

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
April 12, 2010

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, April 12, 2010 at 6:00 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 6:00 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 Onieal, Town Manager
Ron Sneed, Town Attorney
Jim Orr, Recreation and Parks Director
Kevin Pressley, Police Chief
Craig Bannerman, Deputy Fire Chief
Elizabeth Teague, Planning Director
Rick Shreve, Finance & Information Services Director
Anna V. Stearns, Clerical Assistant

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 prayer led by Alderman Showers.

Mayor Bartlett thanked everyone in attendance and expressed appreciation to all those attending for the first time and to the viewing audience. He said that a re-broadcast of each regular Board 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 at 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. COMMUNICATIONS FROM THE MAYOR AND ALDERMEN

A. Mayor Bartlett

Mayor Bartlett recognized local Rotary Club President Gretchen Naff, who gave an overview of Rotary Club projects. Ms. Naff introduced the four members of the Rotary International Group Study Exchange Team from the Philippines. Mayor Bartlett read a proclamation welcoming the group.

Mayor Bartlett read a proclamation honoring Black Mountain native, Roberta Flack, in support of her nomination for the NC Department of Cultural Resources 2010 Awards.

Mayor Bartlett read a proclamation declaring April 17 – May 1, 2010 as “Litter Sweep 2010.”

B. Alderman Sobol – Report from Citizen Participation Workshop

Alderman Sobol reported that he and the town manager attended a Citizen Participation Workshop hosted by Land of the Sky Regional Council. The workshop focused on how best to solicit and evaluate public input. The information gained at the workshop will be very valuable as the Town attempts to gauge public opinion and support for projects and policies in the future.

C. Alderman Showers – Report from Ethics Webinar

Alderman Showers reported that the 2-hour long Ethics Webinar presented by the UNC School of Government contained valuable information and was attended by many of the town staff, and had previously been attended by the rest of the board as required by NC General Statute.

D. Other Board Reports/Announcements

Alderman Brown announced the Town’s endorsement and support of the “Stand Against Racism” forum which will be held April 30th from 1:00-2:00 p.m. at Lakeview Center. The forum will be moderated by Darcel Grimes, anchor for WLOS News 13. Attendance is free and open to all interested members of the public.

III. CITIZEN COMMENTS

Mary Leonard White, 113 Fairway Drive, spoke in support of the development of a park and parking area to be located in the center of Town. Ms. White reviewed the process that led to the acquisition of the property beginning in July 2009. She asked the board to call the steering committee to action to proceed with developing a vision for how the park can be

developed. Ms. White gave the board a sample drawing showing one of the possible ways that the park and parking areas could be laid out.

Tom Sobol also spoke about the development of the property in the center of town. He applauded the Board for its wise decision in purchasing the property. He believes the most important issue for economic development in Black Mountain to be the lack of parking. Mr. Sobol spoke to representatives in Buncombe County about the cost to build a parking garage. Construction of the new garage in Asheville cost \$30,000 per parking space. To construct a garage to accommodate approximately 100 spaces that the Town Square property could accommodate would cost approximately \$3 million. Additional parking provided by this site would increase revenues for nearby local businesses, increasing town revenues through increased sales taxes. Mr. Sobol also referenced a statistical study that reported that 65% of homebuyers said that the presence of a central park or gathering area would be a strong influence on their decision to purchase a home in a particular community.

Gay Currie Fox, 307 Tomahawk Avenue, spoke about the aesthetic value that the park will add to the Town. A park would encourage local artists and offer a venue for artistic performances. She spoke about square dancing in the streets of Black Mountain as a teenager. She believes that the park will bring together neighbors and tourists alike. Ms. Fox asked the Board to form the committee and call it together as they voted to do previously.

Bob Hinkle, co-owner of the White Horse located just across Montreat Road from the proposed park site, said that his business requires as many as 150 parking spaces for successful events. The Presbyterian Church has allowed the business to utilize the parking lot it owns between the church and the business. He encouraged the board to develop parking spaces as part of the proposed park.

Richard Hudson, 106 Pleasant Drive Circle, said that he was disturbed by the article in the Black Mountain News reporting some board members' intent to sell the property recently acquired in the center of town. He asked the board to remember the work done by previous boards in acquiring and cleaning up the lake property, the recreation park and the Clevenger property. He thanked Alderman Sobol for his support of the project. He asked Alderman Brandon to go revisit her previous statements supporting downtown parking. He asked Alderman Brown to return to her previous position supporting the park. He asked Aldermen Showers and Rayburn to support the project as they pledged to do in their campaigns. He said that the extra \$30 per \$100,000 of assessed property values that would be paid in increased property tax is a price he believes the citizens are willing to pay to build this park.

Tom Gill, 110 Walnut Street, spoke in favor of the construction of the park and encouraged the board to continue to support the project even in the face of difficult budgetary decisions. He suggested that even if the town isn't ready to develop the entire park and spend the money to proceed with the entire project, perhaps we could put down some gravel to allow parking on the lot while the Town gathers money for the project.

Cathy Robertson, 109 Briarbrook Road, spoke about her concerns about the stump dump on Blue Ridge Road near her property. She has spoken several times with the Town's

Planning Director. She believes that special permission was granted to Jeff Hall with the understanding that he held an emergency FEMA permit. She also believes that the property being used for this stump dump is not a part of the property currently grandfathered for commercial use. Ms. Robertson asserts that the property is not part of the grandfathered lot and is zoned TR4. She also said that Mr. Hall does not hold a FEMA permit. She believes that the facts demonstrate that Mr. Hall's intention is to operate a full time industrial dumpsite with commercial sales. She has discovered that the property does not meet the basic qualifications for FEMA to issue the permit because the property does not meet town zoning or flood plain restrictions. The FEMA permit has been revoked. She believes that the Planning Director could have conducted better research and prevented this upsetting set of events from happening.

Bob Gunn, 109 Pleasant Drive, is concerned that Black Mountain should not try to be Biltmore Forest. The Town must recognize that its tax base is limited. He believes the next budget process will be extremely difficult. He encouraged the Board to place principles before personalities and allow the good of the overall town to guide them in their deliberations on this matter. He recognizes the benefits and beauty that the park will provide, but is greatly concerned about the cost. He spoke about the addition of firefighters under the SAFER grant and asked that the Town tell him how much he will be saving in homeowners insurance through an improvement in the fire insurance rating in comparison to the amount it will cost in property taxes.

Tim Passour has taught horticulture at Owen High School for 24 years. He suggested that a portion of the proposed park be reserved for a farmer's market area that could be used to vend items from local growers. He believes this will be a great value to the town and he believes that there are grants available to help develop farmer's markets, such as those offered through the Gold Leaf Tobacco Foundation. There are 190 members in the FFA program at Owen High School.

Jillian Prine is the Owen High School FFA chapter President. She thinks that the market could help participants to acquire SAE (Supervised Agriculture Experience) hours necessary to advance through the FFA program. It is currently very difficult for members to acquire SAEs because there are limited opportunities to conduct supervised agriculture activities in the community.

Eric Gornan, a Swannanoa resident, asked the Town to consider using the park space for a market space to create an outlet for local growers to sell their produce. He said that other opportunities for local farmers to sell their goods are scarce. He believes the town has an opportunity to protect its local farming heritage through ensuring local farmers a place to sell their goods.

John Klutz, 107 Dogwood Drive, encouraged the board to allow the development of the park in the center of town.

Nancy Dugan is a Swannanoa resident who owns property in Black Mountain. She compared Black Mountain's application for a grant to hire firefighters to a grant awarded to the Swannanoa Fire Department last year. Tax rates will have to be raised to repay the loan used to

hire the firefighters. She said that the difference in fire insurance premiums between Black Mountain and Swannanoa is negligible even though Swannanoa's fire insurance rating is significantly higher than Black Mountain's. She suggested that Black Mountain and Swannanoa's fire departments could work together to share equipment, training facilities, and personnel rather than borrowing money that has to be repaid by the citizens. She thanked Alderman Sobol for his knowledge and courage in speaking out against the grant application.

Rick Watson owns property at US 70 and Grovestone Road at the red light. Mr. Watson said that the board was previously made aware of the Town's approval of Ingles Markets, Inc., plans for relocating the entrance to the Ingles Warehouse regardless of the fact that Ingles proposed entrance will cross property that it does not own and does not have a right-of-way across. Mr. Watson had his attorney send a notification to Ingles on August 18th that they do not have permission to cross property owned by Mr. Watson. Buncombe County would not pass the erosion control plans to allow Ingles to proceed onto Mr. Watson's property, which he believes is the only reason that Ingles has not proceeded with completion of the construction across his property. DOT surveyors are on site presently marking and identifying existing monuments for relocation of the Ingles entrance. Ingles presently has two other entrances to its property and he does not believe the company needs another entrance crossing his property. Mr. Watson referenced the case *Sparrow v Dixie Leaf Company* saying that Norfolk Southern Railway cannot allow Ingles to use its right of way in order to access its property because this is not for railway purposes. He asked the Board to help him protect his property rights. He has tried to negotiate with Ingles to no avail.

Harry Vess is a Swannanoa resident who also owns property in Black Mountain. He reminded the public that Tom Sobol, as a county Commissioner, was up front with the citizens about the need to raise taxes to build a landfill. He thanked Alderman Mike Sobol for his courage in speaking out against the grant application. He said that the interest on the federal debt last year was \$2,200,000,000. He asked the board to have the courage to stand up and tell the citizenry how much the taxes will have to be raised in order to pay for the cost of this grant.

The mayor announced that a meeting of the Town Square steering committee is tentatively scheduled for Tuesday, April 27th, 2010 at 4:00 in Town Hall.

Mayor Bartlett asked Ms. Teague to update Ms. Dugan on the status of Bud Hall's rezoning application. He asked the Town attorney to update the board about the problem with Mr. Watson's property. Members of the Board expressed approval for allowing the town square property to be used as a market for the FFA at Owen High School.

Alderman Brown said that she voted in favor of the town square project and is still in favor of it. At that time she encouraged, and still encourages, the citizenry of the Town to work hard to raise the funds to assist the town in paying for the construction of the park.

Alderman Brandon said that her vote was not against the park, but against the expenditure of \$2.1 million for the purchase of the property that the Town could not afford and did not need.

IV. STAFF COMMUNICATIONS

A. Town Attorney

Nothing to report at this time.

B. Town Manager

Nothing to report at this time.

C. Departmental Quarterly Reports

Finance & Information Services Director Rick Shreve delivered the quarterly financial report. The Town is on track to meet its revenue projections for the year and is in a better financial position than it was at the same time last year. Sales tax revenues have increased.

Chief Pressley delivered the quarterly report for the Police Department. Calls for service are up 35%, which represents a significant increase for a small town. Property crimes are up by 85% over last month. Total charges are down by 10%. Drug violations are down. The Town took in nearly 12,000 pills during Operation Medicine Drop, which allows local citizens to drop off prescription medications to be destroyed.

Permits Clerk Jennifer Tipton delivered the quarterly report for the Planning & Development Services Department, updating the Board on various projects currently under way. Alderman Brown asked the department to look at the way-finding sign located in front of Ms. Brandon's store since this sign seems to be difficult to see as you approach downtown.

Recreation Services Director Jim Orr delivered the quarterly report for Recreation and Parks. There were 225 paid entrants in the Valentine's Day 5K race. Over 600 children and their families attended the annual Easter Egg Hunt. The tennis courts have not yet been reopened, because of a problem with the surface flaking, likely as a result of the snow storm that occurred the day after the new surface was laid. The entire surface may need to be replaced. Local families have reserved 47 of the 50 available community garden plots.

Interim Public Services Manager Mark White delivered the quarterly report for Public Services, which is being reorganized under the Town Manager's direction. A weeklong physical survey of town conditions resulted in nearly 600 new work orders. Average water loss was 25% and 5 leaks were repaired in the last quarter.

Chief Jones delivered the quarterly report for the Fire Department, noting that the spring fire season has started. Mr. Jones reminded the public that the wet winter does not mean that there is a reduced fire hazard this season. The burn regulations are available online at www.bmfire.org. The public can call either 250-6777 or 419-9320 to get information about whether burning is permitted on a particular day.

In response to a question about the stormwater project currently underway at Lake Tomahawk Park, Ms. Onieal clarified that the Park Rhythms concerts will go on as planned this summer, with all work on the project expected to be completed by mid-May.

V. CONSENT AGENDA

A. Adoption of Minutes

Motion: To adopt the minutes of February 18, 2010 (Special Called Meeting-Board/Staff Retreat), February 23, 2010 (continuation of February 18, 2010 Special Called Meeting), March 8, 2010 (Agenda Workshop), March 8, 2010 (Regular Session), and March 8, 2010 (Closed Session), April 5, 2010 (Closed Session)

B. Budget Amendment allocating receipt of \$1,500 from Black Mountain-Swannanoa Chamber for public safety support of Mt. Mitchell Marathon, \$3,750 from USTA for tennis court resurfacing, and \$294 from NC Department of Revenue in controlled substance tax distribution.

Motion: To approve the budget amendment as presented.

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

VI. NEW BUSINESS

Discussion of project priorities for possible inclusion in FBRMPO's 2035 Long Range Transportation Plan

The mayor and manager spoke about the annual updating of the French Broad River MPO's Long Range Transportation Plan, which includes highway, public transit, bikeways and pedestrian activities. The goal of the plan is to develop a list of 25 priority projects to be completed by 2035. The public can complete a survey online. Information about the website is available in Town Hall and on the Town's website. Alderman Brown asked if it is possible to move the repaving of US Highway 70 through the center of town higher on the priority list of the DOT. Ms. Onieal said that the DOT has a specific system in place for prioritizing projects and the Town does not have much influence in affecting the priority of projects on the list, except through participation in the regional planning organization.

VII. REPORTS OF BOARDS/COMMISSIONS

Alderman Brandon asked why the museum is charging an admission fee when the Town is contributing \$5,000 annually and an additional \$15,000 two years ago for renovations. Ms. Onieal said that the Town's contribution constitutes a very small proportion of the museum's total operating budget, and that the museum must raise additional funds to keep their doors open and has chosen to do so by charging an admission fee.

Alderman Brandon also expressed her disappointment with the construction of a sidewalk along US Highway 70 West since she believes that a sidewalk along Montreat Road would be used much more. Ms. Onieal reminded the board the US 70 project was 100% grant funded through ARRA and that the Town applied for, but was not awarded, a grant to extend sidewalk along Montreat Road. The Montreat Road sidewalk was not considered shovel ready because the Town had not acquired all of the necessary rights-of-way, but it continues to remain a high priority for the Town and extensions will continue within the limit of Powell Bill funding available each year.

IX. CLOSED SESSION

Alderman Brown made a motion to go into closed session to discuss matters related to an investigation into alleged criminal misconduct as permitted in NCGS 143-318.11(a)(7).

X. ADJOURNMENT

With no further business, Alderman Brandon made a motion to adjourn at 8:35 p.m. The motion passed unanimously.

Carl R. Bartlett, Mayor

Marcia D. Onieal, Town Manager

ATTEST

Darlene Whistenant, Town Clerk

Prepared by:

Anna V. Stearns, Clerical Assistant