

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP
June 13, 2011

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Monday, June 13, 2011 at 5:00 p.m. in the meeting room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for June 13, 2011.

I. CALL TO ORDER

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

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

The following staff members were present:

Marcia D. Onieal, Town Manager
Ronald E. Sneed, Attorney
Darlene Whisenant, Town Clerk
Rosa Hilbert, Deputy Town Clerk
Anna Stearns, Administrative Assistant
Kevin Pressley, Police Chief
Steve Jones, Fire Chief
Casey Conner, Recreation Services Director
Mark Combs, Public Services Director
John Shaw, Golf Course Superintendent
Dan Cordell, Building Inspector
Dean Luebbe, Finance Director

The Board reviewed the items that were proposed for the June regular session meeting and made no changes.

The Board discussed the letter from The Settings Homeowners Association. Mr. Sneed confirmed that he has previously been authorized by the Board to take the steps outlined in the homeowners' association letter, that he has continued to meet with the stakeholders and plans to now begin taking steps to call the bond. The Board asked whether the County has any obligation to contribute to the cost of the attorney's fees for calling the bond. Mr. Sneed said that his discussions with the county attorney indicate that the County will cooperate, but that they do not intend to contribute to the cost involved.

The Board discussed the method to be used for voting to fill vacant boards and commissions positions.

II. ADJOURNMENT

Alderman Brandon moved to adjourn the meeting at 5:35 p.m. and the motion was unanimously approved.

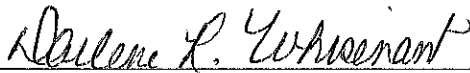


Carl R. Bartlett, Mayor



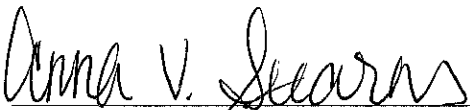
Marcia D. Onical, Town Manager

ATTEST



Darlene R. Whisenant, Town Clerk

Prepared by:



Anna V. Stearns, Administrative Asst.

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
JUNE 13, 2011

THE BLACK MOUNTAIN BOARD OF ALDERMEN held its regular monthly meeting on Monday, June 13, 2011 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
Vice Mayor Joan Brown
Alderman Ruth D. Brandon
Alderman Tim Rayburn
Alderman Carlos Showers
Alderman C. Michael Sobol

The following staff members were present:

Marcia D. Onieal, Town Manager
Ronald E. Sneed, Attorney
Darlene Whisenant, Town Clerk
Rosa Hilbert, Deputy Town Clerk
Anna Stearns, Administrative Assistant
Jennifer Tipton, Permits Clerk
Kevin Pressley, Police Chief
Steve Jones, Fire Chief
Casey Conner, Recreation Services Director
Mark Combs, Public Services Director
John Shaw, Golf Course Superintendent
Dan Cordell, Building Inspector
Dean Luebbe, Finance Director

Representing the media:

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

Mayor Bartlett introduced Matt Brauer, Kyle Phillips and Caleb Guffey of Boy Scout Troop 50 from Montreat who led the Pledge of Allegiance followed by prayer led by Pastor Steve Rayburn of the Swannanoa First 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 a re-broadcast of each regular meeting is shown throughout

the month on Charter Cable's Buncombe County 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 in which 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.

Ms. Onieal made the following announcements:

- The Black Mountain Pool is now open daily from 11 am – 6 pm
- Gianni Panini's at Black Mountain Golf Course is now open daily from 11 am – 3 pm.
- Park Rhythms will be held at Lake Tomahawk every Thursday night from 7-9 pm, June 16th-August 4th.
- Town Square Design workshops and public meetings will be held as follows:
 - Wednesday June 22 at 7:00 at Town Hall
 - Thursday June 23 from 10-2:00 at Town Square property,
 - Thursday June 24 at Park Rhythms,
 - Friday June 25th at 6:00 at Town Hall to hear the overall design concept for the property.
- The July 4th street dance and fireworks will be held in Downtown Black Mountain from 5-9 pm on July 4th. The event is sponsored by Family Care Home.

II. CERTIFICATE OF APPRECIATION

Andrew Brown and Will Presnell presented a Certificate of Appreciation to the Board of Aldermen on behalf of Boy Scout Troop 50 for allowing their participation in the previous meeting of the Board which allowed them to earn their citizenship badges.

III. CITIZEN COMMENTS

None at this time.

IV. CONSENT AGENDA

A. Adoption of Minutes

Motion: To adopt the minutes of May 9, 2011 (Agenda Workshop), and May 9, 2011 (Regular Session).

B. Adoption of a regular monthly meeting schedule for the Board of Aldermen for the six month period from July through December 2011.

Motion: To adopt the schedule for the Board of Aldermen monthly meetings through December 2011 as presented.

C. Surplus Property Disposition – 1987 JCB Backhoe (Public Services Department)

Motion: To declare as surplus a 1987 JCB Backhoe, assigned to the Public Services Department, and to authorize staff to dispose via auction on GovDeals.

D. Appointment of designee(s) to notify the North Carolina Alcoholic Beverage Control (ABC) Commission of the recommendation of the Town of Black Mountain,

regarding the suitability of any person(s) and location(s) seeking to acquire ABC permits within its jurisdiction.

Motion: To adopt Resolution R-11-03 authorizing the Police Chief of the Town of Black Mountain, or any successor appointed to the same position, to make recommendations concerning the suitability of persons or locations for ABC permits within its jurisdiction as required by General Statutes 18B-904(f).

Alderman Brown made a motion to approve items A-D as presented. The motion was unanimously approved.

V. UNFINISHED BUSINESS

- A. Request for the Black Mountain Board of Aldermen to call for a referendum by popular vote to allow sales of mixed beverages.

Alderman Brown said that she had reconsidered the amount of work that would be required of individual citizens to obtain the requisite number of signatures to obtain a referendum, and that she would like to have the citizens have the right to go to the polls in November and vote either for liquor by the drink or against it. Ms. Brown and Mary Sneed, ABC Board Chair, met with the Board of Elections and learned that a large amount of income will become available to the town from the sale of liquor to restaurants that is not currently available. The Monte Vista has a liquor license already because it is a historic landmark. It is not fair for other restaurants in town to be prohibited from serving liquor by the drink now that one establishment is able to do so.

Alderman Brown made a motion to request that the Buncombe County Board of Elections place on the ballot for popular vote during the next scheduled general election on November 8, 2011, a referendum considering the sale of mixed beverages in the Town of Black Mountain, as provided in NCGS 18B-600 (Article 6). Bobby Buggia encouraged the Board to vote so that the people will know where they stand. The last popular vote for liquor by the drink was held in 1986. At that time about 1,000 people voted for the referendum and it lost by only about 90 votes. The motion passed by a vote of 3-2 with Aldermen Brandon and Rayburn voting against. Alderman Brandon said that she is not voting based on her personal opinion, but what she believes to be in the best interest of the town because easier access to alcohol is not in the best interest of the town.

- B. Request that the Town of Black Mountain, in cooperation with Buncombe County, engage the servicers of the Parker Poe Law Firm to pursue payment of the completion bond for infrastructure construction in The Settings subdivision.

Dick Kennedy, President of the Settings Homeowners Association, read from the resolution recently adopted by the Homeowners' Association which requests that the Town of Black Mountain and Buncombe County begin taking the legal steps necessary to call the development bond. A copy of the resolution is attached to these minutes. The HOA expects the process to cost approximately \$100,000 in legal fees, but believes that the fees should be recouped from the development bond before money goes into paving the roads. The HOA would like to suggest the

Parker Poe Law Firm because they have experience dealing with this particular bonding company.

Mr. Sneed said that the authorization for him to proceed in calling the bond was given several months ago at a previous meeting. The process had been stalled while waiting for the development company to completely fold, which happened last month. Mr. Sneed will now proceed with calling the bond.

VI. FY11-12 ANNUAL OPERATING BUDGET – PRESENTATIONS AND PUBLIC HEARING

A. Overview of Financial Condition and Proposed Budget –De an Luebbe, Finance Director

Mr. Luebbe delivered a power point presentation to detail the Town's current financial position. The power point presentation is attached to these minutes.

B. Overview of Manager's Recommendations – Marcy Onieal, Town Manager

Ms. Onieal reviewed a power point presentation to detail the highlights of the proposed budget. The power point presentation is attached to these minutes.

The budget proposes a new solid waste fee of \$6/household/month which would generate \$150,000 in fiscal year 2012. The total cost of the solid waste services provided by the town is \$750,000 per year. The GDS contract renewal several years ago increased the cost of this service by \$170,000 and no new fees or taxes were charged to recoup this cost increase.

Ms. Onieal estimates that \$290,000 will need to be used from the fund balance to balance the budget. North Carolina requires that the Town maintain at least 8% of its annual budget as a fund balance. Black Mountain's policy has been to maintain at least 30.5% in fund balance.

The budget proposes removing about 6 positions for a total savings of \$400,000 in wage and salary savings. No specific positions have been identified and the number of positions to be eliminated is only an estimate based on the amount of wages to be cut.

C. Presentation of Management Options for Black Mountain Golf Course **a. In-House Management Considerations and Background**

The Golf Fund has been dipping into its savings account to survive on an annual basis. Last year the Recreation Director anticipated a \$400,000 loss in the golf course fund. The promotional program approved by the board allowed a revenue infusion, but funding has returned to previous years' levels. The Board has already done some organizational restructuring and directed Ms. Onieal to hire a full time golf course general manager. Before doing so, Ms. Onieal explored the possibility of privatizing management of the course.

Ms. Onieal introduced Joe Goodrich, Senior Vice President, and Douglas White, Vice President for Business Development, of Bill Casper Golf in Vienna, Virginia to talk with the board about taking over management of the golf course to generate profits. There are other companies that can provide this service, but Ms. Onieal believes this company to be the most reputable for educating the board about what is available.

Mr. Goodrich and Mr. White delivered a power point presentation to review the present state of the town's golf course and the possibilities for taking over maintenance of the course. A copy of this power point presentation is attached to these minutes.

Alderman Brown asked if the town's golf course staff will remain in place before hiring new employees. Mr. Goodrich said that the goal will be to keep all existing staff.

The management fee would be paid monthly by the Town and would cost about \$6,500.00 per month. The town will net more revenue from the golf course after paying the fee, or have the option to terminate the contract. The company would operate its own food service at the club house.

The Town's course is currently having between 21,000-25,000 rounds of golf played per year. The maintenance cost will be relatively the same no matter how many rounds are played. After the break-even point about 95% of all revenue become profit. The course should be able to support at least 29,000 rounds of golf per year. The Town needs to add about 18 golfers per day to bring up the total number of rounds per year by 5,000.

D. Considerations from Board Budget Workshop (June 7, 2011)

a. Grey Eagle Soccer Complex – Construction Project & Current Operations
(request of Alderman Showers)

In reviewing information about the conversion of the Clevenger Sock factory to the Grey Eagle indoor soccer arena, Mr. Showers found that a great deal of information was missing or unavailable in the Town files. Mr. Sobol oversaw the project management of that conversion. Although he offered in an e-mail to provide information Mr. Showers requested, Mr. Sobol has not been able to provide such information. Mr. Showers cannot find records that certain sums borrowed from the town's general fund were ever repaid from the people affiliated with the program or from the programs coming into the facility. Alderman Showers asked for a break before opening the public hearing.

Mr. Sobol asked to respond to Mr. Showers allegations of impropriety. Mr. Showers left the meeting. Mr. Sobol said that he developed the idea and presented the concept of the indoor soccer center to the recreation commission in 1994. The project exceeded Mr. Sobol's projected budget. \$8,600 was spent to remove asbestos from the facility. Mold was found in the front offices and had to be removed and portions of the building had to be redesigned. Radon tests had to be performed. The septic field had to be evaluated. Because of liability issues, volunteer labor could not be used and construction had to be put out to bid. Mr. Showers re-entered the meeting. Mr. Sobol continued saying that the Grey Eagle Soccer Center generated about \$30,000 in

revenue during the last fiscal year. The total cost to renovate the building was \$105,000 and The Settings contributed \$40,000 of that total cost. Mr. Sobol asked to be on the next agenda to present a slide show about the complete history of the project.

Mayor Bartlett called for a 5 minute recess at 8:13 p.m. Mayor Bartlett reconvened the meeting at 8:17 p.m.

Alderman Brown moved to open the public hearing on the Proposed FY11-12 Annual Operating Budget for the Town of Black Mountain. The motion passed unanimously.

Alan Greene, 335 Lookout Terrace, spoke about the importance of sound financial planning and the need to provide for necessities before niceties. The town square park is a nicety that the Town does not need at this time. He said that the fire and police departments do excellent work and deserve more raises than we can give them.

Bob Pauly, 1265 Montreat Road, agrees with Mr. Greene's comments. He does not see enough austerity in the Town's budget process. Since last March, he has attended council meetings and learned that the Town Square project was purchased for \$2.1 million and additional money will be required to develop the property. The town should get rid of this property before the real estate market collapses further. He has also noticed that the Black Mountain Trail Blazer runs nearly empty every day, and that the Golf Club restaurant facility is being leased out for 12 months for free and no revenue is being generated for the town. Last month a vehicle was donated to charity instead of accepting the bid on GovDeals. None of these are sound budgetary decisions.

Nathan Pennington, 19 Walker Cove Road, said that two of the big ticket purchases by the Town, the purchase of town square property and the golf course renovations, during the recession were unwise. He suggests hiring the golf course management company. The Community garden provides food for the hungry in this down economy and he hopes that the Alderman consider its value.

EV Gouge, 131 Fairway Drive, said that he hopes the Board is able to avoid laying off employees. He offered congratulations to the staff at the golf course for improving the quality of play.

Dave Landy, 208 Padgettown Road, spoke in support of Ms. Brandon's position with regard to selling the town square property. The finance payment is \$208,000 this year is a large item in this budget. The Town should not proceed with this project on the backs of working families. He likened the town's purchase of the town square property to his purchasing a brand new vehicle when it is not in his own budget.

Dan Howachyn, 315 Lookout Terrace, believes that the park property if independently developed would bring money and jobs to the town. The downtown area has bricks busted up, grass growing in cracks, missing bricks and urgent maintenance needs. If the Town is unable to take care of its current assets, why should we believe we can take care of a new park.

Ryan Stone, 227 Pine Street, noted that the increased solid waste fee is in fact a tax increase. He asked the aldermen to be open-minded and to consider all available options in dealing with the budget shortfalls, including the possibility of selling the town square property. Mr. Stone resigned today from the Town Square Steering Committee and asks that the town sell the property immediately.

Mike Baldwin, 300 Newbern Avenue, read several headlines from local newspapers detailing area job cuts and fee increases at the city and county level. He said that this is the fourth year without cost of living increases in the school system and they are losing personnel as well. There are many companies in his industry that have had double digit job cuts in the previous several years. He said that 50% of the budget shortfall is for the park property. He said that the \$6 fee increase for the solid waste service will be a regressive tax because the lowest valued properties in town have the largest percentage increase.

Alderman Brown moved to close the public hearing. The motion was unanimously approved.

Alderman Brown spoke to clarify that the snack shop at the golf course is not being operated for free. No employees have been selected for removal. The park property has been very contentious. Ms. Brown said that she is undecided presently about whether or not to support the park property. She asked again that park project be scaled back to a green space where the old Exxon station was, a small parking area, and then use the parcel that was previously the Squeaky's gas station as a commercial property. This compromise would allow for a green space and additional parking while alleviating some of the financing burden on the town. She added that there are no guarantees that anyone is going to come along and purchase the property. It sat on the market unused for years before the Town purchased it.

Alderman Rayburn made a motion to place the property on the market advertising it for no less than the price paid by the Town. Ms. Brandon said that she believes there are deep pockets in the community that might be interested in purchasing the entire parcel because it becomes less valuable if it is parceled off. She believes that according to a survey completed several years ago, the town presently has adequate parking that is underutilized. Ms. Onieal requested that no minimum amount be set as the Town's present investment/cost for the property because the town's obligation to pay off the loan changes daily. Mr. Sobol said that the merchants downtown need additional parking. Last year Mr. Sobol proposed pulling \$1 million from the fund balance to pay down the loan which would have reduced the payment required this year by half. He reminded the public that the new town hall is completely paid for and was acquired as part of the \$2.1 million paid for the park. Ms. Brandon reiterated that the town paid \$2.1 million for the park property and had no plan for the development of the parcel at that time. The interest payments will continue until 2030 and the total interest paid will be over \$1 million. Ms. Brown said that selling this property will take time and will not solve the budget problems for the upcoming fiscal year. ***The motion was approved by a vote of 4-1 with Alderman Sobol voting against.***

VII. NEW BUSINESS

A. Americans with Disabilities Act (ADA) Transition Plan for the Town of Black Mountain

Jennifer Tipton presented information to the Board about the newly developed ADA Transition Plan. The Town has designated Ms. Tipton as the ADA Coordinator for the town, provided notice of ADA requirements, established a grievance procedure, conducted a self evaluation of all town facilities, and developed the transition plan.

Extensive renovations were made to the Lakeview Center utilizing a \$64,000 bequest. Entryway improvements have been made to Carver Center and parking lot improvements have been made at Town Hall. Both the lower lounge and snack shop will be ADA accessible when the renovations of that facility are complete.

Alderman Sobol read an excerpt from the minutes of the last meeting wherein he asked that information about the upgrades being made to the golf course facilities be provided. ***Alderman Brown moved to adopt the ADA Transition Plan as presented.*** Alderman Sobol asked what dollar amount must be allocated by the Town to adopt this plan. Ms. Onieal said that there are no allocations made through adoption of this document, but it provides the town with a plan for necessary upgrades and puts a grievance procedure in place. It lists all of the barriers that need to be removed in all town facilities. Ms. Tipton said that ADA guidelines change and need frequent updates and this document will be a living document. ***The motion was adopted unanimously.***

B. Appointments to fill Vacancies on Town Boards and Commissions

1. ABC Commission – (1) vacancy for 3 year term ending June 30, 2014.

Alderman Brandon nominated Debra Wooton. The nomination was unanimously approved. Alderman Brown moved to reappoint Mary Sneed chair of the ABC Board. Alderman Sobol nominated Rick Spaulding to the position of chair of the ABC Board. ***Mary Sneed was appointed as Chair by a vote of 4-1 with Alderman Sobol voting in favor of Rick Spaulding***

2. Green ways Commission – (2) vacancies for 3 year terms ending June 30, 2014

Alderman Brown moved to nominate Julia Weatherford. The nomination was unanimously approved.

Ruth Brandon moved to waive the rule prohibiting service for more than two terms. The motion was unanimously approved. Alderman Brandon moved to re-appoint Ann Lutz. The motion was unanimously approved.

3. Historic Preservation Commission – (2) vacancies for 3 year terms ending June 30, 2014.

No applications have been received and no nominations were made.

4.Housing Commission – (2) vacancies for three year terms ending June 30, 2014.

No applications have been received and no nominations were made.

5.Planning Board – (2) vacancies for three year terms ending June 30, 2014.

Alderman Sobol moved to reappoint Michael Raines. The motion was unanimously approved.

6.Recreation Commission – (3) vacancies for three year terms ending June 30, 2014.

By majority vote, the Alderman appointed James Halverson, Don McMahonill and John Dewitt to fill the three vacant positions.

7.Urban Forestry Commission – (2) vacancies for three year terms ending June 30, 2014.

Alderman Brandon moved to waive the rule and nominate Joe Tomczyk and Joyce Schwartz. The motion was unanimously approved.

8.Zoning Board of Adjustment – (1) vacant three year term, (1) vacant one year term.

Alderman Rayburn moved to appoint Jerry Atkins to the vacant three year term. The motion failed by a vote of 2-3.

Alderman Showers moved to nominate Jerry Atkins to the vacant one year term. The motion was unanimously approved.

Mr. Solomonides who is currently an alternate will move into the vacant three year term as a matter of succession and Laurie Swann will become the first alternate. *Alderman Brandon nominated Rachel H. Allen as the second alternate. The motion was unanimously approved.*

Alderman Brown moved to nominate Allen Arcand as the third alternate. The motion was unanimously approved.

Alderman Sobol moved to nominate Everett Thomas as the fourth alternate. The motion was unanimously approved.

Alderman Sobol asked that the third and fourth alternates be notified of the unfilled vacancies in the Historic Preservation and Housing Commissions.

IX. COMMUNICATIONS FROM STAFF

Town Attorney – nothing at this time.

Town Manager – nothing at this time.

X. CITIZEN COMMENTS

Elaine Loutzenheiser, 410 Avena Road, asked that the Board not accept any offers on the town square property for less than the town paid for the property and not to spend any more money toward development.

Deborah Wooten, 112 Enthoffer, asked to clarify that the ADA plan was mandated in 1991 when the ADA passed. She said that Jenifer Tipton has done a stellar job moving forward at lightening speed. It is possible to sell the town square property, but it must be adequately advertised. She said that she believes that there is plenty of parking available in town.


XI. ADJOURNMENT

With no further business, Mayor Bartlett declared the meeting adjourned at 9:17 p.m. The motion passed unanimously.

ATTEST



Carl R. Bartlett, Mayor

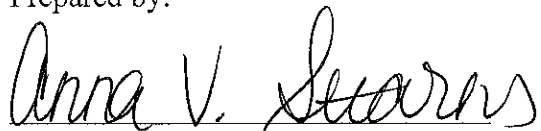


Darlene R. Whisenant, Town Clerk



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Prepared by:



Anna V. Stearns, Administrative Assistant