

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
NOVEMBER 9, 2009**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, November 9, 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, INVOCATION**

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 present:

Marcia D. Onieal, Town Manager  
Ron Sneed, Town Attorney  
Rosa Hilbert, Deputy Town Clerk  
Pam Hoen, Customer Service Representative  
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  
Anna V. Stearns, Acting Town Clerk

Representing the media:

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

Mayor Bartlett led the Pledge of Allegiance, followed by an opening invocation led by Rev. Bob Blaylock of Ridgecrest Baptist 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 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. Announcements**

Mayor Bartlett said that the Town will read a proclamation honoring the life and service of Lib Harper into the minutes at the December, 2009 regular meeting of the Board of Aldermen.

### **B. Recognition of service of elected officials with terms ending in 2009.**

Mayor Bartlett read proclamations and presented plaques to outgoing Aldermen Chuck McKeown and Rosalie Phillips, thanking them for their service on the Board since 2005.

## **III. CITIZEN COMMENTS**

**Heidi Blossan**, 102 Fourth Street, would prefer that Montreat Road not be zoned in such a way that would allow it to be made more commercial. She referred the Board to the petition that was signed by 96 residents along the Montreat Road corridor, opposing any change to current zoning in that area.

**Belinda Box**, 107 Third Street, also opposes zoning changes which would result in Montreat Road becoming more commercial. She is concerned about the increased traffic volume and changes in traffic patterns resulting from more vehicles turning into driveways. She is also concerned about increased noise from commercial uses. She would prefer to see commercial uses make use of available unused commercial properties along US Highway 70.

**Gay Fox**, 307 Tomahawk Avenue, thanked the Board for their efforts in dealing with the numerous and complex problems brought before them. She believes this Board is one of the most competent to have served Black Mountain.

**Douglas Brock**, 296 Old Lakey Gap Road, and a member of the Black Mountain Zoning Board of Adjustment, is concerned about the public notices that are issued prior to Zoning Board of Adjustment hearings. He believes that citizens are often not fully informed when they attend ZBA meetings, and don't fully understand the quasi judicial nature of the proceedings. While he recognizes that the Town is in compliance with legal notice requirements, he has seen publication efforts of other municipalities that provide much more detailed information to the public and would like to see the Town of Black Mountain do so as well.

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

**V. CONSENT AGENDA**

- A. Adoption of the Minutes  
*Motion: To adopt the minutes of October 8, 2009 – Agenda Session, October 12, 2009 - Regular Session, October 12, 2009 - Closed Session*
- B. Budget Amendment #2009-05  
*Motion: To approve budget amendment #2009-05, allocating insurance proceeds in the amount of \$713 and controlled substance taxes in the amount of \$106.*
- C. Municipal Bridge Inspection Agreement  
*Motion: To approve, and authorize the mayor to sign, the biennial municipal bridge inspection agreement between the Town and the NC Dept. of Transportation, for bridge inspections beginning October, 2009 and ending July, 2010; and to designate Public Works Director Bob Watts as responsible coordinating municipal official.*
- D. Acceptance of NCDENR Recreation and Trail Grant  
*Motion: To accept the award, and authorize the town manager to sign a performance agreement between the Town and NCDENR, for a Recreational Trails Program (75-25) grant in the amount of \$75,000 for the purpose of greenway development.*

***The agenda was approved unanimously on a motion by Alderman Brown.***

**VI. OLD BUSINESS**

- A. Discussion of scope of work for previously adopted Stormwater Projects along Tomahawk Branch (at the request of Mayor Bartlett and Vice Mayor Sobol) – J. P. Johns & Joel Storro, McGill & Associates

Town Manager Marcy Onieal reviewed the actions taken by the Board on this project at the Board's October regular meeting, and introduced J.P Johns and Joel Storrow of McGill & Associates, who made a presentation outlining the scope and cost of the planned work, noting that the project consists of 4 discrete parts, which can be completed singly or in tandem. Alderman Brown expressed her belief that the Board had already been presented with all of the information necessary, and voted on this item, approving the project in its entirety on multiple occasions through approval of the grant application, adoption of the the budget and acceptance of the grant, and does not feel that the project should be reviewed again. Alderman Sobol explained that the Board had to vote at the last meeting because of time constraints on grant awards, but were told that there would be an opportunity to review the scope of the work to be done and possibly reduce the cost of the project. Alderman Brown, noting the work of the Flood Damage Reduction Task Force, chaired by Mary Leonard White, said that the committee that worked on this stimulus application felt very strongly that addressing the silt and stormwater runoff in this area at its source is vital to the town. She believes that each phase of the project is dependant on the others. The grant received from the State was awarded as a very high priority project. The Grant provides 50% of the necessary funds and finances the remaining portion with no interest for 20 years. Alderman Brandon said that this annual payment has already been budgeted for

this fiscal year. Alderman Sobol said that this project is to remove particulate matter from the streams before it enters the lake. He believes that this can be done without the portion of the project addressing the upper portions of Tomahawk Branch. He is in favor of constructing and repairing only the silt ponds at the entrance to the Lake.

J. P. Johns said that this project received high priority from the state because it required no easements and simple permits, and was considered a “green” project due to the focus of protecting water quality in addition to flood abatement. Due to ARRA requirements, this project must be bid and have contractors selected before the end of the year. Mr. Johns provided a handout to the Board listing 4 project options and the cost differential among them. In the first option, all ponds as originally presented would be constructed. In the second option, ponds along the center portion of Tomahawk Branch would be removed from the scope of work. In the third option, ponds at the north end of the stream would also be removed from the scope of work. And, in the fourth option, only the silt ponds at the entrance to Lake Tomahawk would be constructed. Mr. Johns noted that the largest portion of the cost of the project is attributed to repair of the sedimentation ponds that already exist at the entrance to the lake.

Alderman Phillips asked if there is a difference in the engineering costs for the different options presented. Mr. Johns said that the design, engineering and construction plans were essentially complete because they were required for the grant applications, and therefore would be about the same regardless of which project option the board approves. The total cost of design and engineering fees, an amount representing actual costs “up to \$122,000” was previously approved and budgeted by the Board, but McGill does not anticipate using the entire budgeted amount. The Town has not yet paid for construction administration. These costs would be reimbursed through the grant when it is awarded. The first debt service payment will be due in May 2011.

***Alderman Brown made a motion to adopt the Stormwater Master Plan prepared by McGill and Associates and to complete the entire Tomahawk Branch stormwater project as previously approved by the Board.***

Alderman Phillips asked if the next sitting Board would have the option to change or refuse the bids of contractors, even though this Board had authorized the project. Attorney Sneed said that the Town will be obligated to accept the lowest responsive responsible bid that meets all of the requirements for the stimulus money.

***The motion was adopted by a vote of 3-2, with Aldermen Sobol and McKeown voting against.***

## **VII. NEW BUSINESS**

- A. Letter of Intent to apply for the NC Dept of Energy Block Grant program for funds available through the American Reinvestment and Recovery Act.

Ms. Onieal said that the Board is being asked to authorize staff to submit a Letter of Intent to the North Carolina Department of Energy for the Block Grant Program, which will not obligate the Town to any particular project or cost at this time, but will provide eligibility for the Town to be considered for grants and favorable financing for energy efficiency projects under various federal stimulus funding programs, for which the rules and requirements are still being written. Possible grants could potentially provide for energy efficiency upgrades to Town facilities. Planning Director Elizabeth Teague said that the RFP for local municipalities has not yet been issued, but that about \$30 million may be allocated to the State of North Carolina, with grants awarded on a cost benefit basis (dollar cost per energy consumption reduced by the project). Ms. Onieal indicated it would be staff's intent to focus on upgrades to the Carver Community Center and/or town-wide street lighting, as these would likely show the most favorable cost benefit analysis.

***Alderman Phillips moved to authorize staff to submit Letters of Intent to apply for funding for eligible town projects to the State Energy Block Grants Program for the purpose of improving energy efficiency of Town facilities.***

Alderman Sobol asked if the Town would be obligated to contract with McGill & Associates for the formal application to be made. Ms. Onieal responded that some engineering advice may be needed for upgrades being considered for the Carver Center, but until specific projects are selected, engineering costs are not known. None of the projects being considered will require the same scope of engineering work as was performed for the stormwater projects.

***The motion was adopted unanimously.***

## **VIII. PUBLIC HEARINGS**

- A. **PUBLIC HEARING** on the 2007 Revised Preliminary Flood Insurance Rate Maps (FIRMs) and Revisions to the Flood Damage Prevention Ordinance, Chapter 151 of the Town Code of Ordinances

***Alderman Phillips made the motion to open the public hearing and the motion was unanimously adopted.***

*Ms. Teague explained that FEMA authorized the updating of Buncombe County flood plain maps in 2005, which had not been reviewed or revised since 1996. After extensive hydrological analysis by the NC State Flood Mapping Program, preliminary maps were issued in 2008, which resulted in extensive public and staff review, additional engineering studies, and ultimately appeals by the Town. In response to public comment, appeal and additional study, revised preliminary maps were issued by the state in November, 2009, with an effective date on the final maps of January 6, 2010. The Board must also adopt a revised Floodplain Damage Prevention Ordinance in order for Black Mountain to continue eligibility in the national flood insurance program. The Town's draft of the new ordinance is in compliance with the state's model ordinance and increases the required freeboard height to 2 feet.*

Copies of the revised maps are available for review in the Planning and Development office. Ms. Teague announced the opportunity for anyone whose designation is changing to purchase flood insurance at the reduced rate for properties that do not currently lie within the floodplain. Any improvements within the floodway or non-encroachment areas will require the property owner to show that there will be no change to the hydrology of the floodway.

**Phyllis Genetti**, 107 Brierbrook Road, asked about the fill that has been placed along US Highway 70, which was a naturally occurring floodplain and fill that has been placed within the floodway since the mapping was done by FEMA. John Gerber, the state engineer who has assisted with the remapping, responded that any changes which have occurred between the time that the preliminary mapping was done and the time the new maps are adopted, will not be reflected on the revised maps.

**Harry Hamil**, 15 John Myra Avenue, said that the berm along the baseball fields was drawn along the edge of the 1996 floodplain boundaries so that it did not require any special engineering. The new floodway goes over the berm and into the ballpark. The Town will not be able to alter the berm without making application to FEMA for a map revision.

**Elaine Loutzenheiser**, 410 Avena Road, asked about the fill that has been placed on the Ingles property for construction of the new warehouse. Mr. Gerber said that any fill placed in the floodplain will displace the water onto other property owners.

**Doug Brock**, 296 Old Lake Gap Road, explained that the floodway, 100 year floodplain, and 500 year floodplain have all increased in size, and this impacts property owners. The revised ordinance will require that the living area be constructed at least 2 feet above the base flood elevation in the 100 year or 500 year floodplains. Mr. Gerber said that the state recommends 2 feet, although there is no minimum requirement except that it be at least equal to the base flood elevation. He urged the board to consider revising this to 1 foot because of the increased cost of construction that results from this increased building height requirement.

Ms. Teague clarified that when a property owner wants to build within a flood zone in a manner inconsistent with the ordinance requirements, the property owner must provide staff with a Letter of Map Amendment, or a No Rise Certificate which has been certified by a registered engineer.

Mr. Gerber said that the hydrologic models are done in such a way that if the floodplain is completely filled, the rise of floodwaters within the floodway will be no more than one foot. This analysis allows the engineers to determine the width of the floodway and floodplain for the maps. He added that flood insurance premiums are about 50% less with a 2-foot freeboard requirement.

**Ron Collins**, 400 Blue Ridge Road, asked if there is an opportunity to appeal the map determinations. Mr. Gerber responded that the maps are now final, the appeals period has expired and an appeal cannot be made. However, a property owner could request a Letter of Map Amendment with supporting technical data. He also said he believes it is important to allow for

the subfloor to be above the base flood height to prevent subfloors and insulation from being damaged by floodwaters.

**Harry Hamil**, 15 John Myra Avenue, said that he strongly advocated for the 2 feet freeboard requirement because the revised maps were not yet available when the ordinance was originally written. The base flood elevation will only increase as development becomes denser and he encourages the board to leave the freeboard height at 2 feet. He spoke about his interactions with the local, county, state and federal officials during the modeling and remapping process. He believes that the current models are grossly incorrect, but understands that the Town must adopt them. He said that the Chevy dealership, which was illegally constructed in the floodway, is going to be purchased by the Town with FEMA grant money. The revised maps directly impact him because his property tax value has been reduced by over \$88,000. The new flood ordinance will require that if he adds on to his existing building, he must raise the addition by 1.5 feet. He must purchase flood insurance, although he will be able to purchase it now at the reduced rate for properties that are not currently in the floodplain. The new maps will impact his ability to market and sell his business. Any new construction will have to meet this new flood ordinance in addition to the building code. He requested that the Aldermen send notices to people who need to purchase flood insurance in order to qualify for the grandfathering rate. He also asked that the Town submit a request to the County Commissioners to have the tax assessor's office reappraise properties that have been remapped and are now located in the floodway.

Mr. Sneed said that the next county-wide tax assessment was scheduled to occur in 2010, but has been postponed by the County because of the present economic conditions and will done in 2016.

**Lisa Milton**, 406 West State Street, owns a seven-acre parcel along the Swannanoa River. When the house was constructed, it had to be built one foot above the base flood elevation. She priced the difference between the 1-foot and 2-foot freeboard heights. The cost of building to the higher height has been far offset by the reduction in flood insurance premiums. She also noted that any flooded restorations below the subfloor level will not be covered by flood insurance.

*Alderman Sobol moved to close the public hearing and the motion passed unanimously.*

*Alderman Brown moved to adopt the attached statement of consistency, and the motion passed by a vote of 4-1 with Alderman Brandon voting in opposition.*

*Alderman Brown moved to adopt the FIRMs dated January 6, 2010 and the draft replacement of Chapter 151 of the Town Code of Ordinances as presented. The motion passed unanimously.*

The Board directed staff to notify property owners who are eligible to purchase flood insurance before the new maps become effective and to request that the County Commissioners reappraise properties lying in floodway in East Buncombe County.

Mayor Bartlett called for a 5-minute recess at 7:55, then reconvened the meeting at 8:00 p.m.

- B. **PUBLIC HEARING** on the proposed Development Agreement and Master Plan for the Roberts Farm property.

*Alderman Sobol moved to open the public hearing. The motion passed unanimously.*

**Rod Hubbard of Black Mountain Partners** delivered his presentation to the Board, indicating that his engineers, traffic consultant, and architect are all available to answer questions of the public and the board. His company's objective is to construct high quality homes that are affordable to local working families, such as teachers and police officers.

**Chris Eller, of Civil Design Concepts**, walked the board through the power point presentation for the development, which is entered from Byrd Road. The entrance would lead to a roundabout and a tree-lined boulevard with a roundabout at the opposite end. Parking is provided in the rear of each building so that units front on green space. Some buildings will have 10 living units, but density decreases as the elevation increases to the west end of the property.

The development will occur in 9 phases that can each stand alone so that if the development must be delayed at any point before total completion, the Town will not be faced with completing infrastructure for the entire project. The project will consist of a total of 250 residential units comprised of condominiums, townhomes, single-family homes, and "treehouse" style homes, from 1 to 3 stories in height and an average density of approximately 7.2 units per acre. Current zoning allows 8 units per acre. The development will be set back 20' along the front, 15' along the rear and sides, except that it will be set back 20' along the boundary adjacent to Spring Hill lots to accommodate a request by neighboring property owners. The main road in the development would be maintained by the Town and individual parking areas would be privately maintained..

**Jay Clapp with Ramey Kemp & Associates** presented the findings of the traffic study conducted by his company, which compared traffic generated by the new development with traffic that would be normally expected in the absence of the development. The result was that the development is anticipated to create a Level A minor delay. A traffic signal warrant analysis was conducted, which determined, no signal warranted according to NCDOT standards. As the study indicates that existing roads should be able to meet the anticipated traffic demands of the development, no additional traffic improvements have been recommended.

The developer has attempted to coordinate with the Town's Pedestrian Mater Plan and plans to construct internal sidewalks and walkways. A small commercial component will be included near the roundabout for low impact commercial uses.

Byrd Road is currently a one way road with posted Do Not Enter signs. The developer would like to have the unused section of Byrd Road closed, to provide additional buffer and pedestrian access, as several neighboring owners have also requested.

Mr. Hubbard expects that 60% of the units within the development will be sold at affordable price points, as designated by Asheville affordability standards.

Mr. McKeown asked how the developer prevents investors from snatching up the units and renting them out. Mr. Hubbard said that the restrictive covenants for the condominiums will prevent renting of units. They must be owner occupied unless an owner can prove a special circumstance to the board of the condo association. The objective is to make sure that the affordable units are available for purchase and not to be rented at a profit.

Development will occur on only seven acres of the property, with approximately 1/3 of the tract placed in perpetual conservation through deed restriction.

**Carter Blaisdell**, 313 Hiawasse Avenue, would like to see improved access into the property, including a 2-way street along the northern portion of Byrd Road. Mr. Blaisdell likes the architectural design, quality and affordability and the fact that the units will be owner occupied. He appreciates the green space, rear parking, and stormwater collection measures that are being taken. He is concerned that stormwater may not accommodate a large 4 or 5 inch rainfall, and also about the density of having 250 units and the height of the buildings. This project will essentially double the number of units within this area. If the project were developed in conformity with the surrounding community, the Town would expect 34 homes constructed on ½ acre lots. He believes that if 3 story structures were considered too tall for downtown, they should be considered too tall for this residential community. He would like to see the number of units reduced, the third story eliminated and an additional access point for traffic.

Mr. Hubbard responded to the concerns raised by Mr. Blaisdell saying that the density is the only way to sell the units at affordable price points. Because of the cost of land and development is high, fewer homes means that each must be sold at a higher price. The increased density allows these base prices to be spread over many units, thereby lowering the price. The three-story structures will only have two-stories on the street front.

**Mikkel Hansen**, 112 Hilltop Road, said that he has heard the presentation from Mr. Hubbard several times and is pleased that the developer followed through with his promise to reduce the height of the structure closest to Hilltop Road. He said that the Planning Board has been satisfied that all of the necessary requirements have been met. He urged the board not to delay a vote on this project.

**Tom Motzko**, 609 Hiawasse Avenue, has spoken to homeowners along the one-way portion of Byrd Road. They would prefer to see Byrd Road closed to public through traffic in order to increase the available space for greenways and walk ways. He also spoke about how dangerous the intersection of Cragmont Road, Hiawasse Avenue and Byrd Road is.

Alderman Brown asked the Mayor to call for the vote.

**Scott McKenzie**, 411 Hiawassee Avenue, said that he moved here from Nashville, Tennessee because he recognized what a wonderful community Black Mountain is for raising a family. He is also primarily concerned about traffic coming out from the development, both vehicular and pedestrian. He would like to see the Town plan for pedestrian connectivity to the lake, as he believes that this will become more of an issue as the development proceeds and would prefer that his yard not become a pedestrian thoroughfare for residents trying to get to the lake.

**Brad Long**, Montreat Road, spoke in support of the development as an open, affordable community, rather than an expensive gated community.

**Carlos Showers** is concerned about the number of one bedroom units will be sold for \$100,000. He asked how many one-bedroom units will be constructed. Mr. Hubbard said that this will vary between 4 and 12 per building, depending on the market's need. The majority of the one-bedroom units Mr. Hubbard has sold have been purchased by single individuals and not by families. Three-bedroom, two bath units will be sold for \$139,000 and will make up the majority of the condominium buildings. Mr. Showers believes that one-bedroom condominiums may not be the best available use for selling affordable units. Mr. Showers also had concerns about the traffic patterns along Cragmont Road, Byrd Road and Hiawassee Avenue. Mr. Hubbard said that the current traffic study shows that no traffic light is warranted, but if in the future a need is found, Mr. Hubbard will contribute to the cost of that. Mr. Showers encouraged the developer to visit the affordable development that was recently constructed on Central Avenue and take whatever steps he can to prevent a repeat of that situation.

Alderman Brown spoke to address the concerns of residents who spoke about traffic concerns. She compared these traffic concerns with the traffic patterns along Tabernacle Road and said that residents tend to adjust to the level of traffic.

**Mary Harper**, 112 Mount Allen Heights, is very concerned about the traffic from the development. She was recently involved in a minor accident and believes that these intersections will be more dangerous as a result of the increased traffic.

*Alderman Brown moved to close the public hearing and the motion was unanimously adopted.*

*Alderman Brown moved to adopt the attached statement of consistency and the motion passed unanimously.*

Mr. Sneed asked that the Board strike the second paragraph under Section 10A of the proposed draft.

*Alderman Sobol moved to adopt the Development Agreement and Master Plan for the "Roberts Farm" property (PIN #0609-88-7008-00000) with the suggested change. The motion passed unanimously.*

- C. **CONTINUATION OF PUBLIC HEARING** (*continued from September 14, 2009 and October 12, 2009*) on proposed updates to Land Use Codes and consideration of adoption with an effective date of March 1, 2010

*Alderman McKeown moved to continue the public hearing on zoning map and text amendments as presented in the revised Land Use Code (Title XV of the Town Code of Ordinances) to December 14, 2009.*

**Heidi Blossan**, 102 Fourth Street, said she realizes that Montreat Road is currently a blend of uses and is a difficult area to zone. The uses that would be permitted by right, such as Laundromats, daycares and restaurants, are unacceptable to her. She encouraged the board to zone Montreat Road for residential use. She also said that she was unaware of this until just recently, and only two of the people she spoke to when gathering signatures for the petition were aware that this change was being proposed.

**John Garrett**, corner of 2<sup>nd</sup> Street and Montreat Road, suggested that a traffic study of Montreat Road be conducted to determine if the existing street could accommodate the increased traffic that would be associated with commercial uses. He conducted his own informal traffic count over the past week. On Wednesday Nov 4<sup>th</sup> between 7:40 am-8:40 am, he counted 564 vehicles. On Monday Nov 9<sup>th</sup> between 11:20 – 12:20 he counted 540 vehicles. On Tuesday Nov 3<sup>rd</sup> between 2:10 pm – 3:10 pm, he counted 516 vehicles. On Friday Oct 30<sup>th</sup> between 3:30 pm – 4:30 pm he counted 680 vehicles. On the same day between 6:15 – 7:15, he counted 532 vehicles. These counts would give an average of about 6,000 vehicles per day traveling Montreat Road. There are no plans to widen Montreat Road or add a turn lane, which he believes would be necessary with additional commercial uses provided. He also said that none of the people he spoke to were aware of this proposed change. His counts included dump trucks, construction equipment, school buses, and tour buses in addition to smaller vehicles.

**Don Lewis**, 1144 Montreat Road, said that he is very concerned about the ability of Montreat Road to keep up with the amount of traffic that will result from increased commercial uses. He would like to see the ordinance provide for conditional uses or variances to allow small-scale business that are well planned, but not permitted by right. He counted about 15 vacant storefronts from Ingles grocery store to Montreat Road. He would like to see these commercial buildings utilized before encouraging additional commercial use along Montreat Road.

**Elaine Loutzenheiser**, 410 Avena Road, said that she has seen signs placed all around town announcing the public hearings about the re-zoning. She believes this is a poor excuse for being uninformed.

**Brad Long**, 1015 Montreat Road, said that he sees the proposed zoning ordinance as the opportunity to shape the future of Montreat Road. He appreciates the sidewalks coming down along Montreat Road, which adds to the feel of it being a neighborhood. He urged the board to zone this in such a way as to preserve the neighborhood feel. He does not want to force out the existing businesses, but does not want to see increased commercial use.

**Pat Griffin**, 42 Cotton Creek Circle, urged the Board to pass the existing zoning ordinance. Her home has been on the market for some time and she has been unable to sell. She believes that the new zoning ordinance will allow her to sell the unit as two separate units and increase her ability to market it.

*Alderman Sobol asked Aldermen McKeown to amend the motion on the floor to direct the Planning Board to re-examine the mapping recommendations and the NMU-8 District permitted uses table along Montreat Road prior to the December 14 continuation. The motion was adopted unanimously.*

## **VIII. COMMUNICATIONS FROM THE TOWN MANAGER**

### **A. Appointment of ad hoc Town Square Steering Committee.**

At the Board's direction, Ms. Onieal developed a proposal for appointment of an ad hoc Town Square Steering Committee composed of chairs, or their designees, from the Town's boards and commissions and key organizational interests to make recommendations back to the Board of Aldermen regarding development of the newly acquired property in the center of Town. The committee will consist of 13-15 members with representatives as set out in the attachment to these minutes. The charge to the committee is to develop a process for receiving and responding to public input regarding use, design, and financing of the Town Square property, to develop an interim use policy for the property and to identify additional stakeholders and necessary resources and steps for continued planning. It is recommended that the committee make a report to the Board of Alderman by February, 2010.

*Alderman Sobol moved to adopt the composition of and charge to the ad hoc committee as presented. The motion passed unanimously.*

### **B. 2009 ISO Ratings**

The NC Department of Insurance regularly evaluates and assigns a rating for building code effectiveness in communities across the state, a designation which affects insurance rates for Town property owners. The Town received a rating of 4 for residential, commercial and industrial construction. She commended staff, most notably Building Inspector Dan Cordell, for his hard work in this area and for the department's adherence to high standards resulting in a favorable insurance rating.

### **C. McCoy/Avena/Blue Ridge Sewer Project Update**

Ms. Onieal reported that NC Construction Grants and Loans has finally begun reviewing the Town's plans for sewer extension into the annexation areas. Upon receiving final state approval, staff will proceed with bids, with construction to follow shortly thereafter, probably sometime in Spring, 2010, barring no unforeseen complications or obstacles.

## **IX. COMMITTEE/BOARD REPORTS**

Alderman Brown announced that the Black Mountain Welcome Table will be welcoming Swannanoa Valley veterans and serving lunch from 11:30 – 1:00 on Wednesday. Lunch is provided at no charge. A special Veteran's Day program will be held at 1:15 in the sanctuary of the St. James Episcopal Church and will feature local veterans.

**X. CITIZEN COMMENTS – None**

**XI. ADJOURNMENT**

With no further business, Alderman McKeown made a motion to adjourn at 9:45 p.m. The motion passed unanimously.

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Carl R. Bartlett, Mayor

ATTEST

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Marcia D. Onieal, Town Manager

\_\_\_\_\_  
Rosa Hilbert, Deputy Clerk

Prepared by:

\_\_\_\_\_  
Anna V. Stearns, Administrative Asst.