

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REGULAR SESSION  
APRIL 10, 2006**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular session on Monday, April 10, 2006 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**

The meeting was called to order with the following members present:

Mayor Will Kennedy  
Vice Mayor C. Michael Sobol  
Alderman Joan Brown  
Alderman Chuck McKeown  
Alderman Rosalie Phillips  
Alderman Mary Leonard White

Also present:

Anthony Caudle, Town Manager  
Bo Ferguson, Assistant Town Manager  
Shirley Raines, Town Clerk  
Ron Sneed, Town Attorney  
Rosa Hilbert, Administrative Assistant

Representing the media:

Jennifer Fitzgerald, Black Mountain News  
Jim Genaro, Asheville Daily Planet  
Gary & Sally Biggers, Black Mountain Video Production

Mayor Kennedy led the Pledge of Allegiance, followed with prayer led by Reverend Gerald Collins, Pastor of the Black Mountain United Methodist Church.

Mayor Kennedy thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. The meeting was duly constituted and opened for the transaction of business. The following business was transacted.

Mayor Kennedy noted that this is the 1,346<sup>th</sup> regularly scheduled meeting of the Black Mountain Board of Aldermen.

**II. CITIZEN COMMENTS**

Mary Soyonova, resident of Black Mountain, said she would like to commend the Black Mountain Board of Aldermen for its decision to keep the pool open while working out the details for a new pool.

### **III. ADOPTION OF THE AGENDA**

Mr. Caudle requested to add item H - Resolution to Designate First Citizens Bank as an official Depository of the Town of Black Mountain to the Consent Agenda. The Board agreed.

The minutes of March 9, 2006 - Agenda Workshop, March 13, 2006 – Regular Session, March 13, 2006 - Closed Session were approved.

The agenda was amended with the following changes:

Under VI, Consent Agenda, the Mayor added item “H”, Resolution to Designate First Citizens Bank as an official Depository of the Town of Black Mountain.

Under IV, Communications from the Mayor:

Added item “B”, Proclamations

1. “Litter Sweep 2006” – Cleanup Day – Saturday, April 22, 2006
2. “Municipal Clerks’ Week” – April 30 – May 6, 2006,

Added item “C”, Letter from Board of Aldermen Supporting Expansion of the facilities at Black Mountain Correctional Center for Women

Under VI, Consent Agenda, added item “F”, Adoption of Budget Amendment #21,

Added item “G”, Adoption of budget Amendment #22

Under VII, Communications from the Town Manager, added item 5, Indoor Athletic Facility

Under IX, Old Business, added item “B”, Pool Development Timeline

*With these changes, the agenda was approved with a vote of 5–0 on a motion by Alderman Brown.*

### **IV. COMMUNICATIONS FROM THE MAYOR**

Mayor Kennedy said that the minutes of the last two meetings of the board have not been transcribed but will contain important information that he wanted to report to the board. He said the board held a Special Called Meeting on April 3, 2006 and rescinded the vote to close the pool this summer. The board then voted to open the pool with repairs budgeted at a minimal level. The board held a second meeting on April 5, 2006 to clear up some communication issues with the Recreation Commission and the Board of Aldermen. Mayor Kennedy said that a select committee of the Legislature met on Friday, April 7, 2006 with two officials from the Norfolk-Southern Railroad to discuss rail service in North Carolina.

**A. Oath of Office** - Mayor Kennedy said the oath of office is to be administered to Carol McNutt, who was recently appointed to the Housing Commission and Dennis Gibson, who was appointed to the Zoning Board of Adjustment. Ms. McNutt and Mr. Gibson were not present and the oaths will be rescheduled at a later time.

**B. Proclamations -**

1. “Litter Sweep 2006” - Alderman White read a proclamation for “Litter Sweep 2006” which is scheduled for April 17 through April 29, 2006. She said that a special cleanup day is scheduled for April 22, 2006.

2. “Municipal Clerks’ Week” - Mayor Kennedy read a proclamation for “Municipal Clerks’ Week” which is scheduled for April 30 through May 6, 2006 to honor Shirley J. Raines, CMC, Town Clerk.

3. “Older Americans Month” – Mayor Kennedy read a proclamation designating the month of May, 2006 as “Older Americans Month”.

**C. Letter from Board of Aldermen Supporting Expansion of the facilities at the Black Mountain Correctional Center for Women**

*Alderman Brown made a motion to authorize a letter from the Board of Aldermen supporting expansion of the facilities at the Black Mountain Correctional Center for Women. She said the letter will be distributed to our local legislators for their recognition and support. The motion passed with a vote of 5-0.*

**V. COMMUNICATIONS FROM TOWN ATTORNEY - None**

**VI. CONSENT AGENDA**

A. Adoption of the Minutes

*Motion: To adopt the minutes of March 9, 2006 - Agenda Workshop, March 13, 2006 – Regular Session, March 13, 2006 - Closed Session,*

B. Adoption of Budget Amendment #20

*Motion: To adopt Budget Amendment #20 as submitted*

C. Declaration of Surplus Property within the Police Department

*Motion: To declare the above listed vehicle as surplus and authorize the sale per GOVDEALS.COM*

D. Approval of Wholesale Water Purchase Agreement with the City of Asheville

*Motion: To approve the Wholesale Water Purchase Agreement with the City of Asheville and to authorize the Mayor to sign the agreement on the behalf of the Town of Black Mountain*

E. **CALL FOR PUBLIC HEARING** on the Annexation of a Portion of the Property known as The Settings, as described in Plat Book 102, Page 63 of the office of the Register of Deeds for Buncombe County

*Motion: To call for a public hearing on the proposed annexation of Phase 2A of the property known as The Settings as described in Plat Book 102, Page 63 of the office of the Register of Deeds for Buncombe County; said hearing to be held on Monday, May 8, 2006 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 in Black Mountain, NC*

F. Adoption of Budget Amendment #21

*Motion: To adopt Budget Amendment #21 as submitted*

G. Adoption of Budget Amendment #22

*Motion: To adopt Budget Amendment #22 as submitted*

H. Resolution to Designate First Citizens Bank as an official Depository of the Town of Black Mountain

*Motion: To adopt Resolution to Designate First Citizens Bank as official Depository of the Town of Black Mountain*

*All items on the Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.*

**VII. COMMUNICATIONS FROM THE TOWN MANAGER**

**A. Review of Consent Agenda**

**B. Projects Update**

1. **Dogwood Lane Bridge** – Mr. Caudle reported that according to Bob Watts, Public Works Director, the bridge should be open within the next two to three weeks.

2. **U.S. Highway 70 sidewalk** – Mr. Caudle reported that a meeting is scheduled later in the month with the Department of Transportation on the U.S. Highway 70 sidewalk.

3. **Riverwalk Dog Park Dedication** – Mr. Caudle reported that the Riverwalk Dog Park Dedication is scheduled for Saturday, April 22, 2006 at 11:00 a.m.

4. **Land Use Planning Review** – Mr. Caudle reported that the Land Use Planning Review is scheduled for Wednesday, May 3, 2006 at 5:00 p.m.

5. **Indoor Athletic Facility** – Mr. Caudle reported that schedules of the activities at the new Indoor Athletic Facility from the Recreation and Parks Department are available.

C. Police Department Banquet is scheduled for Thursday, April 13, 2006 at Blue Ridge Assembly at 6:30 p.m.

D. Lt. Bobby Davis, Firefighter, was awarded the Sandy Powell Award.

E. Mr. Caudle congratulated Sergeant Josh King, Police Department, who is the father of a new baby girl; and Jennifer Tipton, Building, Planning and Zoning Department, passed the Level I training for building inspections with a 95% completion rate.

## VIII. COMMITTEE/BOARD REPORTS

Alderman Brown reported that Land of the Sky initiative to strive not to drive and encourage the use of public transportation is April 21 through April 23, 2006. Alderman Brown said that Black Mountain will be hosting a “Ride With Joan Day” to encourage the use of public transportation on Friday, April 21, 2006.

Alderman White said that the Mission Hospitals Care-Van sponsored by the Health Initiative will be in Black Mountain on Friday, April 21, 2006 from 9:00 a.m. to 1:00 p.m. The Care-Van will be located in the Town Hall Parking lot and will offer various health checks free of charge.

## IX. OLD BUSINESS

### A. Review of possible Implementation Alternatives for the Second Phase of Pay Plan Classification Update.

Anthony Caudle, Town Manger, reported that the pay plan classification update is designed to review all of the town positions and to determine whether the present rate of pay is comparable in the market for which the town competes for employees. He said that in January the Board of Aldermen adopted the new pay schedules and job descriptions for implementation in this month. In the second phase of the pay plan implementation, the Board of Aldermen authorized staff to examine implementation methods to address the compression issue and spread the rates of pay for employees across the new scales to differentiate between those who have been employed a longer period of time and have a greater value in terms of their job knowledge and abilities than those who have been employed for a lesser period of time. Mr. Caudle said that many different methodologies were examined. He said the recommendation to the board is to adopt the Declining Percentage Model in the second implementation stage and authorize staff to include it in the budget proposal for the board’s consideration. *Alderman White made a motion to instruct the staff to use the Declining Percentage Based Upon Salary Grade Method of Award as second phase implementation strategy for the Classification and Pay Study as conducted by Springsted, Inc., and to include in the proposed Annual Budget for FY 2006-2007 funding sufficient to implement this adjustment strategy. The motion passed with a vote of 5-0.*

### B. Pool Development Timeline

*Alderman White made a motion that the Board of Aldermen ask the Town Manager, with the Recreation and Parks Department and the Recreation Commission to take steps immediately to prepare plans for a year-round pool, gymnasium and fitness center and for the grant application in January, 2007 to NC Parks and Recreation Trust Fund that would fund the pool portion of that facility, and to bring to the Board of Aldermen a prioritized list of site possibilities for the June meeting, in order to be ready for funding of engineering studies by July 1.*

Alderman McKeown asked whether the Health Initiative would be involved in the pool development. Alderman White said that a design and site would need to be decided on before

the Funding Committee of the Health Initiative could apply for grants. She said the Health Initiative would be able to bring in additional funds to assist with building a facility that would be more than just a pool. Alderman McKeown said that discussions centered on whether to keep the pool where it is presently located or pursue looking for land to relocate a new facility.

Alderman Brown inquired whether the steps to prepare a year-round pool including a fitness center and gymnasium would hold up work on the pool. Mr. Caudle said that he requested the Recreation Commission to identify and prioritize three sites and include in the selection process the possibility of a health facility, as opposed to just a pool, to present to the Board of Aldermen. Mr. Caudle said that if the Board wants the Recreation Commission to evaluate leaving the pool at its present location and examine an additional expansion for a health facility at a different location, then they will comply with that request. *The motion passed unanimously.*

## **X. NEW BUSINESS**

### **A. Consideration of Old Depot Association's Plan to Landscape Area between Caboose and Depot Building on Sutton Avenue**

Allison Amatangelo, President of the Old Depot Association Board of Directors, addressed the Board and said the association is requesting permission to construct a memorial garden between the Depot Building and the Caboose. She said the association has applied for a \$7,000 grant through the Community Foundation of Western North Carolina to refurbish the caboose and turn it into a railroad museum. She said included will be landscaping the area between the Caboose and the Depot Building. She said the Association is in the process of obtaining permission from Norfolk-Southern to proceed with the project. She asked for the Town's encouragement and support of this project. *Alderman Phillips made a motion to approve the Old Depot Association's plan to landscape and improve the area between the caboose and depot building, contingent upon the Association receiving written permission from Norfolk-Southern. The motion passed unanimously.*

### **B. Policy to Amend New Water Account Application Process to Include Security Deposit Option**

Bo Ferguson, Assistant Town Manager, said that staff is requesting to add an option to the application for new water service. He said that currently the applicant's social security number is required for new water service; however, a change in state law makes it illegal for the town to make that requirement. He said it is not illegal to request the social security number. Applicants who do not wish to provide a social security number will be required to pay a \$200 security deposit which would be fully refundable when the water account is closed in good standing. Mr. Ferguson said that any remaining outstanding debt would be covered with the security deposit. *Alderman Brown made a motion to approve the proposed policy for establishing the option of a security deposit when applying for a water account with the Town, and direct that it be included in the Town's Statement of Policy. The motion passed unanimously.*

**C. Golf Course Operations Equipment Lease**

Mr. Caudle reported that this is a proposal to lease specific pieces of equipment for the Golf Course operations to replace some dilapidated and aging equipment and cut down on staff time committed to maintenance of the equipment. Ron Sneed, Town Attorney, has made contact with the leasing company to make some changes in the wording of the lease which will be forthcoming. *Alderman McKeown made a motion to enter into a lease agreement with Smith Turf & Irrigation for the pieces of golf course operation equipment, as described, for 60 months and to authorize the Town Manager to execute the lease agreement on the behalf of the Town of Black Mountain. The motion passed unanimously.*

**XI. CITIZEN COMMENTS** – (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)  
**None**

**XII. CLOSED SESSION** – *Vice Mayor Sobol made a motion to go into Closed Session at 7:25 p.m. to discuss Property Acquisition – as permitted in NCGS 143-318.11(a)(5). The motion passed unanimously.*

**XIII. ADJOURNMENT** – *With no further business, Alderman Sobol made a motion to adjourn the meeting at 8:00 p.m. The motion passed with a 5 -0 vote.*

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Will Kennedy, Mayor

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Anthony N. Caudle, Town Manager

ATTEST:

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Shirley J. Raines, CMC, Town Clerk