

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION MEETING**  
**December 20, 2010**

---

**THE BLACK MOUNTAIN BOARD OF ALDERMEN** held its regular monthly meeting, which was rescheduled from Monday, December 13, 2010 to Monday, December 20, 2010 due to inclement weather, at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, PRAYER**

Mayor Bartlett called the meeting to order at 5:00 p.m. with the following members present:

Mayor Carl R. Bartlett  
Mayor pro tem Joan Brown  
Alderman Ruth D. Brandon  
Alderman Tim Rayburn  
Alderman Carlos Showers  
Alderman C. Michael Sobol

The following staff members were present:

Marcy Onical, Town Manager  
Ron Sneed, Town Attorney  
Darlene Whisenant, Town Clerk  
Anna Stearns, Administrative Assistant  
Elizabeth Teague, Planning Director  
Kevin Pressley, Police Chief  
Steve Jones, Fire Chief  
Casey Conner, Interim Recreation Director  
Mark Combs, Public Services Director

Representing the media:

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

Mayor Bartlett led the Pledge of Allegiance. Invocation was offered by Mayor pro tem Joan Brown. The mayor 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 re-broadcast of each regular meeting is shown throughout the month on Charter Cable's Buncombe County Government Channel 2 at 8:00 p.m. on Fridays, at 2:00 p.m. on Saturdays, and 8:00 p.m. on Sundays. Meetings initially air the same week they occur and are shown weekly until the next regularly scheduled meeting. Citizens may also go to the Town website and click on "Town

Board Video Stream” at any time and view the most recent regular meeting of the Board of Aldermen.

## II. MAYORAL PROCLAMATION

### A. Recognizing the athletic and academic accomplishments of Stephanie Jones

Mayor Bartlett read a proclamation recognizing Stephanie Jones for her academic and athletic achievements as a student at C.D. Owen High School.

## III. PRESENTATION OF NCLM AWARD

### A. **Recognizing the Town of Black Mountain for Achieving Advanced Level in the Statewide Green Challenge – Angela Greene, NCLM Membership Services**

Angela Greene of the North Carolina League of Municipalities commended the Town on its development of the Dark Sky initiative, community wide curbside recycling program, energy efficiency innovations designed into the new Town Hall, commitment to “clean” stormwater management, education programs for the community, steep-slope initiatives, and other “Green” initiatives undertaken by the Town. Ms. Greene presented the Advanced Level Award for the statewide Green Challenge of the North Carolina League of Municipalities to Mayor Bartlett.

## IV. CITIZEN COMMENTS

**Jack Williams**, 47 Goldmont Street, passed out an artistic rendering of his proposal for the Town Square property. He envisions the property surrounded by a small brick wall compatible with the downtown district. The police and fire departments would retain their existing parking. Large existing trees would be saved. A large green space at the east end of the property would tie in with the visitor center of the Chamber of Commerce. A water feature would offer a visually pleasing entrance to Town from the east. The major feature would be a four-faced clock tower at the corner of Montreat Road and State Street, creating a landmark for the town. The plaza would include an information kiosk and a map of the downtown commercial area. This would provide a space for local festivals, such as Holly Jolly and the Sourwood Festival.

**Buzz Yeatman**, 1120 Montreat Road, asked the board to remember the adage that praising should be done in public and correcting should be done in private. He admonished the alderman for their belittling of Town employees, adoption of an unaffordable tax increase, and abdication of their responsibilities for proper stewardship of the physical and fiscal assets of town. He said that the disrespectful language used by aldermen and the Mayor has been damaging to Black Mountain’s image as a friendly small town. The purchase of one of the most valuable commercial properties in town without any plan or money for its future development was irresponsible. The Town will have no property tax from it while it is owned by the Town. There will be no sales tax from commercial uses that might have been developed there. He

recommended that the board sell the property to any business that can make a profitable, commercial use of the property.

**Marilyn Sobanski** of Rainbow Recycling shared that on January 1, 2010 Rainbow Recycling will hold a Styrofoam recycling event from 10 am to 2 pm at the Amazing Savings parking lot.

## V. COMMUNICATIONS FROM BOARDS/AGENCIES/CONSULTANTS

### A. **Town Square Public Opinion Survey Report and Resolution of Support – Tom Gill, Chair, Town Square Steering Committee; Chris Cooper, Gibbs Knotts and Billy Hutchings, Consultants, Public Policy Institute, Western Carolina University**

Tom Gill addressed the board. Independent consultants from Western Carolina University were hired to assist in the polling of registered voters in the Town to obtain a better understanding of the public's opinions of the Town Square project. Questions were tested on a focus group and reviewed and refined by the committee before use in the automated telephone survey. Mr. Gill introduced Dr. Knotts and Dr. Cooper of the Public Policy Institute at Western Carolina University.

Dr. Cooper explained that the automated survey system called 2,516 registered voters using robo-calls. Each person was called until they answered, up to a maximum of five times. The received 467 completed responses, a statistically significant rate of response and very good result for this type of survey. Dr. Cooper reviewed the results of the survey. Use as a public space or park had the most support from the public, while selling the property had the least amount of support.

Alderman Sobol made the following motions:

- *To accept/adopt the reports as presented by consultants of Public Policy Institute, acknowledging the survey results as an accurate representation of the opinions of Black Mountain registered voters;*
- *To adopt the resolution of support to secure MPO Planning Funds to complete a community design process for the NC9/US70 interchange.*
- *To empower the existing Town Square Steering Committee and Town staff to continue working together to begin the process of gathering and analyzing various conceptual designs for use of Town Square property either as: a) passive park/public space; b) mixed-use public space with public parking, and report back to the Board of Aldermen for further action no later than May 9, 2011.*
- *To charge the Town Square Steering Committee with researching and soliciting the private sector for funding, matching grants, foundation participation, etc. for the purpose of generating financial support to complete the design and construction of the Board-adopted conceptual plan.*

Ms. Brandon said that she is not in favor of adopting the third recommendation because it does not include acquisition of designs to incorporate retail uses nor does it explore the option of selling the property. *The motions were adopted by a vote of 4-1 with Alderman Brandon voting in opposition.*

**B. Financial Statements and Independent Auditor's Report for the Town of Black Mountain for the Year Ended June 30, 2010 – Phil Church & Rick Hammer, Lowdermilk Church & Co., Morganton, NC.**

Mayor Bartlett introduced Phil Church and Rick Hammer of Lowdermilk, Church & Co. who have prepared the annual audit for the Town's finances. The auditors reviewed their report and answered questions from the Aldermen, noting that it was a "clean" audit, which has already been accepted and approved by the NC Local Government Commission.

*Alderman Brown moved to accept the Auditor's Report for the Year Ended June 30, 2010, as presented, with thanks to Lowdermilk Church & Co. and the Finance Department staff. The motion was unanimously approved.*

**C. ABC Board Annual Report & Financial Statements – Mary Sneed, Chair**

Mayor Bartlett introduced Mary Sneed, Chair of the ABC Board. Mrs. Sneed presented the Profit & Loss report for the month of November 2010, noting that the ABC Board contributes about \$60,000 annually to the revenue of the town.

**D. Downtown Bulletin Board – Cathy Ollis & Diane Hutchins, FOBB (Friends of the Bulletin Board)**

Ms. Hutchins described her endeavor to update and beautify the bulletin board on the side of the Town Hardware building over the course of the past year. The owners of Town Hardware contributed paint and the Chamber of Commerce has contributed to the cost of a new bulletin board. The new board was constructed by Tom Motzko and hung on November 9, 2010, dedicated to the memory of Rita Styer who assisted with obtaining the new bulletin board, but who passed away just days before the new bulletin board could be hung.

**VI. CONSENT AGENDA**

**A. Adoption of Minutes**

***Motion:** To adopt the minutes of November 8, 2010 (Agenda Workshop), November 8, 2010 (Regular Session), November 8, 2010 (Closed Session), November 22, 2010 (Workshop on Golf Operations), and November 22, 2010 (Closed Session-Workshop on Golf Operations)*

**B. Budget Amendment # FY2011-06**

***Motion:** To adopt budget amendment FY2011-06 as submitted, allocating \$30,000 to line item 10-00-4200-40, transferring funds from salary to professional services for engagement of interim finance director under contract.*

- C. Budget Amendment #FY2011-07.  
***Motion:*** *To adopt budget amendment #FY2011-07 as submitted, allocating \$113 to line item 10-10-5100-200 for expense associated with drug enforcement activities; allocating \$1,400 to line item 10-10-5100-1700 for repairs to a police cruiser; and allocation of \$6,981 for repairs to the back-up generator system at the Public Safety Building that was damaged by lightning.*
- D. Budget Amendment #FY2011-08  
***Motion:*** *To adopt budget amendment #FY2011-08 as submitted, allocating \$84,374 to line item 10-10-5100-790 for the installment purchase of three police cruisers; allocating \$37,385 to line item 10-20-5550-790 for the installment purchase of one F250 pick-up truck; allocating \$37,385 to line item 10-83-6190-790 for the installment purchase of one F250 pick-up truck; allocating \$18,498 to line item 10-10-5400-790 for the installment purchase of one Ford Ranger; allocating \$70,358 to line item 10-10-5300-790 for the installment purchase of one Suburban Quick Response vehicle and one Ford Ranger.*
- E. Declaration of Surplus Property – Four (4) Police Patrol Vehicles (1997-1999 models)  
***Motion:*** *To declare as surplus four Crown Victoria Police patrol vehicles (1997 and 1999 models), and authorize staff to dispose via auction of GovDeals.*
- F. Code of Ethics and Rules of Procedure for the Board of Aldermen  
***Motion:*** *To approve Resolution #R-10-17, adopting a Code of Ethics and Rules of Procedure for the Board of Aldermen of Black Mountain, Buncombe County, North Carolina, as presented.*
- G. Acceptance of Timber Park Water System  
***Motion:*** *To accept dedication of Timber Park Water System to the Town of Black Mountain, upon approval by Timber Park Homeowners' Association, and to direct the town manager and town attorney to initiate and execute appropriate agreements and deeds accepting ownership of pump house, equipment, and land underneath, providing for joint responsibility for repair, replacement and maintenance during first two years, as outlined in the staff report.*

*Consent Agenda items A-G were approved unanimously without discussion on a motion by Alderman Brandon.*

## VII. UNFINISHED BUSINESS

- A. Golf Operations Follow-Up to Board Workshop – Marcy Onieal, Town Manager

The vendor at the 19<sup>th</sup> Hole Snack Shop has vacated and the snack shop has been closed since that time. Upon inspection of the Clubhouse by the health department, town's building inspector and a professional engineer, the facility was determined to be in violation of multiple

fire, building and health codes and ADA accessibility requirements. Among the findings, the floor structure throughout does not support required weight of current occupancy. The ceiling height is inadequate. Floor and ceiling surface materials are not approved for the application. The roof is leaking. Fascia and soffits are rotting. Doors, screens, windows, locks are in disrepair. There is improper electrical wiring and improper storage of equipment, hazardous waste and flammable materials throughout.

Ms. Onieal recommends engaging an engineer to design necessary structural upgrades. In keeping with the Board's direction from the November Workshop on Golf issues, she recommended the Board consider alternative uses or disposition for the space, and issuing an "open" RFP with multiple options for providing food service at the facility, and then working to coordinate building upgrades to accommodate whatever facility use/type of food service is ultimately contemplated and approved by the Board of Aldermen.

The Men's Golf Association has held an exclusive lease as a private restricted-membership club for a portion of the clubhouse since the early 90's, has recently caught up on past-due unpaid rents in the amount of \$600 per year, but has made no payment toward the current year, which began July 1, 2010. The manager does not recommend renewing the exclusive lease, due to lack of justifiable public purpose and the fact that the rent does not cover the town's costs of maintaining the facility. She further recommends that all occupancy of, and activity in, the facility be vacated until the facility is brought back up to code.

The golf course has had no capital investment in over a decade. The condition of the course is poor. Ms. Onieal recommends borrowing money from the General Fund fund balance to invest primarily in capital improvements, in an amount not to exceed \$250,000 at 0% interest, payable over a 5-year term, with the major portion funding course improvements and equipment replacement, and the remainder earmarked for improvement of the clubhouse facility and to cover anticipated shortfall in basic operations in the current fiscal year.

The historic organizational staffing structure has been ineffective and has failed to support good business practices. Ms. Onieal recommends the creation of a new position of Golf Course General Manager, responsible for all staff and all aspects of golf operations, including membership development, pro shop, course maintenance, marketing, and ancillary activities, the costs for which will have to be borne in part by downgrading and/or eliminating some full-time staff positions. She recommends filling the new position, which will report directly to the Town Manager, soon after the first of the year. The golf course will become a stand-alone department removed from oversight by the Recreation Department, but still subject to recommendations of the Recreation Commission.

***Alderman Brown moved to approve the recommendations outlined by the Town Manager and to authorize the Town Manager to move forward with each recommendation.*** Mr. Rayburn said that he is uncomfortable voting on this issue with the information having just been given to the board tonight. Alderman Sobol said that he would favor having a PGA consultant review operations with the existing golf course staff.

***The motion was approved by a vote of 3-2 with Aldermen Sobol and Rayburn voting in opposition.***

**B. Sewer Extension Project Update – Mark Combs, Public Services Director**

Mark Combs reviewed the location of the proposed sewer rehabilitation project to be carried out by MSD along Laurel Lane. MSD has committed to sharing 50% of the cost of extending the sewer line to the four houses that are technically within MSD's existing service area, and were accordingly left out of the current construction project. The Town would bear a cost of approximately \$6,000 per household to extend sewer service to four houses. Staff recommends that the Town allow MSD to upgrade the lines at their expense as has already been planned beginning in 2013, and not expend the funds to extend the additional line to service the Hart, Roberts, Raines, and Vanderlinden properties.

***Alderman Sobol made a motion to extend the sewer line along Laurel Lane to the Pittman property.*** The board discussed the advisability of expending the required money for service to four houses and whether this might open the possibility for other un-served or under-served town residents to request the town extend sewer service to their properties. The total cost is estimated at \$25,000. ***The motion passed by a vote of 4-1 with Alderman Brandon voting in opposition.***

**C. Bear Proof Container Update – Mark Combs, Public Services Director**

Providing bear-proof containers for all residents would cost approximately \$50,000. Mr. Combs recommends making this a multi-year project by first addressing the areas most likely to have problems with bears. Mr. Combs and Ms. Teague will begin developing a public education program to be implemented by the Town.

**VIII. COMMUNICATIONS FROM STAFF**

**A. Town Attorney – Ron Sneed  
Enforcement of Video Poker Ban**

The State Legislature has outlawed video and internet sweepstakes machine. It is anticipated that the companies which design and operate these machines will challenge the constitutionality of the ban. The NC Attorney General and Buncombe County District Attorney have volunteered to be among the first in the state to fight the legal battle against the manufacturers. Chief Pressley has notified local businesses that as of January 1, 2011, the new statute will be enforced and the machines will be shut down.

**B. Town Manager – Marcy Onieal  
▪ Revenue Audit Update – Privilege License re-billing**

The Town is awaiting the report of Robert Segal, CPA who has been retained to audit the town's major revenue sources for undiscovered revenue, while the Planning & Development Services staff is continuing their efforts to collect delinquent privilege license fees, which were originally billed at the beginning of the fiscal year.

- ADA Compliance Update

Proposals will be received by the end of the week for work on the Lakeview center. The contract should be awarded before the holiday, with construction commencing the first week of January, and ending by late February.

- NCLM Legislative Agenda

Three items were submitted to the NC League of Municipalities by the mayor for consideration by the legislature when the General Assembly opens in January. Mayor Bartlett can provide additional information about these items to any interested citizens.

- Lighten Up for Life & Healthy Hydration Challenge

This new wellness program implemented by the Town encourages town employees toward a healthier lifestyle through education, healthier diet, and participation in regular exercise. Six 4-person employee teams have voluntarily chosen to participate in Mission Hospital's Lighten Up For Life 16-week weight management program, and the Town is promoting the statewide Healthy Hydration Challenge to substitute water for sodas and sweet drinks throughout the month of January.

- Retirement of Deputy Finance Officer

Sherry Williams will retire at the end of next week after 30 years of service.

- Transit Changes

The Town received notice just today of the extension of funding for transit service for another two years. A more detailed update will be forthcoming.

## **IX. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN**

### **A. Revised Board Meeting Schedule for 2011 – Alderman Brown**

According to the adopted schedule, beginning in January, 2011, agenda workshops are to be held prior to regular meetings on the Thursday immediately preceding the second Monday of each month. Alderman Brown asked that the board reconsider this recommendation and leave the agenda meeting on Monday immediately prior to the regular meeting.

*Alderman Sobol made a motion to continue six months with the Agenda meeting held the same day as the regular meeting, and have the final 6 months of 2011 with the Agenda meeting held on the Thursday prior to the regular meeting. The motion was unanimously adopted.*

### **B. IBC Code Change – Alderman Sobol**

The building code has been enhanced to encourage construction of buildings that are 30% more energy efficient. *Alderman Sobol made a motion that the Board communicate to the State Legislature that the Town is interested in energy efficiency and sustainability. The motion was unanimously adopted.* Ms. Teague will draft a resolution to be considered by the Board.

C. Recycling Concerns – Alderman Sobol

Alderman Sobol said that there have been concerns on the part of the citizens about GDS failing to sort recycling from garbage. Mark Combs, Public Works Director, has already been in contact with GDS about this problem and it is being addressed.


X. CITIZEN COMMENTS

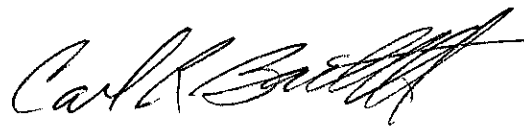
**Elaine Loutzenheiser**, 410 Avena Road, is concerned about the overnight parking of a camper truck at the Town Square property. She does not believe overnight parking should be allowed on that property.

XI. ADJOURNMENT

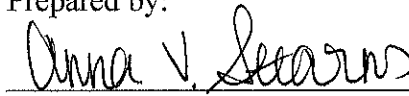
*With no further business, Alderman Brown made a motion to adjourn at 7:26 p.m. The motion passed unanimously.*

ATTEST:

  
\_\_\_\_\_  
Darlene R. Whisenant, Town Clerk

  
\_\_\_\_\_  
Carl R. Bartlett, Mayor

Prepared by:

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

  
\_\_\_\_\_  
Marcia D. Onieal, Town Manager