

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**AGENDA MEETING**  
**December 12, 2005**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in the regular monthly agenda workshop and regular session on Monday, December 12, 2005 at 4:30 p.m. in the meeting room of the Public Safety Building, 106 Montreat Road, Black Mountain, NC.

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

Vice Mayor Will Kennedy  
Alderman Joan Brown  
Alderman-elect Chuck McKeown  
Alderman-elect Rosalie Phillips  
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  
Elizabeth Teague, Planning Director  
Bob Watts, Public Works Director

Representing the media:

John P. Kennedy, Black Mountain News  
David Forbes, Asheville Daily Planet  
Gary & Sally Biggers, Black Mountain Video Productions

Vice Mayor Kennedy called the meeting to order.

The Board agreed to schedule a workshop for Friday, January 6, 2006 beginning at 8:30 a.m.

The Board discussed putting "Citizen Comment" earlier on the agenda. After discussion, the Board agreed that in the January meeting, they would receive "Citizen Comment" before the adoption of the agenda and also at 8:00 p.m.

Members then reviewed the items that are proposed for the December regular session agenda and made the following changes:

Under V, Communications from the Mayor, moved item "C", Leaf Pick-up Process to VIII, Communications from the Town Manager.

Under XI, New Business, added new item "B", Soccer Facility.

*Alderman Brown made a motion to recess at 5:40 p.m., after which time the Board reconvened at 6:20 p.m. for the Regular Session Board Meeting. Approved 4-0.*

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**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
December 12, 2005**

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**I. CALL TO ORDER**

- Welcome
- Pledge of Allegiance
- Prayer Led By: Rev. David Rayburn, Pastor, First Baptist Church, Black Mountain, NC

Vice Mayor Kennedy called the meeting to order at 6:20 p.m. with the following members present:

Vice Mayor Will Kennedy  
Alderman Joan Brown  
Alderman-elect Chuck McKeown  
Alderman-elect Rosalie Phillips  
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  
Elizabeth Teague, Planning Director  
Bob Watts, Public Works Director

Representing the media:

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Vice Mayor Kennedy led the Pledge of Allegiance, followed by prayer, led by Rev. David Rayburn, Pastor, First Baptist Church, Black Mountain, NC.

Vice 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.

## **II. OATH OF OFFICE**

Shirley Raines, Town Clerk, administered the oath of office to Mayor-elect Will Kennedy. Mayor Kennedy administered the oath of office to Aldermen-elect Chuck McKeown and Rosalie Phillips. All members will serve a four-year term.

## **III. ELECTION OF VICE MAYOR**

Mayor Kennedy asked for nominations for Vice Mayor. *Alderman White nominated Alderman Sobol for the office of Vice Mayor. Alderman Brown nominated Alderman White for the office of Vice Mayor. The Board voted 4-1 for Alderman Sobol for Vice Mayor, with Alderman Brown voting against. The Board voted 1-4 for Alderman White for Vice Mayor. Alderman Sobol was elected Vice Mayor.*

## **IV. ADOPTION OF THE AGENDA**

The minutes of November 10, 2005 - Agenda Workshop, November 14, 2005 - Regular Session, November 14, 2005 – Closed Session, and November 28, 2005 – Special Meeting were approved.

The agenda was amended with the following changes:

Under V, Communications from the Mayor, moved item “C”, Leaf Pick-up Process to VIII, Communications from the Town Manager.

Under XI, New Business, added new item “B”, Request for Additional Funding for the Soccer Facility.

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

## **V. COMMUNICATIONS FROM THE MAYOR**

**A. Resolution Honoring Outgoing Board Member** – Mayor Kennedy read a Resolution of Appreciation for outgoing Board member, Phil Garrison.

**B. Resolution Awarding Badge and Sidearm to Retiring Officer Steve Crisp** – Mayor Kennedy read a Resolution awarding badge and sidearm to retiring officer, Steve Crisp, who retired on disability with 15 years of service.

Mayor Kennedy made comments and presented a general state of affairs of the Town.

## **VI. COMMUNICATIONS FROM TOWN ATTORNEY** – None.

## VII. CONSENT AGENDA

- A. Adoption of the Minutes  
*Motion: To adopt the minutes of November 10, 2005 - Agenda Workshop, November 14, 2005 - Regular Session, November 14, 2005 – Closed Session, and November 28, 2005 – Special Meeting*
- B. Adoption of Budget Amendment #08  
*Motion: To adopt Budget Amendment #08 as submitted*
- C. Adoption of Budget Amendment #09  
*Motion: To adopt Budget Amendment #09 as submitted*
- D. Adoption of Budget Amendment #10  
*Motion: To adopt Budget Amendment #10 as submitted*
- E. Scheduled List of Board of Aldermen Agenda Meetings and Regular Session Meetings for 2006  
*Motion: To adopt the scheduled list of Board of Aldermen Agenda Meetings and Regular Session Meetings for 2006*
- F. Acceptance of Grant from Pigeon River Fund for Restoration, Easement Acquisition, and Development of Master Plan for Primary School and Flat Creek Greenway  
*Motion: To accept the Pigeon River Fund grant and to authorize the manager to sign all documentation associated with the administration of that grant*
- G. Acceptance of Grant from Black Mountain Community Endowment Fund for Construction of Village Way Greenway Segment  
*Motion: To accept the Black Mountain Community Foundation grant for the construction of the Village Way greenway segment and to authorize the manager to sign all documentation associated with the administration of that grant*
- H. **CALL FOR PUBLIC HEARING** on the Annexation of a Portion of the Property Known as The Settings  
*Motion: To call for a public hearing on the proposed annexation of Phase II of the property known as The Settings to be held on Monday, January 9, 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*

## VIII. COMMUNICATIONS FROM THE TOWN MANAGER

- A. **Review of Consent Agenda**
- B. **Projects Update**

1. **Replacement of the Recreation and Parks Director** – Mr. Caudle announced that LuAnn Bryan has been hired to fill the position of Recreation and Parks Director. She previously worked as Recreation & Parks Consultant with the North Carolina Division of Parks & Recreation. He said she will begin work on January 3, 2006.

**2. Impending Annual Financial Report** - Mr. Caudle reported that the auditor, Johnson Price and Sprinkle, has completed the annual financial report for FY 2004-05 and due to scheduling conflicts, the report will be presented at the January meeting.

**3. Treatment of Hemlock Trees** – Bob Watts, Public Works Director, reported that staff is in process of treating the woolly Adelgid pest on the hemlock trees on the public right-of-way. He said the treatment program is very expensive and staff will continue the treatment program through the winter into spring.

**4. GovDeals Auction of Surplus Vehicles** – Bo Ferguson, Assistant Town Manager, reported that the auction process the Town entered into through the internet, GovDeals, to sell surplus equipment has been very successful. He said 218 bids were received. Mr. Ferguson said the total income for all equipment sold was just over \$7,500. He noted that this amount was significantly more than we had anticipated.

**5. Holiday Schedule – Town offices closed:** Mr. Caudle reported the following schedule would be observed during the Christmas and New Year’s Holiday:

**December 23 and December 26 – Christmas Holiday**

**January 2 – New Year’s Holiday**

**6. Holly Jolly Evening** – Mr. Caudle reported that there was a good turnout for the “Holly Jolly” on Friday evening, December 2. He explained that this is the evening when downtown businesses stay open late for shopping.

**7. Leaf Pick-up Process** – Bo Ferguson, Assistant Town Manager, explained the leaf pick-up process. He said that during peak leaf times of October 1 through January 31 leaves must be bagged and left at the curb for pickup. Citizens do not have to call for pickup during this time. Individuals who are over the age of 70 and have a property tax valuation under \$150,000 or who are disabled and have a property tax valuation under \$150,000 are eligible to participate in the Assisted Bagged Leaf Collection Program. The Town contracts with a private hauler to bag leaves for disposal. Mr. Ferguson said after the leaves are brought to the curb, the individual must call Town Hall to arrange for pickup.

## **IX. COMMITTEE/BOARD REPORTS**

**A. Board/Committee Appointments** – Mayor Kennedy reported there are (2) alternate vacancies on the Board of Adjustment and one application has been received. *Alderman Brown made a motion to appoint Dawn Wilson to fill the second alternate position on the Board of Adjustment. The motion passed with a vote of 5-0.*

### **B. Request to Apply for 2006-07 Historic Preservation Fund Grant -**

Susan Robinson, Chair of the Historic Preservation Commission, presented a request to the Board of Aldermen to approve an application for federal matching grant funds through the Historic Preservation Funds. A total of \$4,000 would need to be allocated in the Town’s FY 2006-07 budget. This effort will build on the Commission’s commercial structures inventory, continuing their work to complete a Comprehensive Historic Resources Preservation Plan, and

may result in future nominations to the National Register or could identify another possible historic district to be designated. *Alderman White made a motion to authorize the Historic Preservation Commission to apply for grant funding from the Historic Preservation Fund in order to assist with the continuation of a historic resources inventory for the Town, to allocate \$4,000 in the 2006-07 budget, and to authorize the Town Manager to sign the application on the behalf of the Town. The motion passed with a vote of 5-0.*

**X. OLD BUSINESS**

**A. PUBLIC HEARING – To Approve a Resolution to Close a Portion of a Platted Right-of-Way that Runs in a Northeast Direction from Carver Avenue towards Chicago Avenue and Dead Ends into Undeveloped Property**

Elizabeth Teague, Planning Director, reported that a request to close a portion of a platted right-of-way that runs in a northeast direction from Carver Avenue towards Chicago Avenue and dead ends into undeveloped property was submitted to the Planning Board. At their November 1, 2005 meeting the Planning Board voted unanimously to support the petitioners' request.

Mayor Kennedy opened the public hearing.

Ruth Brandon, 722 Laurel Avenue, asked who owns the property. David Matney, attorney for the petitioners, answered that the owners are Michele Denoff and Michele Derry.

Elaine Loutzenheiser, 410 Avena Road, asked if this property is a part of the Mountain Housing project. Ms. Teague, Planning Director, responded that Mountain Housing Opportunities has purchased property adjacent to this property and will be constructing an 11-unit subdivision. Ms. Brandon asked who is building the 11 units. Ms. Teague said it is a project of Mountain Housing Opportunities and is based on a Habitat for Humanity model.

With no further public comments, Mayor Kennedy closed the public hearing.

*Alderman Brown made a motion to pass the Resolution to close a portion of a platted right-of-way that runs in a northeast direction from Carver Avenue towards Chicago Avenue and dead ends into undeveloped property.*

Vice Mayor Sobol said we need a policy for closing streets.

Alderman McKeown said there should be some criteria for closing right-of-ways and streets. He said he normally would not be in favor of closing a right of way, but would support the request because the Planning Board has recommended the right-of-way be closed.

Alderman Brown said the Planning Board reviews and considers each request individually because each request is different.

Mayor Kennedy asked if closing of streets would be reviewed during the zoning rewrite. Elizabeth Teague, Planning Director, said no but could possibly be considered with the greenway master plan. She said Black Mountain has a large number of right-of-ways.

Alderman McKeown said petitioners have to pay money for this process. Ms. Teague said it is possible to set out some criteria and allow a case by case review. She said each situation is different.

*With no further discussion, the motion passed with a vote of 4-1 with Alderman Sobol opposed.*

**B. Review of Boards and Commissions Manual**

*Alderman Brown made a motion to adopt the proposed draft revisions to the Manual for Appointed Boards and Commissions. The motion passed with a vote of 5-0.*

**XI. NEW BUSINESS**

**A. Request from Montreat College to Participate in Land Use Planning Activity**

*Motion for Consideration: To designate one member of the Board of Aldermen to serve with one staff member, as designated by the Town Manager, to serve on the Montreat College land use planning task force for the development of the In the Oaks campus*

*Alderman White made a motion to defer this item to the January meeting. The motion passed with a vote of 5-0.*

**XII. CITIZEN COMMENTS - At 7:45 p.m. Mayor Kennedy asked for Citizen Comments.**

Elaine Loutzenheiser, 410 Avena Road, stated that the lights are still out on the walking path at Lake Tomahawk. She also reported that the dumpster at Jiffy Lube has not been enclosed in accordance with the Town's ordinance.

Ruth Brandon, 722 Laurel Avenue, said that the "Holly Jolly" event was a great success. She said this is a project initiated by Business to Business in cooperation with the Chamber of Commerce. Ms. Brandon made reference to Mayor Kennedy's comments earlier about attracting industry to this area. She reminded the Board that it is the Chamber's responsibility to attract businesses to the area and hopes that the Town will work with the Chamber in this effort. Ms. Brandon congratulated Rosalie Phillips on winning the election. She said if someone on the Board leaves in the middle of their term, the next person with the highest votes should be appointed. Ms. Brandon requested that the Board agree to appoint the person next in line. Mayor Kennedy requested Town Attorney, Ron Sneed, to research Ms. Brandon's request.

**XI. NEW BUSINESS – cont.**

**B. Request for Additional Funding for the Clevenger Indoor Athletic Facility**

Mr. Caudle explained that The Settings Development donated \$40,000 for development of an indoor soccer area at the Clevenger Building. He said an additional \$20,000 was allocated at the November meeting for repair costs which exceeded the \$40,000. Mr. Caudle said Alderman Sobol is requesting the Board approve an additional \$22,000 to complete the project.

Alderman Sobol said that everything is very expensive. He said the asbestos removal cost is \$8,500. Alderman Sobol said he could not use volunteer help for the demolition because the insurance company would not cover volunteers. *Alderman Sobol made a motion requesting allocation of an additional \$22,000 for the Clevenger Indoor Athletic Facility. The motion passed with a vote of 5-0.*

Mayor Kennedy noted that the viewing times of the monthly Board meetings are: 8:00 p.m. – Thursday following the meeting, 9:00 a.m. - Saturday and Sunday following the meeting. The meetings are televised on Government Channel 2.

**XIII. ADJOURNMENT** - *With no further business, Alderman White made a motion to adjourn the meeting at 8:10 p.m. The motion passed with a 5-0 vote.*

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Will Kennedy, Mayor

ATTEST

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Anthony N. Caudle, Town Manager

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Shirley J. Raines, CMC, Town Clerk