.

The agenda was amended with the following changes:

Under VII, New Business, delete item "A".

Under VIII, Consent Agenda, delete item "D".

Under VIII, Consent Agenda, add item "H".

The Board deleted item "A" under VI, Old Business, "Screening of Dumpsters".

Vice Mayor Sobol requested to add "Closed Session" to the agenda to discuss Personnel.

With these changes the agenda was approved unanimously on a motion by Alderman Brown.

IV. COMMUNICATIONS FROM THE MAYOR

A. Mayor Bartlett said the Certified Entrepreneurial Committee has been meeting over the last several months in an effort to understand the role entrepreneurship plays in local economic development and ways to build an entrepreneurial community. He said the committee agreed to recognize an entrepreneur from the community on a quarterly basis. Mayor Bartlett then presented the award for the first quarter of 2008 to George Woody Thompson, owner of the Detail Shop, on Highway 70.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

- A. **PUBLIC HEARING** to Consider Zoning Ordinance Text Amendments to Eliminate the Requirements for Screening of Dumpsters (Paragraph L2 of Sections 153.073 – 153.077)

Motion: To (1) adopt the text amendment to the zoning regulations to eliminate the requirements for screening of dumpsters and (2) to adopt the proposed Statement of Consistency as developed

This item deleted from the agenda.

- B. Update on Preliminary FIRM Map Review

Elizabeth Teague, Planning Director, presented a handout to the Board showing the timeline for the activities related to the FIS and FIRM Panel review. She said the FIS and FIRM are being revised by the North Carolina Floodplain Mapping Program (NCFMP) through a cooperative agreement with FEMA. NCFMP is managing a proscribed review process that provides opportunity for public comment and jurisdictional review. Ms. Teague said the goal in the review process is to create flood insurance rate maps that are as accurate as possible. She said it is important for the Town to provide input because once the FIRM maps are determined by NCFMP and FEMA as reflecting “the best available data”, they must be adopted by the Town as the regulatory floodplain for our jurisdiction, becoming a zoning overlay district accompanied by “Flood Hazard Prevention” regulations. She said that federally insured mortgages will also require the purchase of floodplain insurance for structures within the regulatory floodplain. Ms. Teague said that staff and the review committee will continue to work with NCFMP staff as needed through the revision process and will reconvene when new Preliminary maps are provided.

VII. NEW BUSINESS

- A. Request for Letter of Support of Initiative by the Black Mountain Center for Research and Technology to be Included in the Certified Site Program of the North Carolina Department of Commerce

Motion: To support the application compiled by the Black Mountain Center for Research and Technology to become a certified local economic development site under the provisions of the Certified Site Program as offered through the North Carolina Department of Commerce and to authorize the Mayor or the Town Manager to write a letter of support to be included in the certification materials submitted by the applicant

Item "A" removed from agenda.

- B. Final Plat Approval for Major Subdivision by Mountain Housing Opportunities, Inc.**

Elizabeth Teague, Planning Director, said that Mountain Housing Opportunities, Inc. is requesting final plat approval for a major subdivision on Central Avenue. She said the project is being funded through a grant by USDA and requires homeowners to provide 60% of the "sweat equity" toward the construction of the houses. Ms. Teague said the subdivision creates 10 lots from two original lots which are in compliance with R-10 requirements. She said the Planning Board unanimously recommends approval of the final plat. *Alderman Brown made a motion to approve the final plat, as submitted, for the Central Avenue Subdivision. The motion passed with a vote of 5-0.*

- C. Resolution Authorizing the Condemnation of Private Property for the Installation of the Avena Road Sewer Line Project**

Mr. Caudle explained that this is a proposal to condemn the last parcel of property that is necessary in order to install one of the sewer lines that was cited in a 1980s annexation as being an equitable level of Town service in the newly incorporated area. He said the staff has worked with the property owner for a couple of years in an attempt to obtain the easement voluntarily, and the most recent effort seems to have failed. Mr. Caudle said this is the final property over which we need permission in order to begin construction of the sewer line. He said once this property is acquired, staff can start the call for bids on the construction of the line. *Vice Mayor Sobol made a motion to adopt the resolution authorizing the condemnation of property owned by Stephanie and James Lytle for the purpose of constructing a sewer line on Avena Road and to authorize the Mayor, the Town Attorney, and the Town Manager to execute all necessary instruments associated with the condemnation process. The motion passed with a vote of 5-0.*

- D. Approval of Resolution Authorizing the Town of Black Mountain's Participation in the North Carolina State Health Plan**

Mr. Caudle presented a memo summarizing the costs and benefits for the Town employees to participate in the State Health Plan. He said based on current cost comparisons, the Town can save over \$100,000 annually by making this change. Mr. Caudle said the change

would take place effective May 1, 2008. *Alderman Brown made a motion to approve the resolution authorizing the Town of Black Mountain's participation in the North Carolina State Health Plan. The motion passed with a vote of 5-0.*

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of February 7, 2008 - Agenda Workshop, February 11, 2008 - Regular Session, February 22, 2008 – Special Meeting with Montreat College
- B. Budget Amendment #21
Motion: To adopt Budget Amendment #21 as submitted authorizing the allocation of donations received
- C. Authorization to Enter into a Contract with North American Roofing Company to Re-Roof the Grey Eagle Indoor Arena
Motion: To authorize the Town Manager to enter into a contract with North American Roofing (low bid) for the new roof at the Grey Eagle Arena
Vice Mayor Sobol made a motion to spend \$9,500 to increase the roof rating to R-40. The motion passed with a vote of 5-0.
- D. Amendment to Minutes of January 14, 2008
Motion: To approve the amendment to the minutes of January 14, 2008 to reflect the motion as stated
Item “D” removed from agenda.
- E. **CALL FOR PUBLIC HEARING** on Request for Voluntary Annexation of a Portion of Property Owned by Camp Merri-Mac
Motion: To call for a public hearing to be held on Monday, April 14, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road, Black Mountain, NC, in order to consider the voluntary annexation request of Camp Merri-Mac
- F. **CALL FOR PUBLIC HEARING** on a Zoning Text Amendment Request to Revise the Definition of Setback within Section 153.005 of the Black Mountain Code of Ordinances
Motion: To call for a public hearing on a text amendment to revise the definition of setback within Section 153.005 of the Black Mountain Code of Ordinances, to be held on Monday, April 14, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road, Black Mountain, NC
- G. **CALL FOR PUBLIC HEARING** on a Zoning Text Amendment Request to Add a Steep Hillside Setback for Single Family Dwellings in R-10 within Section 153.070
Motion: To call for a public hearing to add a steep hillside setback minimum to the R-10 requirements, to be held on Monday, April 14, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the

Public Safety Building located at 106 Montreat Road, Black Mountain, NC

H. **CALL FOR PUBLIC HEARING** on a Text Amendment to Add a Steep Slope Regulation to the Black Mountain Code of Ordinances

Motion: To call for a public hearing on a text amendment to implement a steep slope and land disturbance regulation to the Black Mountain Code of Ordinances, to be held on Monday, April 14, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road

IX. COMMUNICATIONS FROM THE TOWN MANAGER

- A. Review of the Consent Agenda
- B. Projects Update

1. Guardrail on Brookside Avenue – Mr. Caudle reported that some residents on Brookside Avenue has petitioned the Town to construct a guardrail along the westernmost end of that street in order to avoid the potential consequences of what they perceive to be a dangerous drop-off situation on the southern shoulder of the road. He said staff has met with Ingle's, and they are not ready to bring the road down, but they are interested in doing this. Mr. Caudle said he would report back to the Board at the April meeting.

2. Blue Ridge Road Water Line Construction – Bob Watts, Public Works Director, reported that the Blue Ridge Road water line construction is approximately 85% complete. He said that the State has offered to help with the water audit and leak detection and staff accepted their offer.

3. Departmental Reports

- **Fire** – Steve Jones, Fire Chief, presented the February 2008 report for the Fire Department.

- **Police** – Chief Pressley presented the February 2008 report for the Police Department. Mr. Caudle thanked Chief Pressley, Elizabeth Teague, and other staff members who helped obtain the \$250,000 "Safe Routes to School" grant. He said this would be used in the school zone for sidewalks, improvements at crosswalks, etc.

- **Finance** – Mr. Caudle gave an update on major revenues. He said property tax revenue is short about \$12,000 due to a discrepancy on the reporting issues by the County. He said sales tax revenue is approximately \$25,000 short due to economic slowdown. He reported that the ABC revenues are over approximately \$12,000.

4. Mr. Caudle announced that the public hearing on Goodson Cove Request for Annexation will be held on Tuesday, March 11, 2008 at 7:00 p.m. in the Board meeting room.

Alderman Brown said that Ms. Brunn had addressed the Board during Citizen Comments and asked for approval to close certain streets on May 17, 2008 for the annual plant sale of the Beautification Committee. She asked if the Board can give her an answer tonight. After discussion, the Board agreed that Town Manager, Tony Caudle, can grant permission to close these streets if the local businesses in this area are not opposed. Ms. Brunn said she has checked with all businesses and none are opposed.

X. COMMITTEE/BOARD REPORTS

A. Land-of-Sky Regional Council – Alderman Phillips reported she attended the February meeting of Land-of-Sky Regional Council. She said at the meeting the video was presented showing Black Mountain as a model community for being “home town green”. Alderman Phillips said the video will be shown in other small towns throughout the region, the southeast and possibly across the United States showing steps a small town can take to begin to become environmentally sensitive.

B. Mayor Bartlett reported that he attended the League of Municipalities meeting in Raleigh on March 5.

XI. CITIZEN COMMENTS – (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)
None

Vice Mayor Sobol requested to go into Closed Session to discuss personnel. Town Attorney, Ron Sneed, explained to the Board that in order to discuss personnel in closed session, a person has to be involved. He said that because the issue is to discuss a staff position, the Board would have to be in open session.

Vice Mayor Sobol said he thought this would be an appropriate time to discuss the Finance Director/Assistant to the Manager position because of the economic climate that we are in at present and possibly delay filling the position. He said he had asked Mr. Caudle to give a more detailed description of the duties required of this job. Mr. Caudle presented a handout to the Board. Vice Mayor Sobol asked if there is a need for a full-time position or could we hire an additional staff person to fulfill a lesser role and not have a Finance Director. He said he does not want to fill the position and then not have funds in the future to retain the person. Vice Mayor Sobol feels we might be heavy in the top end of management. Alderman Brown said this position should be the place where we have sufficient staff. She said she would not support removing the position. Alderman Brandon agrees with Alderman Brown and asked Vice Mayor Sobol does he think we would not have the money to keep the position? Vice Mayor Sobol said there could be a huge economic impact with the economic issues. He said there are many municipalities that are experiencing cutbacks, and he thought maybe we should wait and review this position during the budget process. Mayor Bartlett said he would like for this person to serve as staff member with economic development and the new entrepreneurial committee that has recently been formed. Alderman Brown said Mr. Caudle is in the process of interviewing and if we wait until the budget review, this would delay the process to fill the position. Mr. Caudle said if we are not going to fill the position, we will have to cut back on expectations. Town Clerk, Shirley Raines, addressed the Board pointing out how critical she feels retaining the position is. She asked that the Board allow staff to continue with the hiring process. Alderman Brown said to let staff fill the position and continue to look at other ways to reduce costs in the budget. Town Attorney, Ron Sneed, said Mr. Caudle needs direction in how to proceed. *Alderman Brown made a motion that staff continue with the hiring process and keep the position for Finance Director/Assistant to the Manager. The motion passed with a vote of 5-0.*

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 7:45 p.m. The motion passed with a 5-0 vote.

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk