

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
August 8, 2005

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, August 8, 2005 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 Wm. Michael Begley
Vice Mayor Will Kennedy
Alderman Joan Brown
Alderman Phil Garrison
Alderman C. Michael Sobol
Alderman Mary Leonard White

The following staff members were present:

Anthony N. Caudle, Town Manager
Bo Ferguson, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Gary Bartlett, Director of Public Safety
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director
Randy Wilson, Recreation & Parks Director

Representing the media:

John P. Kennedy, Black Mountain News
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Begley led the Pledge of Allegiance, followed by prayer, led by Monsignor Michael Patrick Flanagan, a Roman Catholic priest who serves as a missionary to the island of Jamaica and whose home base is in Black Mountain, NC.

Mayor Begley 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.

II. ADOPTION OF THE AGENDA

The minutes of July 7, 2005 - Agenda Workshop, July 11 - Regular Session, and July 11, 2005 – Closed Session were approved.

The agenda was amended at the Agenda Meeting on August 4, 2005 with the following changes:

Under V, Consent Agenda, add item “I”.

Under VI, Communications from the Town Manager, delete item #3.

Under VII, Committee/Board Reports, add item “B”.

The Board agreed to move items “F” and “H” under “Consent Agenda” to “New Business”.

With these changes the agenda was approved with a 5-0 vote on a motion by Alderman Brown.

III. COMMUNICATIONS FROM THE MAYOR

Mayor Begley stated that Harry Pappas, long-time resident and businessman in Black Mountain died unexpectedly. Mayor Begley asked for a moment of silence to acknowledge his passing.

IV. COMMUNICATIONS FROM TOWN ATTORNEY – None.

V. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of July 7, 2005 - Agenda Workshop, July 11 - Regular Session, and July 11, 2005 – Closed Session

B. Adoption of Budget Amendment #01

Motion: To adopt Budget Amendment #01 as submitted

C. Adoption of Budget Amendment #02

Motion: To adopt Budget Amendment #02 as submitted

D. Declaration of Certain Police Department Vehicles as Surplus to be Disposed of Through a Sealed Bid Process

Motion: To declare the above-listed vehicles surplus property to be disposed of through the statutorily authorized sealed bid process (no minimum bid required)

E. CALL FOR PUBLIC HEARING – Reschedule Public Hearing to Consider Resolution of Intent to Close a Portion of the Right-of-Way of Ridgedale Avenue from the Intersection with Reunion Hill Lane to the Intersection with Carolina Heights Road, and the Alleyway from Vine Street into Robert and Jean Briscoe’s Property

Motion: To pass the Resolution of Intent to close the right-of-way of Ridgedale Avenue from the intersection with Reunion Hill Lane to the intersection with Carolina Heights Road and the alleyway from Vine Street into Robert and Jean Briscoe’s property as recommended by the Planning Board, and to hold a Public Hearing on the matter at the September 12, 2005 Regular Meeting at 6:00 p.m. or as soon thereafter as possible

F. Closeout of CDBG and HOME Funds Projects

Motion: To approve ordinances for closeout of the CDBG and HOME Funds Projects as follows: (1) CDBG Capacity Building Grant Project; (2) FY99-00 HOME Funds Housing Rehab Project; (3) FY00-01 HOME Funds Pre-Development Grant Project; and (4) FY01-02 HOME Funds Housing Rehab Project

Scott Dedman, Executive Director with Mountain Housing Opportunities, Inc. reviewed the completed grant projects for Black Mountain. He encourages any citizen to contact Mountain Housing if they are in need of repairs or rehabilitation to their home. Mr. Dedman reported that Mountain Housing is in negotiation to purchase property in Black Mountain and will build approximately 11 housing units.

G. Acceptance of Grant from the North Carolina Department of Environment and Natural Resources for the Publication of an Informational Brochure on the Infestation of the Woolly Adelgid

Motion for Consideration: To accept the grant award of \$1,480 from the North Carolina Department of Environment and Natural Resources for the purpose of developing an informational brochure associated with the infestation of the Woolly Adelgid

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.

VI. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Reconfiguration of Traffic Patterns at Dougherty, Sutton and Black Mountain Avenues

– Mr. Caudle reported that requests from various businesses and citizens have come forward asking that staff review alternatives that will create a four-way stop at Dougherty, Sutton and Black Mountain Avenues. He said staff is also trying to provide a location for the bus to wait out of the traffic pattern.

2. Proposed Closing of Rail Crossings

– Mr. Caudle reported at the last meeting we talked about the proposal from Gannett Fleming who is the engineering firm employed by the North Carolina Department of Transportation to look at rail crossings and potential closings and reworking thereof. The Board passed a resolution that supported the concept of additional safety and the potential for closing crossings so long as it is in coordination with what the Town wants to do in terms of our traffic pattern. Our Planning Director, Elizabeth Teague, spoke with the Rail Division of DOT and discovered that Gannett Fleming had not circulated the report to the Rail Division. Ms. Teague forwarded a copy of the study to the Rail Division. Mr. Caudle explained that the resolution that was passed was based on the recommendation of the Engineering Firm without the knowledge of the Rail Division. Alderman Sobol noted that four of the crossings are private and asked what position should the Board take on these? Mr. Caudle said we would have to address those in association with our plans that we

are working on – the Corridor Plan and alternatives for the interchange locations; all these figure into that. The plan also addressed that specific issue with regard to two of those private crossings – one at Ingle’s Warehouse and one at the radio station because Gannett Fleming proposed to construct another road that would keep those two private entities from having to cross the railroad. They did not address the crossing that accesses Montreat College property and the crossing that accesses Joe Hemphill’s property, which the Town also uses to access a water tower. Alderman Sobol asked if this issue would surface again when the Corridor Study comes up. Mr. Caudle replied that it would.

3. TCC Report – Mr. Caudle explained that the Transportation Coordinating Committee (TCC) is the regional planning body for roads. The TCC and the Transportation Advisory Committee (TAC) met on the same day and discussed several items. He said the Metropolitan Planning Organization (MPO) had an assessment of its action plans by the Federal Highway Administration. They provided that assessment and essentially the two things that needed to be done better at the regional level is a better assessment of costs associated with needs, making sure those two items met one another, and to work on the public involvement process making sure the public remained involved in the planning particularly on major projects that create so much havoc. He said there was a presentation of the long range plan modeling analysis. The Department of Transportation has developed a traffic modeling plan that looks at what happens to traffic in the future. They also addressed mass transit and one of the things that received a good thumbs up was the line that runs from Black Mountain into Asheville. The commuter line has done far greater than anticipated which cuts down on the number of cars. He said the City of Asheville is now running a route into Weaverville. The Transportation Improvement Program and the long range plan that has developed within our region and how that ties into the Transportation Improvement Program was also discussed. The plan is about 70-80% complete and the two groups will look at the draft in August. Comments will be sent back for presentation at the September meeting so that we can move that on through the DOT approval process. The TAC heard a request from Black Mountain to conduct a feasibility study to look at Lytle Cove as one of the alternatives for interstate access and it was approved unanimously by the TAC. Alderman Sobol asked what is the completion date for the study. Mr. Caudle said the last he heard was next spring. Alderman Sobol requested that Mr. Caudle try to get a completion date.

4. Pay Classification Plan – Mr. Caudle reported that Springsted Inc. completed a staffing analysis study of all departments for the Town in early spring. Springsted is now conducting the pay classification plan update, which includes rewriting job descriptions for employees as necessary and comparing the positions within the Town for internal consistencies to make sure that employees who have more responsibility are being paid more. Mr. Caudle said the study will also evaluate the job descriptions for external competitiveness in the job market.

5. Ordinance Recodification – Mr. Caudle reported that the ordinance recodification is in process.

6. City-County Water Agreement Funding – Mr. Caudle reported that when the 2005-06 budget was developed, we were in the middle of the issue with the City and County with regard to what is known as the water agreement. Prior to this year we received approximately \$200,000 from the agreement. He said we decided to budget \$150,000. Mr.

Caudle reported the Town received notice from the County Manager that the county did not allocate any money for the cost sharing on this agreement; therefore, we start the fiscal year \$150,000 short.

7. Mountain Housing Opportunities Proposal to Develop Housing in

Black Mountain – Mr. Caudle reported, as we heard earlier in the meeting, that Mountain Housing Opportunities is making an effort to purchase property near the Carver Center to build a housing development. This is not an effort that requires any Town participation other than in a regulatory fashion. Mountain Housing acts as a developer and goes through processes the same as a private developer.

8. Speeding Ordinance Revisions – Mr. Caudle reported that staff has been

working on revising the speeding ordinances in the Town. He said this came out of the Comprehensive Plan. The goal was to reduce the Town-wide speed limit from 35 miles per hour to 25 miles per hour, particularly on unposted roads. Mr. Caudle said the paperwork has been submitted to the North Carolina Department of Transportation. He said it could be another 2-3 months before we hear back from them.

9. Capital Improvements Program Development – Mr. Caudle reported

that staff is in process of preparing the Capital Improvements Project update. He said staff is trying to complete the CIP document by November or December for presentation to the Board of Aldermen.

10. Street Light Replacements - Connally Street – Mr. Caudle reported that

some time ago we placed some new street lights on Connally Street to try and generate discussion about the proposed use of fully cut-off fixtures. These are light fixtures that are recessed into the heads of the street lights, and they do not broadcast light above the light – it throws the light down on the street. We have received favorable comments and had proposed to try and do one neighborhood with the idea that it would be a pilot neighborhood. This is an effort to comply in spirit with the lighting ordinance. Mr. Caudle said the replacement of those street lights is complete, and he encourages the neighborhood to look at the lights and submit their comments to Town Hall.

VII. COMMITTEE/BOARD REPORTS

A. Planning Board Work Plan for Revising the Land Use Codes –

Stephan Stackhouse, Chair of the Planning Board, presented a proposed Planning Board Work Plan for Revising the Land Use Codes as requested by the Board of Aldermen. He explained that the Work Plan will allow the Planning Board to provide periodic updates and draft regulations (when available) to the Aldermen for their feedback during this process. Mr. Stackhouse stated that the Planning Board would also like to invite the participation of the general public during these workshops.

B. Bus Report – Alderman Brown reported that Asheville Transit is constantly

looking at other alternatives to extend routes to Asheville. She reported that the ridership for June and July was up 54% over last year. There were 2,768 people who rode the Asheville Transit bus and 869 who rode the Mountain Mobility bus in June and July. Alderman Brown

thanked Linda Giltz, with Land-of-Sky Regional Council, who has worked so diligently with the Asheville Transit and Mountain Mobility in bringing bus transportation back to Black Mountain. Alderman Brown noted that Ms. Giltz will not be working with the bus transportation project as the grant for that position has ended. She will continue to be involved with Land-of-Sky Regional Council.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

A. Discussion of Yard Sale Sign Regulations

Vice Mayor Kennedy noted he feels the need to think one more step ahead on how to handle yard sale signs. He said we tried to restrict the use of these signs, but there is an increasing desire by people to have more contact with the major roads so people can be guided to their neighborhood where they are having yard sales. *Vice Mayor Kennedy would like to move that the Town Planning Board examine the issues surrounding yard sale signs and make recommendations for managing their advertisement and promotions within the Town. The motion passed with a vote of 5-0.*

B. Consideration of Revised Building Permit and Inspection Fees Schedule

Mr. Caudle reported that in the original Building Permit and Inspection Fees Schedule, there was a statement that read: "A permit may be renewed one time at a cost of 50% of the original permit cost." He explained that this is no longer permitted under North Carolina State Building Codes. Mr. Caudle said no work authorized by any permit that has expired shall be performed until a new permit has been secured. *Alderman Brown made a motion to approve the revised Building Permit and Inspection Fee Schedule as proposed. The motion passed with a vote of 5-0.*

C. CALL FOR PUBLIC HEARING to consider a request from the Village of Cheshire to amend their 1998 Master Plan to allow a rear yard encroachment of up to 12 feet within the 20-foot setback of residential buildings.

Mayor Begley asked Vice Mayor Kennedy to chair the meeting for this item as the developer is a client of his. Mr. Caudle said this item had originally been presented to the Board as a request to allow a rear yard encroachment of 8' into the 20' setback. This was an incorrect description. The request that was placed before the Planning Board and they recommended for change was for a 12' encroachment into a 20' setback. Alderman Sobol said that only one person asked for this change because he wants to put a deck at the rear of his house. He said there is already a mechanism in place for this. Alderman Brown said a Traditional Neighborhood Development is different from other subdivisions. Alderman Sobol noted that a Traditional Neighborhood Development should be looked at for zoning like other subdivisions. *Alderman Brown made a motion to schedule a Public Hearing for September 12, 2005 at 6:00 p.m. or as soon thereafter as possible, to be held in the Public Safety Building at 106 Montreat Road in order to consider a request from the Village of Cheshire to amend their 1998 Master Plan text to specify a rear encroachment within the setback of residential buildings as*

recommended by the Planning Board. With no further discussion, the motion passed with a vote of 5-0.

X. CITIZEN COMMENTS - At 7:10 p.m. Mayor Begley asked for Citizen Comments.

Belinda Box, 107 3rd Street, stated she has two concerns:

1. Ms. Box said several people would like the pool to be open later in the season and later in the evening.
2. Ms. Box said in conjunction with the Health Initiative regarding sidewalks, she feels we need a sidewalk from the Primary School to the Elementary School; she said if the school children followed the horse shoes painted on the road by the school, they would walk into the line of traffic. She suggested that Village Way be made into a one-way road and offered her assistance with this project.

Harry Hamil, 15 John Myra Avenue, said he has been impressed with the way Alderman Brown shows appreciation to the volunteers. Mr. Hamil referred to the Call for the Public Hearing for closing a portion of the right of way of Ridgedale Avenue. Because of time constraints to publish the legal notice, the hearing had to be rescheduled until September 12, 2005. Mr. Hamil said the property owners, Mr. & Mrs. Robert Briscoe, were not notified of the change in date. He said a similar situation happened several years ago with the Laurel Court development. Mr. Hamil said the Board also changed the Building Permit and Inspection Fee schedule and did not give adequate notice to the public.

Ron Collins, 400 Blue Ridge Road, asked if the political signs are covered under the sign ordinance.

Alderman Brown thanked Public Safety Director, Gary Bartlett, for the new report that is being compiled showing monthly activity from the Fire and Police Departments.

XI. CLOSED SESSION - With no further business Mayor Begley asked for a motion to go into Closed Session. *Vice Mayor Kennedy made a motion to go into Closed Session at 7:40 p.m. to discuss:*

- A. Pending Litigation - as permitted in NCGS 143-318.11(a)(3)
- B. Property Acquisition – as permitted in NCGS 143-318.11(a)(5)

The motion passed unanimously.

XII. ADJOURNMENT - *With no further business, Alderman Garrison made a motion to adjourn the meeting at 9:07 p.m. The motion passed unanimously.*

Wm. Michael Begley, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk