

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
April 14, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, April 14, 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
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Pam Hoen, Public Response Clerk
Steve Jones, Fire Chief
Jim Orr, Recreation Director
Steve Padgett, Lieutenant, Police Department
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 Pastor Jerry Wicker, Faith Community Church, Black Mountain, 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

Marilyn Sobanski, with Rainbow Recycling, thanked the town for the four recycling bins. She said those have been placed in different locations around town. She asks that the public help educate our visitors in using the recycling containers. Ms. Sobanski said that Rainbow Recycling will have a booth at the Black Mountain Expo this month.

Gay Fox, 307 Tomahawk Avenue, said she thinks that everyone is for open government. She feels like the public does not know about new projects and developments until it actually takes place. She said she heard that a Cracker Barrel is coming to Black Mountain, but the public has not been informed. Ms. Fox said a traffic study should be made on some of these projects before they are approved. She said if there is a policy on secrecy, the public should know what it is; if not, the public should be better informed on new projects coming to town. Mayor Bartlett replied that he does not know if a Cracker Barrel is to be built in Black Mountain.

III. ADOPTION OF THE AGENDA

The minutes of March 4, 2008 – Joint Meeting with Housing & Recreation Commissions, March 6, 2008 - Agenda Workshop, March 10, 2008 - Regular Session, March 11, 2008 – Public Hearing on Goodson Cove Request for Annexation were approved.

The agenda was amended with the following changes:

Under VII, New Business, delete item “A”.
Under VII, New Business, added items “B”, “C”, & “D”.

The Board also agreed to make the following changes:
Under VI, Old Business, delete item “I”.
Under VII, New Business, delete item “C”.

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

IV. COMMUNICATIONS FROM THE MAYOR

Mayor Bartlett read the following proclamations:

- A. Proclamation – “Senior Games” Week – May 8-10, 2008
- B. Proclamation – “Litter Sweep Roadside Cleanup” – April 19 – May 3, 2008

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

- A. Black Mountain Center for the Arts – Gale Jackson, Director - Report on New Renovated Pottery Studio

Gale Jackson reported that the renovation of the Pottery Studio behind the Black Mountain Center for the Arts is now complete. Ms. Jackson presented a powerpoint presentation showing the different stages of the project. She thanked the Board for their support of the Center for the Arts.

- B. **PUBLIC HEARING** of a Zoning Text Amendment to Chapter 153, Section 153.005 (definitions) and to Amend Section 153.025 in Regard to the Way in Which Building Height Is Measured

Motion: (1) To adopt the Ordinance Amendment updating the way the Town measures building height; and (2) To adopt the Consistency Statement

Mr. Caudle said the Board had discussed at the Agenda meeting last week to defer item “B” to the June meeting. *After discussion, Alderman Brown made a motion to defer this item to the June meeting. The motion passed with a vote of 5-0.*

- C. **PUBLIC HEARING** on Rezoning of Lots East of Grovestone Road and North of U.S. 70 from I-2 to C-2

Mr. Caudle reported that the Planning Board unanimously voted to recommend that the Board of Aldermen consider rezoning the properties east of Grovestone Road and north of U.S. 70 from I-2 to C-2. He said the action would create a buffer between the heavy industrial district and the U.S. 70 corridor and create consistent C-2 zoning along the north side of U.S. 70 from Grovestone Road into downtown.

Mayor Bartlett opened the public hearing.

With no public comment, Mayor Bartlett closed the public hearing.

Alderman Brown made a motion to rezone the following four properties (1568 Grovestone Road, property of Richard Watson, 2898 U.S. 70, and 2908 U.S. 70), which are north of U.S. 70 and east of Grovestone Road from I-2 to C-2. The motion passed with a vote of 5-0. Alderman Brown made a motion to adopt the Consistency Statement. The motion passed with a vote of 5-0.

- D. **PUBLIC HEARING** on Rezoning of Lots East of Blue Ridge Road and South of U.S. 70 from Light Industrial (I-1) to Office Institutional (O-I)

Mr. Caudle reported that the Board of Aldermen had directed the Planning Board to make a recommendation regarding rezoning of the lots east of Blue Ridge Road and south of U.S. 70 from Light Industrial (I-1) to Office Institutional (O-I). Mr. Caudle said there are two parcels

south of the interstate zoned as I-1. One parcel belongs to the Town and the other to a private property owner. When we showed the map for rezoning from I-1 to O-I, we showed the property owned by the private property owner as being rezoned to O-I as well. We did not review this at the Planning Board level and it is not included in the motion before you.

Mayor Bartlett opened the public hearing.

Mike Raines, 558 Blue Ridge Road, asked if the Clevenger property is going to be commercial or residential. He said about eight weeks ago, the Board wanted to put affordable housing on the property, and now it is being proposed to rezone to office industrial. Mr. Raines said he thought the property was bought for recreation, as a long-term investment, not something to split up. He said this issue is close to home for him as his property is very close to the Clevenger property. He would like to know what the long-range plan is for these ten acres. Mr. Raines said he feels the Town made a wise decision to buy the Clevenger property but feels there should be plans other than for residential or industrial uses. He said his property is not included in the proposed rezoning but said it would affect his property value.

Vice Mayor Sobol asked if approval for right-of-way through the tunnel connecting Recreation Park and Clevenger Property has been obtained. Elizabeth Teague, Planning Director, said the Greenway Commission selected McGill & Associates and Equinox to help with this project. She said they are in the process of doing the permitting for the floodway permit. The trail does encroach in the floodway so a no-rise study will also have to be included. Ms. Teague said the path will be a paved, flat trail and will involve drainage structures.

Dr. Dan Struble, President of Montreat College, has no interest in developing their property into industrial property. He said the college is looking at a number of things for the property, including a business incubator with some commercial uses. Dr. Struble said he does prefer that the property not be rezoned should it prevent commercial use. He said in any case moving forward, he feels the college and town can work together.

Alderman Brown asked if the properties could be looked at separately. Mr. Caudle said you can, but you would probably have to go through another public hearing process.

Alderman Brown asked if there is an urgency to rezone these properties or could this be considered during the land use code update. Alderman Phillips asked when the code would be ready? Ms. Teague said we gave the Board a draft about 1 ½ years ago, another draft has gone to the Planning Board. She said the Planning Board has not had time to revisit the most up to date chapters. Mayor Bartlett asked could the Land-of-Sky Regional Council provide any assistance? Ms. Teague said that we have a contract with Benchmark to help finish the project and will try to present a draft to the Board by the end of the fiscal year.

Ryan Stone, 46 Bethel Drive, said in regard to the rezoning, what the Planning Board was trying to do was to create a transitional zone. He said in regard to the college, by switching to O-I, the Planning Board was trying to incorporate a university setting and commercial uses with perhaps residential communities that are already existing in the neighborhood. He urged the

Board to adopt this tonight with provision for the Planning Board to go back and look at the Montreat College property.

Mayor Bartlett closed the public hearing.

After discussion, Mayor Bartlett said the Board has agreed by consensus that staff should consider this rezoning with a new ordinance during the land use code update process.

E. **PUBLIC HEARING** on Request for Voluntary Annexation of a Portion of Property Owned by Camp Merri-Mac

Mayor Bartlett opened the public hearing.

Adam Boyd, owner of Camp Merri-Mac, addressed the Board requesting voluntary annexation of approximately 4.1 acres of property now belonging to the Camp. He said they are planning to expand some of their outdoor activities in this area. Mr. Boyd is also requesting that the property be assigned an R-10 designation.

Mayor Bartlett closed the public hearing. *With no further discussion, Alderman Brandon made a motion to approve the ordinance annexing the described property as owned by Camp Merri-Mac into the corporate limits in the Town of Black Mountain and that said property be zoned R-10. The motion passed with a vote of 5-0.*

F. **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

Mr. Caudle noted this text amendment is being requested by The Settings, LLC. With this action, the current definition of setback which reads, “the distance from the street curb line to the closest edge of a structure or sign” will be revised to read, “The distance between the building and any lot line or roadway right-of-way” which is the recommended draft language in the Land Use Code revisions. He said at the February 25 regular meeting of the Planning Board, they voted unanimously to recommend the requested text amendments and also adopted a Consistency Statement.

Mayor Bartlett opened the public hearing.

With no public comments, Mayor Bartlett closed the public hearing.

Alderman Brown made a motion to adopt the Ordinance Amendment updating the Town’s definition for “Setback” in Section 153.005. The motion passed with a vote of 5-0. Alderman McKeown made a motion to adopt the Consistency Statement in support of updating the definition for “Setback”. The motion passed with a vote of 5-0.

G. PUBLIC HEARING on a Zoning Text Amendment Request to Add a 15 Foot Minimum Setback Provision for Steep Hillside Lots in R-10 within Section 153.070

Mr. Caudle noted this text amendment is being requested by The Settings, LLC. With this action, the Board will create regulations that allow R-10 lots that fall within the steep hillside definition to be built up to 15' from the road right-of-way. He said there are currently no steep hillside regulations, and therefore no steep hillside setback, in the R-10 zoning district. He noted there is a provision in the R-20 zoning district. Mr. Caudle said the Planning Board, at their February 25 meeting, voted unanimously to recommend the requested text amendments and also adopted a Consistency Statement.

Mayor Bartlett opened the public hearing.

With no public comments, Mayor Bartlett closed the public hearing.

Vice Mayor Sobol made a motion to adopt the Ordinance Amendment updating the Town's R-10 Regulations. The motion passed with a vote of 5-0. Vice Mayor Sobol made a motion to adopt the Consistency Statement. The motion passed with a vote of 5-0.

H. PUBLIC HEARING on a Zoning Text Amendment Request to Add Land Disturbance and Slope Protection Regulations to the Black Mountain Code of Ordinances

Mr. Caudle said the Board of Aldermen requested that the Planning Board make available for public hearing, at the earliest date, regulations addressing steep slope development in the Town of Black Mountain. He said the Planning Board had already drafted regulations governing this type of development as a part of their ongoing revisions to the Town's land use regulations. He noted these regulations are very similar to those currently being used by Buncombe County. Mr. Caudle said at their March 31 meeting, the Planning Board voted to recommend adoption of the proposed ordinance.

Mayor Bartlett opened the public hearing.

With no public comments, Mayor Bartlett closed the public hearing.

Alderman McKeown made a motion to adopt the Ordinance Amendment to include the Land Disturbance and Slope Protection Ordinance. The motion passed with a vote of 5-0. Vice Mayor Sobol made a motion to adopt the Consistency Statement. The motion passed with a vote of 5-0.

- I. 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 endorse the letter of support for the Black Mountain Center for Research and Technology to be included in the Certified Site Program administered through the North Carolina Department of Commerce

Item “I” deleted from agenda.

VII. NEW BUSINESS

- A. Amendment to Resolution Endorsing the Incorporation of Swannanoa

Motion: To pass the attached resolution of support for the incorporation of the community of Swannanoa

Item “A” deleted from agenda.

- B. Proposed Exchange of Town Hall Property

Mr. Caudle said that the Northwest Property Group has asked to present a proposal to the Board which would involve swapping the old CP&L property they currently own for the Town Hall property. Mr. Caudle then introduced Gordon Myers and Greg Edney with Northwest Property Group.

Mr. Gordon Myers said they have a total of three pieces of property, the gas station, convenience store, and the CP&L building, to develop. He said they propose to upgrade the CP&L building to a new Town Hall and allow the Town to get what they need. Mr. Myers said the design for the remaining property will be no more than two stories with retail and office space, adequate parking, and green space. He said he has heard concern about “green building”, and he said they intend to design the two buildings with that in mind. Mr. Myers said they need to know if the Town is interested in pursuing this proposal so they can move forward on all the properties. After discussion, the Board agreed by consensus for Northwest Property Group to proceed with plans for this exchange of property and bring back a proposal in the next two weeks for Board review.

- C. Resolution in Support of Regulatory Controls with the Banking System

Motion: To approve the Resolution in Support of Regulatory Controls with the Banking System

Item “C” deleted from agenda.

- D. Continuation of Disease Management Program

Mr. Caudle said he is requesting that the Board of Aldermen continue their support of the existing disease management program for Town employees. He said we implemented the program under our self-insured health plan to keep employees healthy in hopes of avoiding the hospital costs that would have had a direct impact on our premiums. Mr. Caudle said now that Town employees are part of a much larger insurance plan (State Health Plan - BlueCross/BlueShield), the costs will not be as high. However, he said by counseling employees

on health habits and keeping them on proper medication through a program such as this will lead to an increase in productivity in keeping employees on the job. Mr. Caudle said the cost to provide the benefit to the current participants is approximately \$30,000 annually. He said there are several alternatives to the program the Board can consider; i.e., (1) all employees, dependents and retirees - \$30,000; (2) employees and retirees - \$27,000; (3) employees and dependents - \$18,000; and (4) employees only - \$10,000. He reminded the Board that current costs for this program will change as the population taking advantage of the benefit changes. Mr. Caudle is asking direction from the Board by May 1, 2008 as this is the date the new health insurance program becomes effective.

Alderman McKeown asked if there is anything in the budget that can be cut to fund this program? Mr. Caudle said there is some savings in the health insurance changeover as well as in the dental plan. Alderman Brown said we had discussed at the agenda meeting to adopt a policy to limit the program to current employees, dependents, and retirees and not offer this benefit to new employees hired after a specific date. After discussion, the Board agreed by consensus to continue the disease management program that includes employees, dependents, and retirees at a cost of \$30,000 and that Mr. Caudle should bring back a policy that would limit this benefit to current employees only.

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of March 4, 2008 – Joint Meeting with Housing & Recreation Commissions, March 6, 2008 - Agenda Workshop, March 10, 2008 - Regular Session, March 11, 2008 – Public Hearing on Goodson Cove Request for Annexation
- B. Budget Amendment #22
Motion: To adopt Budget Amendment #22 as submitted authorizing the transfer of contingency funds to the capital outlay line item for the Indoor Athletic Facility Cost Center (10-81-6190-730)
- C. Budget Amendment #23
Motion: To adopt Budget amendment #23 as submitted authorizing the transfer of contingency funds, allocation of donations and insurance settlement funds received
- D. Update of Personnel Policy Manual to Reflect Changes in FMLA Policy
Motion: To amend the Personnel Policy Manual to add the “Servicemember Family Leave” to the Family Medical Leave Act (FMLA) policy
- E. Vehicle Transfer from Buncombe County Anti-Crime Task Force (BCAT) to the Town of Black Mountain Police Department
Motion: To authorize the transfer of a 2001 GMC from Buncombe County to the Town of Black Mountain Police Department
- F. **CALL FOR PUBLIC HEARING** to Add A Development Agreement Regulations to the Black Mountain Code of Ordinances
Motion: To call for a public hearing on a text amendment to add Development Agreement regulations to the Black Mountain Code of

Ordinances, to be held on Monday, May 12, 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 said that staff is still in discussion with Ingle’s regarding the westernmost end of Brookside Avenue regarding the drop-off on the southern shoulder of the road. He said Ingle’s is interested in bringing the road down to correct this problem but they are not at that point yet.

2. Blue Ridge Road Water Line Construction – Mr. Caudle reported that the Blue Ridge Road water line construction is close to completion. He said testing has been done on the lines and everything is in order. Mr. Caudle said there is still work to be done on the shoulder of the road.

3. Goodson Cove Annexation – Mr. Caudle reported that several meetings have been scheduled for public input on Goodson Cove: April 21, April 28, and May 5, 2008.

4. Mr. Caudle reported that the meeting that was tentatively scheduled for April 22, 2008 with the Board of Aldermen, Housing Commission, and Recreation Commission will not be held at this time.

5. Mr. Caudle noted that the employee health insurance will be under the State Health Plan (BlueCross/BlueShield) effective May 1, 2008.

6. Mr. Caudle reported that a draft of the 2008-09 budget will be presented to the Board of Aldermen at the May 8, 2008 agenda meeting.

7. Mr. Caudle reported that the Request for Proposals for the sanitation contract have been received. He said the contract will be presented to the Board at the May meeting.

8. Mr. Caudle noted that Marcy Onieal has been selected to fill the position of Finance Director/Assistant to the Manager. She will report to work June 2, 2008.

9. Water – Bob Watts, Public Works Director, said staff ran both routes 8 & 4 with fireflies and got good readings. He said we are currently installing and programming routes 1 & 17. Staff has installed more of the 2” combination meters. Mr. Watts said that the State offered the services of Cavanaugh Engineering to conduct a water audit for the Town. He said they are looking at our accounting to see where our water audit currently is. Mr. Watts noted that Cavanaugh seems concerned about the water pressure, which is 100 pounds. He said they feel that is high, that most municipalities do not run that high.

10. Fire – Steve Jones, Fire Chief, presented the March 2008 report for the Fire Department. He also reported that the department has purchased two thermal imaging devices with grant money that was recently awarded to the Fire Department.

11. Police – Lt. Steve Padgett presented the March 2008 report for the Police Department.

12. Recreation & Parks – Jim Orr, Recreation Director, reported on the following: He said the new roof is complete at Grey Eagle; the skateboard park is still receiving donations and will be kicking off Phase II soon; Jon McNair, along with the Greenways

Commission and other volunteers, sponsored a 5K and 10K run with 200 runners participating; the Golf Shop is offering a payment plan for golf membership renewal.

X. COMMITTEE/BOARD REPORTS

A. Land-of-Sky Regional Council – Alderman Brown reported that Land-of-Sky Regional Council and Council on Aging will present a workshop for seniors over 55 years of age on May 27, 2008 at the Crowne Plaza Hotel. She said if anyone is interested in attending, they should call Land of Sky.

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

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:15 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