

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
September 13, 2010

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, September 13, 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 6:05 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager
Ron Sneed, Town Attorney
Kevin Pressley, Police Chief
Elizabeth Teague, Planning and Development Services Director
Casey Conner, Interim Recreation and Parks Director
Rick Shreve, Finance and Information Services Director
Mark Combs, Public Services Director
Mark White, Public Services Manager
Darlene Whisenant, Town Clerk

Representing the media:

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

Mayor Bartlett led the Pledge of Allegiance. Invocation led by Pastor Jim Hunter, Blue Ridge Church of Christ, Black Mountain. The mayor thanked everyone in attendance and expressed appreciation to all those attending for the first time and the viewing audience. He said that a 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 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. MAYORAL PROCLAMATIONS

- A. Mayor Bartlett entered into the minutes stating that on August 22, 2010 a proclamation honoring Ann Blankenship for 50 years of service as church musician with Swannanoa First Baptist Church, Swannanoa, North Carolina was presented.
- B. Mayor Bartlett read and entered into the minutes a proclamation for the 108th Grand Homecoming Celebration for the Macedonia A.M.E. Zion Church, Swannanoa, NC on September 19, 2010

III. CITIZEN COMMENTS

Dave Alexander, 80 Green Forrest Road, Swannanoa, is Secretary of the Black Mountain Men's Golf Association. Mr. Alexander expressed many concerns regarding the Municipal Golf Course. He felt the course is in peril and in need of accountability with those persons responsible to help maintain the golf facility. Mr. Alexander had six points he wanted to make. 1. Need accountability that rests with a single individual; either the club pro or course superintendent. 2. To create a consistent revenue stream for the town, the course must be kept in a good condition. 3. The number increased with the fire sale membership drive has increased undo wear on our golf carts. The \$24 K taken out of the budget for the membership promotion resulted in no seed, no weed killer and no maintenance on the golf course. 4. Grounds crews remain to work independently and are not properly managed. 5. The Men's and Women's Golf Association are not seen as assets and are never consulted and asked for their opinion about what needs to be done there. 6. Recreation Commission needs to have input from people that use the golf course. They are not being properly advised on the condition of the course and of how it is being managed.

Bob Gunn, 109 Pleasant Drive, commented that several months ago he had asked the Board of Aldermen to conduct their business among themselves and with town employees with a conscious attitude of civility. In the past, we have seen animosity and back stabbing, hardly what would be described as mature behavior by elected public officials. He is concerned that in the recent past the Board, at taxpayers' expense, had met with professional consultants to learn how to behave and act like adults. Mr. Gunn also expressed his displeasure that during this economic downward trend we would consider this time to hire additional fire fighters.

Jerilene Rice, 2936 US 70 Highway, commented that the Pisgah Brewery had built a sound stage 220 feet from her back door. They have already had several concerts out there. On Labor Day weekend her windows and doors shook and even her security light came on because the vibration was so bad. They came to Town Hall the next day to ask what were the guidelines for noise violation. Mr. and Mrs. Rice were told that the noise had to end at 11:00pm. She challenged the BoA's and Planning Boards' decision to allow the building of the sound stage.

Wayne Sims, 3 Lynx Drive, brought to the towns' attention two distinctively different items. First, the safety concern for those who live in his area of town, due to the pack of wild dogs running loose and causing property damage. Mr. Sims distributed pictures that showed extensive damage to drainage and gutters to the outside of the Lynx condo site. Secondly, Mr.

Sims, a member of the Men's Golf Association, commented on the current condition of the golf course. He would like to see the Board consider the idea to put someone in charge, such as the golf pro. Mr. Sims was also concerned about the procedure that brought about the over play at the golf course. He challenged the Board to address the issues regarding the change in fees and charges that should have been approved by the Board of Aldermen before being implemented.

Max Price, 22 Village Parkway, has been a member of the Black Mountain Men's Golf Association for seven years. Mr. Price stated that he felt the condition of the golf course is because of two distinct problems. One is caused from the extreme heat and the other is because of the weeds. The crab grass is taking over the golf course and starting to come up to the middle of the green. Mr. Price also stated the need to have one person in charge to promote accountability.

Elaine Loutzenheiser, 410 Avena Road, addressed the Board with comments about the recent articles both in Black Mountain News and Asheville Citizen Times regarding the bears. She questioned as to how would the police department be available to patrol the streets if they are required to police when the citizens put out their garbage and remove their bird feeders at night. She was concerned that the article(s) only portrayed one Alderman's views and not the whole Board.

Richard Hudson, 106 Pleasant Drive Circle, presented to the Board and citizens a poster board graft of a timeline of the condition of the golf course from 1991 to the present. The graft showed how the golf course was in dire condition before Bud Adams was hired, how during his tenure it improved greatly, and then when he passed away in 2004 it has steadily declined. The fairways and tees are a bit better, but then the greens are worse. Mr. Hudson feels right now we have an inferior product and it reflects poorly on the golf course, the town and its' leaders. Out of the list Mr. Hudson provided last month, many of the concerns have been addressed and corrected. According to Mr. Hudson, the town needs to come up with a detailed business plan with strict guidelines and timelines to implement the plan.

Ed McGinnis, 34 Village Parkway, President of the Black Mountain Men's Golf Association, has played golf on this golf course since he was eleven and has never seen the golf course in this poor of condition.

Allan Greene, 335 Lookout Terrace, remarked about the improvement made so that the people can easily contact their elected officials. The BoA's emails are now linked so that each Alderman will receive an email that is sent to an individual. Mr. Greene wanted to remind the Board the importance of making sure the 4.5 cent tax increase goes away in 2011. He stated that we the people are not going to accept the answer that it cannot be done. He continues to feel that three of the Aldermen had already made their decision about the budget before hearing public comment. Mr. Greene addressed the issue with the bears and recommended we make an effort to teach the bears to go back to the woods and take care of themselves.

At 6:30 p.m. Mayor Carl Bartlett excused himself for physical reasons and acknowledged Vice Mayor pro tem Brown to Chair the remainder of the meeting.

IV. CONSENT AGENDA

A. Adoption of Minutes

Motion: *To adopt the minutes of August 9, 2010 (Agenda Work Session, August 9, 2010 (Regular Session), August 9, 2010 (Closed Session), August 24, 2010 (Closed Session).*

Amend Minutes

Motion: *To amend the minutes of the August 9, 2010 Regular Session minutes to state that Mayor Carl Bartlett acknowledged that a proclamation honoring Gay Fox was presented at an earlier time, rather than that he read the above referenced proclamation.*

B. Budget Amendment # BA-FY2011-04

Motion: *To approve budget amendment #FY2011-04 as submitted, allocating \$7,973 to line item 10-83-6190-730 for greenway improvements and allocating \$75 to line item 10-10-5100-200 for purchase of police equipment.*

C. Adoption of 2011 Regular Meeting Schedule for Board of Aldermen

Motion: *To adopt a 2011 regular meeting schedule for the Board of Aldermen, maintaining regular meetings on the second Monday of each month at 6:00 p.m. in the Board Room of Town Hall, and establishing a monthly work session for the Board of Aldermen and staff at 5:30 p. m. on the Thursday immediately preceding the first Monday of each month , in Town Hall Conference Room 1, effective January, 2011.*

The consent agenda was approved unanimously on a motion by Aldermen Rayburn.

V. UNFINISHED BUSINESS

A. Update on The Settings – Town Attorney Ron Sneed (request of Mark Kraemer)

Town Attorney Ron Sneed gave a brief update on The Settings. He had worked closely with Mark Kraemer, land owner in the Settings to see exactly how the Town could help with putting the bonding company on notice for not complying with the previous agreement.

Mark Kraemer read a prepared statement stating details of the past events between the landowners and the contract builder, which is attached and hereby, part of these minutes.

Alderman Sobol made a motion for the town to assist with pulling the bond notice as requested by Mr. Kraemer. The vote was 5-0.

Alderman Sobol made a motion for the town to help enlist any agencies that would assist the homeowners of The Settings to create a resolution. The vote was unanimously carried, 5-0.

Dick Kennedy, 43 Fates Overlook Loop, stated that a number of the property owners in The Settings have been meeting over the past months trying to get themselves organized as well as looking out for their own interest. None have such problems as acute as Mr. Kraemer who has down quite a bit on his own; however, Mr. Kennedy urged that the Town support Mr. Kraemer in what he has asked for. There have been 240 lots sold and 15 houses have been built or under construction and he stated that those houses have generate allot of tax revenue for the town and as more houses are built the town will benefit even further. Calling the bond would be the first step toward getting the infrastructure completed and he appreciates whatever the Town decides to do to help.

VI. NEW BUSINESS

A. Appointment to fill Vacancies on Town Boards and Commissions

1. Planning Board –(1) vacancy for one-year unexpired term through June, 2011.

Alderman Brandon made the motion to appoint Michael Raines as a member of the Planning Board to serve the one-year unexpired term through June, 2011. The motion passed 5-0.

2. Housing Commission – (1) vacancy for a three-year term through June, 2013.

With no applicants on file as of 09/07/10, Vice Mayor Brown made the recommendation to contact Chad Knight, who also applied for the Planning Board, to see if he would be interested in serving on the Housing Commission instead.

3. Zoning Board of Adjustment – Acknowledgement of Appointment Error

Alderman Brandon made a motion to adopt Manager's Comments and Recommendations number one (1) to admit procedural error, do nothing, and let current appointments stand for the remainder of the existing terms, ensuring that all future appointments and succession are handled according to current adopted procedure.

Ms. Onieal recommended is that at whatever point the Board choose to clarify the language in the procedure to reflect what the intent is, because there are several ambiguous statements in the procedure that led to this happening to begin with.

Alderman Sobol stated that the Board of Aldermen had not been adequately informed. Vice Mayor Brown commented that each board member had previously been provided a copy of the Boards and Commissions rules of procedure.

Ms. Onieal stated that this was not an error or intentional on anyone's part or a lack of information; however, There were 30 appointments to be made in June and the question now is how to correct it.

Alderman Brandon made a motion to withdraw the motion until town manager can contact both Jerry Atkins and Dawn Wilson to discuss the error. The motion passed 5-0.

- B. Discussion of Ordinance to adopt a Code of Ethics for the Board of Aldermen of Black Mountain, Buncombe County, North Carolina was removed from the agenda and will be discussed at a separate scheduled meeting of the BoA.
- C. Ordinance to amend Title IX: General Regulations of the Code of Ordinances of Town of Black Mountain, NC

Elizabeth Teague briefly reviewed the draft ordinance regarding feeding the bears.

Vice Mayor Brown made a motion to table the ordinance until the town manager can contact a U.S. Forestry staff person to come and inform the public and allow for community input. The motion passed 5-0.

D. SAFER Grant Application

Ms. Onieal commented that recently the Town was notified that the Black Mountain Fire Department did not receive the SAFER Grant FY2009 round for the requested six additional fire fighters.

Alderman Sobol commented that the Town really needed to allocate the \$30,000 budgeted money to entice volunteers rather than re-submit for the SAFER grant. Alderman Sobol also commented regarding ratings if we get the grant and how it will definitely raise taxes.

Alderman Showers invited Fire Chief Steve Jones to comment why the request. Chief Jones re-emphasized the need for added manpower which would increase safety for the fire fighters with proper back up and for the public to receive better service.

Alderman Showers made a motion to authorize the re-applying for the SAFER Grant. The vote passed 4-1 with Alderman Sobol against.

At 7:45 pm Vice Mayor Brown adjourned the meeting for a 10 minute break. The meeting reconvened at 7:55 pm.

VII. COMMUNICATION FROM BOARDS & AGENCIES

A. Recreation Commission Annual Report – Dr. John DeWitt, Chair

Dr. John DeWitt, Chair of the Recreation Commission, distributed a report to the BoA from Parks and Recreation regarding the Black Mountain Golf Course. The document is attached and hereby made part of these minutes. Included in the document are five pages of concerns by listing each fairway and then listing specific concerns related to the tee, fairway, greens or any issues impacting the course. Each specific concern lists the recommended solution as proposed by staff. The Recreation Commission will continue to work with park staff to monitor the corrective actions and in developing budgetary items for Aldermen review and to continue to provide feedback to the Board on the conditions of the course.

Alderman Showers asked if David Ballard and John Shaw would step forward to answer a few questions. Mr. Ballard reported that full time members went from 230 to 184. Due to the member recruitment program this year there are now a total of 804 members. It costs \$198 for a two year membership and \$790 for full time members. There is budgeted \$36,000 annually to treat the entire golf course. Black Mountain Golf Course is known for the 17th hole which is 774 yards. The 16th green was built in 1963 and does not have adequate air flow, which has caused ongoing issues.

XIII. COMMUNICATION & ANNOUNCEMENTS

A. Mayor- Carl Bartlett

None at this time.

B. Board of Aldermen –

Alderman Showers commended the Black Mountain Police Department on their recent successful investigation and arrest of the teens who vandalized the high school as well as those who have been breaking into local residents and stealing jewelry items.

Alderman Showers asked the town manager about the snack shop (19th Hole) with the recent controversy regarding a breach in contract for non-payment on lease. Ms. Onieal reported that the lease was signed in May 2007 at \$400 monthly rent. Somewhere between May 2007 and August 2007 there was an agreement made that the rent would stop because of personal hardship with the renter. Once it was revealed that rent was not being paid in the March 2010 budget meeting, \$100 monthly rent was agreed upon. The last payment received was in August 2010. There was an estimated \$13,800 lost in violation of the lease dated May 2007.

Vice Mayor Brown made a motion to put the Snack Shop out for open bid and propose to allow the current renter remain for \$100 monthly rent until a new lease agreement was signed. The motion was approved by 4-1, with Alderman Sobol voting against the motion.

Alderman Showers brought to the Boards attention the detailed letter from Mr. and Mrs. Sink regarding the possibility of Walgreens purchasing the downtown square property. Ms. Onieal reminded the Board that when the property was owned by private owner there had been that discussion, but not recently. The town office has received a couple calls from interested investors however their offers have been too low to even consider.

Vice Mayor Brown reminded the public regarding the upcoming “Dialogues on Race” sessions on October 12th, November 9th and December 14th from 5:30-7:30pm. These meeting will be held at Town Hall.

IX. CITIZEN COMMENTS

Alderman Sobol removed himself from the Board panel and went to the podium with a citizen comment.

Michael Sobol, 48 Blue Ridge Assembly Drive, commented on the fact that cities are not mandated to have a ladder truck and he felt it was sufficient to call on Swannanoa Fire Department when a ladder truck was required. As a citizen of Black Mountain, Mr. Sobol stated that he will fight against the SAFER Grant for the Black Mountain Fire Department.

X. ADJOURNMENT

There being no further business, Alderman Brandon made a motion to adjourn at 8:50 p.m. The motion passed unanimously.



Carl R. Bartlett, Mayor



Marcia D. Onieal, Town Manager

Prepared by:



Darlene R. Whisenant, Town Clerk