

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

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, January 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
Bo Ferguson, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
David Ballard, Golf Pro/Manager
Steve Jones, Fire Chief
Jim Orr, Recreation Director
Kevin Pressley, Police Chief
John Shaw, Golf Course Superintendent
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

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

Mayor Bartlett led the Pledge of Allegiance, followed by prayer also led by Mayor Bartlett.

II. CITIZEN COMMENTS

Judy Emory, 1 Cherry Lane, business owner, said a petition from the downtown merchants to sweep the sidewalks once per week in conjunction with the street sweeping is on the agenda this evening and hopes the Board will approve the request. Ms. Emory thanked the Police Department for their help during Holly Jolly.

Lisa Milton, 406 W. State Street, appreciates the Board for filing the protest concerning the flood maps. She said when you consider the financial impact these maps will have on the property owners, it is critical that the maps are accurate. Ms. Milton said some streams are not located in the correct place on the maps. She feels more explanation should be given to the public explaining the difference between floodway and floodplain. Ms. Milton said she hopes the Board will incur whatever cost is necessary to make sure the maps are correct.

Harry Hamil, 15 John Myra Avenue, reiterated how the property tax valuation would be affected if the maps are not corrected. He reminded the Board that we are 40 days into the 90 day window to appeal the maps. Mr. Hamil said he thinks it is important for the Board to hold a meeting with all of the 300 plus property owners in the affected areas.

III. ADOPTION OF THE AGENDA

The minutes of December 6, 2007 - Agenda Workshop, December 10, 2007 - Regular Session, December 10, 2007 – Closed Session were approved.

The agenda was amended with the following changes:

Under VII, New Business: (1) deferred item “B”, Petition for Construction of a Guardrail on Brookside Avenue to the March meeting; (2) removed item “D”, Construction of Privacy Fence at Town Lot at Laurel Avenue and Ninth Street.

Under VIII, Consent Agenda, added item “L”, Approval of Job Description for Finance Director/Assistant to the Town Manager. The Board agreed to move this item to VII, New Business, item “E”.

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

IV. COMMUNICATIONS FROM THE MAYOR

1. Mayor Bartlett reported that the Martin Luther King, Jr. Breakfast will be held on February 2, 2008 at Ridgecrest Lifeway Center.
2. Mayor Bartlett noted that an entrepreneurial workshop would be held January 17-29, 2008.
3. Mayor Bartlett asked Lt. Johnny Raines to come forward and give a report on the Christmas Cheer Fund for 2007. Lt. Raines reported that 82 families requested toys for 150 children, and 30 families requested assistance with food this year. He said the Christmas Cheer program could not be possible without the contributions from the community and the help of all

the volunteers. Lt. Raines said the Fund, as money is available, also helps those in need in the valley throughout the year.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. OLD BUSINESS

A. PUBLIC HEARING to Solicit Input on Proposed FY 2008-2013 Capital Improvement Program (CIP) and CIP Adoption

Mayor Bartlett opened the public hearing to accept input on the 2008-2013 Capital Improvement Program. He said the Board would review the CIP for 30 days before final adoption.

Steve Stackhouse, 706 Cherokee Avenue, noted that the same amount of money has been allocated this year for the Montreat Road sidewalk project as last year. He suggests that the Board break this project into smaller pieces and see if we can get a small amount accomplished each year. He said it may take longer but at least there would be some progress. Mr. Stackhouse realizes how expensive concrete is and said maybe there are less expensive surfaces that could be used but still keep it wheelchair accessible.

Mayor Bartlett closed the public hearing.

B. PUBLIC HEARING and Consideration of a Resolution to Close an Unopened Right-of-Way between Taft and Pearl Streets

Mayor Bartlett opened the public hearing.

No comments received.

Alderman Brown made a motion to adopt the Resolution to close the unopened portion of Taft Street from its western end on Pearl Street to where it meets the edge of pavement on Taft Street. The motion passed with a vote of 5-0.

C. PUBLIC HEARING of a Zoning Text Amendment Request to Allow Greenhouses Constructed of Rigid Materials for Both the Roof and Sides as an Accessory Structure in the C-1 Zoning District

Mayor Bartlett opened the public hearing.

No comments received.

Alderman Brown made a motion to adopt proposed amendment to Section 153.079, "Permitted Uses Table", of the Black Mountain Code of Ordinances to allow greenhouses constructed of rigid materials for both the roof and sides as an accessory structure in the C-1 Zoning District. The motion passed with a vote of 5-0. Alderman Brown made a motion to adopt

the consistency statement for greenhouses as permitted use in C-1. The motion passed with a vote of 4-1 with Vice Mayor Sobol opposed.

D. PUBLIC HEARING of a Zoning Text Amendment to Increase the General Industrial District's (I-2) Height Limitation from 35 Feet to 48 Feet

Town Manager, Tony Caudle, introduced the public hearing explaining that at the September meeting of the Planning Board, an application from Hammaker East, LTD. was reviewed to increase the building height limitation in I-2 from 35' to 55'. The Board of Aldermen voted not to honor the request at the October Board meeting. He said Hammaker East has now submitted a new request to change the building height from 35' to 48'. Mr. Caudle noted that the Planning Board voted 6-1 to support this request.

Mayor Bartlett opened the public hearing.

Brook Statler with Hammaker East presented the company's vision statement and gave a report on the operation of their business to the Board of Aldermen.

Vice Mayor Sobol asked how many tanks will be built. Mr. Statler said only one new tank would be added.

Alderman Brown said that Grove Stone & Sand Company has made some landscaping improvements to their property and asked Mr. Statler if their company would consider doing improvements around their plant. Mr. Statler said yes.

Tony Thomas with Hammaker East referred to a handout showing height comparisons with surrounding cities and counties. Vice Mayor Sobol said the heights of other businesses in the area would increase if they wanted to add tanks. He said if the Grove Stone Baptist Church property were to change hands, there could possibly be a height issue. Vice Mayor Sobol asked Mr. Sneed if there would be any avenue to control these issues. Mr. Sneed said the Planning Board is reviewing the ordinances to remap and rezone areas.

Alderman Brown made a motion to approve an amendment to Section 153.077, paragraph J, of the Black Mountain Code of Ordinances, to increase the maximum building height for the General Industrial District (I-2) from 35 feet to 48 feet. The motion passed with a vote of 4-1 with Vice Mayor Sobol opposed. Alderman Phillips made a motion to adopt the consistency statement to approve the change in building heights in I-2 from 35' to 48'. The motion passed with a vote of 4-1 with Vice Mayor Sobol opposed.

E. Update on Preliminary FIRM Map Review

Mr. Caudle reported that this is the second in a series of reports on the actions of staff and the appointed committee to review the floodplain maps. He said the intent of the group was to determine if there was a basis for a general protest on the behalf of the Town and they have determined that such basis exists and have filed the initial protest.

Elizabeth Teague, Planning Director, reported that on December 10, 2007, representatives from the State met with the Town, along with engineers from McGill Associates to discuss the revised FIS and FIRM. She said the State agreed to investigate and review the flows used in the Hydraulic Modeling effort and locations where these flows entered the stream system in the model. The State has agreed to review the FIS, FIRM and Hydraulic Models and revise them based on some of the comments mentioned and results from the December 10 meeting. Mr. J. P. Johns, Senior Project Manager with McGill Associates, was available for questions. See attached report from McGill Associates.

Vice Mayor Sobol requested that when these new maps come back, we should inform the 300 plus residents in the flood area and call a meeting with them, and report back to the Board of Aldermen.

VII. NEW BUSINESS

A. Swannanoa Valley Museum of History Presentation on Proposed Renovations

Jill Jones, Director of the Swannanoa Valley Museum, gave a presentation on the proposed renovations of the Museum. She said the Museum has begun a campaign to fund this project and is asking the Board of Aldermen to fund \$15,000 in the 2008-09 budget. Mayor Bartlett said the request will be considered in the next year's budget process.

B. Petition for Construction of a Guardrail on Brookside Avenue This item deferred to the March meeting.

C. Petition from Downtown Merchants for Additional Sidewalk and Street Sweeping

Mr. Caudle reported that a petition has been received from the downtown merchants to have the sidewalks blown off once per week on a year-round basis.

Vice Mayor Sobol commented that it is important for the business owners to help maintain the sidewalks.

Alderman Phillips made a motion to approve the request to have the downtown sidewalks blown off once per week on a year-round basis; to ask the staff to prepare a budget amendment to allocate funds for the request; and, to authorize the Town Manager to enter into a contract for the provision of the sidewalk cleaning service in an amount not to exceed \$6,000 annually. The motion passed by a vote of 4-1 with Vice Mayor Sobol opposed.

D. Construction of Privacy Fence at Town Lot at Laurel Avenue and Ninth Street

This item removed from agenda.

E. Approval of Job Description for Finance Director/Assistant to the Town Manager

Mr. Caudle explained that with the resignation of the Assistant Town Manager, he is asking the Board to approve a job description for Finance Director/Assistant to the Town Manager. *Alderman Brown made a motion to approve the job description for Finance Director/Assistant to the Town Manager. The motion passed with a vote of 5-0.*

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of December 6, 2007 - Agenda Workshop, December 10, 2007 - Regular Session, December 10, 2007 – Closed Session
- B. Budget Amendment #14
Motion: To adopt Budget Amendment #14 as submitted authorizing the allocation of fund balance for the Black Mountain Library renovation project
- C. Budget Amendment #15
Motion: To adopt Budget Amendment #15 as submitted authorizing the administration department to set up revenue and expenditure accounts for the issuance of stormwater permits and the costs associated with the stormwater program handled through the Planning and Development Department
- D. Budget Amendment #16
Motion: To adopt Budget Amendment #16 as submitted authorizing the allocation of grant funds, controlled substance tax funds, and donations
- E. Budget Amendment #17
Motion: To adopt Budget Amendment #17 as submitted authorizing the allocation of donations received
- F. Appointment to Black Mountain Fire Department Relief Fund Board
Motion: To appoint Sterling Poe for a two-year term to the North Carolina Firemen's Relief Fund Board
- G. Approval of Lake Tomahawk Master Plan, PARTF Application, and Commitment on the Part of the Town of Black Mountain to Supply Matching PARTF Funds
Motion: (1) to approve the Master Plan for Lake Tomahawk Park, (2) to endorse the Town of Black Mountain application for a Parks and Recreation Trust Fund Grant to fund construction of Phase I of the Lake Tomahawk Park Master Plan, and (3) to commit matching funds for the project in an amount equal to or exceeding the \$500,000 grant request

- H. Resolution of Support and Administration for a Safe Routes to School Action Plan Grant
Motion: To adopt the Resolution of Support and Administration for the Safe Routes to School Action Plan Grant
- I. Authorization to Apply for Fit Community Designation
Motion: To authorize staff to apply for a Fit Community designation for the Town of Black Mountain
- J. **CALL FOR PUBLIC HEARING** of a Zoning Text Amendment to Add a Definition for a Brewery or Microbrewery, and to Add Brewery, Microbrewery, and Sit-Down Restaurants as a Permitted Use in the I-1 and I-2 Zoning Districts
Motion: To call for a public hearing on a text amendment request from Pisgah Brewing Company to amend the definition section and permitted uses table of the Zoning Ordinance, to be held on Monday, February 11, 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
- K. **CALL FOR PUBLIC HEARING** to Consider Designation of the Monte Vista Hotel as a Local Historic Landmark
Motion: To call for a public hearing on the designation of the Monte Vista Hotel, located at 308 West State Street, as a Local Historic Landmark, to be held on Monday, February 11, 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

XI. CITIZEN COMMENTS – (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)

Elaine Lutzenheiser, 410 Avena Road, said because of the water drought, she feels the Board should put some restrictions in place for new building requests.

Phil Bisesi, Hy View Drive, would like the Board to require flow regulators in each household. He said contractors should build with “zero” runoff.

Harry Hamil, 15 John Myra Avenue, commended everyone for the efforts on the FIRM maps. He said we have not addressed the flood problems with methodology. Mr. Hamil said we need to address the issue of calibration.

Rick Reeves, 225 Goldmont Street, said he lives at the end of Goldmont Street. He said there is no street light in a curve, no stop sign. He has had several break-ins and wants to fence off his property but does not have enough land because of the right of way. Mayor Bartlett asked that staff meet with Mr. Reeves.

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Recycling – Bo Ferguson, Assistant Town Manager, referred to a handout showing different items that are collected as part of our recycling program and how the items have tracked throughout the year. He said the improvement in recycling is due to the recycling bins that were provided to the citizens by the Board last fall.

2. Blue Ridge Road Water Line Construction – Bob Watts, Public Works Director, reported that construction of a 10” water line on Blue Ridge Road began two weeks ago. He has talked with the contractor about putting in a walkable path along the edge of the road where possible. Vice Mayor Sobol said he hopes we can get at least two feet for a path. Mr. Watts said this construction is a hydraulic loop to connect the 6” line that runs out Cragmont Road and terminates at Blue Ridge Apartments, to the 10” line that comes out Blue Ridge Road, and stops south of Blue Ridge Road, comes out past Bud Hall’s, to hook those together. (1) It gives us the hydraulics so we can get circulation and (2) gives us another means of getting under the interstate. Mr. Watts said we are working to get the new meters and fireflies (electronic reading devices) installed. This will free up the meter reader so he can begin building maintenance projects.

3. Electric Vehicle Delivery – Police Chief, Kevin Pressley, reported we have taken delivery of the vehicle and so far it has been a huge success. He said this will give better accessibility to the public, but said this is a fair weather vehicle. Chief Pressley said this vehicle can be used during big events downtown to get through the crowds.

4. Christmas Cheer Program – reported under Mayor’s Communication

5. Departmental Reports

- **Police Department Report** – Police Chief, Kevin Pressley, presented the December 2007 report for the Police Department. Chief Pressley reported that White Insurance has donated funds for the purpose of selecting a full-time officer and auxiliary officer of the year award. Chief Pressley said Chris Staton was voted officer of the year and Jackie Burnette was voted auxiliary officer of the year.

- **Fire Department Report** – Fire Chief, Steve Jones, presented the December 2007 report for the Fire Department. Chief Jones reported that a letter has been received from FEMA awarding a grant of \$183,996 to the Town of Black Mountain. This amount includes a 5% match required by the Town. He said this money would be used to buy breathing apparatus. Mr. Caudle thanked former Fire Chief, Tim Rayburn and the department for getting this grant.

6. Sutton Avenue Parking/Sidewalk – Bob Watts reported that the paving has been completed in this area.

7. Skateboard Park – Jim Orr, Recreation Director, reported that the park has been well received. He said that 20-30 people have been using it regularly. Mr. Orr said a grand opening is scheduled for February 18, 2008.

8. Town Offices Closed – Mr. Caudle reported that Town offices will be closed on Monday, January 21, 2008 in observance of the Martin Luther King, Jr. holiday.

9. Fire Department Banquet – The Fire Department banquet is scheduled for Monday, January 28, 2008 at Montreat Conference Center beginning at 6:00 p.m.

X. COMMITTEE/BOARD REPORTS - None

XII. CLOSED SESSION – *Vice Mayor Sobol made a motion to enter into Closed Session at 9:00 p.m. to discuss:*

A. Consultation with Attorney – as permitted in NCGS 143-318.11(a)(3) and

B. Personnel – as permitted in NCGS 143-318.11(a)(6)

Motion passed unanimously.

XIII. ADJOURNMENT

Mayor Bartlett noted that Mr. Caudle would like to reorganize some staff by having the Golf Pro Shop and Golf Course departments report to the Recreation Director. *Alderman Brown made a motion to have the Golf Pro Shop and Golf Course Departments report to the Recreation Director. The motion passed with a vote of 5-0.*

With no further business, Alderman McKeown made a motion to adjourn the meeting at 9:15 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