

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**February 14, 2005**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, February 14, 2005 at 5:00 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  
Shirley Raines, Town Clerk  
Ron Sneed, Town Attorney  
Gary Bartlett, Fire Chief  
Chad Jonsson, Recreation and Parks Director  
Jack Staggs, Police Captain  
Bob Watts, Public Works 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 Rev. Rockwell Ward, Interim Pastor, Warren Wilson Presbyterian Church.

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 January 6, 2005 - Agenda Workshop, January 10, 2005 – Regular Session, January 10, 2005 – Closed Session were reviewed and approved as written.

The agenda was amended at the Agenda Meeting on February 10, 2005 with the following changes:

Under V, Item “D”, Community Gardens on Clevenger Property - the Board agreed to amend the motion to add a clause if the Town needs the property before the year is up, the Town would give the Community Garden volunteers 30 days’ notice.

The Board agreed to move Solid Waste Collection Services from VI, Communications from the Town Manager to VIII, Old Business and to add a motion for consideration to rescind the motion that authorized the change to Automated Sanitation Collection System.

Under VI, Communications from the Town Manager, moved Housing Commission Vacancy, Historic Commission Vacancy, and Urban Forestry Commission Vacancy to V, Consent Agenda. Added “Establishment of the Hurricane Response Center” report.

Under VII, Committee/Board Reports, added “Beautification Committee Report” and “Watershed Advisory Task Force Report”.

Under VIII, Old Business, move Item “A”, “Consideration of Request for Legislation Authorizing the Levy of an Additional \$5.00 Municipal Vehicle Tax for Public Transportation” to V, Consent Agenda. Under Item “B”, “Proposal to Undertake Development of Youth Center at Carver Recreation Center” - amend motion to read “To apply to the Community Foundation for a grant on the behalf of the Carver Youth Center, Inc. Board of Directors in the amount of \$5,000 for the establishment of the Youth Center and to authorize the Mayor or Town Manager to sign a letter of intent to lease space in the Carver Center for the Youth Center activities.” Move Item “D”, “Watershed Advisory Task Force Report” to V, Consent Agenda.

Under IX, New Business, move Item “A”, “Presentation of Annual Financial Report” to V, Consent Agenda. Remove Item “D”, “Request to Consider Imposition of Extraterritorial Jurisdiction”. Remove Item “E”, “Proposal to Institute Fees for the Collection of Solid Waste”.

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

Alderman White reported that RiverLink has asked that the Board of Aldermen support efforts to access funds to complete three field studies (Swannanoa River, Hominy Creek, Pigeon River) and to seek additional flood stage gages for these areas and to include a comprehensive study to include the entire French Broad River Watershed. The Board agreed by consensus. Mr. Caudle will prepare a letter and send to RiverLink.

### **III. COMMUNICATIONS FROM THE MAYOR**

Mayor Begley reported the Martin Luther King Breakfast held on January 22, 2005 was well attended.

### **IV. COMMUNICATIONS FROM TOWN ATTORNEY - None**

## V. CONSENT AGENDA

With the adoption of the agenda for the February 14, 2005 Regular Session Meeting, the following actions were approved:

- A. Adoption of the Minutes  
*Motion: To adopt the minutes of January 6, 2005 - Agenda Workshop, January 10, 2005 – Regular Session, January 10, 2005 – Closed Session*
- B. Adoption of Budget Amendment #10  
*Motion: To adopt budget amendment #10 as submitted*
- C. Request to Declare Fire Department Fuel Tanker Surplus Property  
*Motion: To declare the Fire Department fuel tanker truck surplus personal property to be disposed of in accordance with the provisions found in North Carolina General Statute 160A-266(d)*
- D. Request to Renew Authorization for Community Garden to Continue Use of Clevenger Property  
*Motion: To approve continued use of the existing Community Garden plot on the old Clevenger Mill property until April 12, 2006 subject to revocation on thirty days' notice*
- E. Request for Final Plat Approval for Riverside Business Park LLC  
*Motion: To approve the final plat for Riverside Business Park LLC*
- F. Request for Roof and Guttering Repair to Fire Station #2 and to the Remaining Unused Portion of the Clevenger Building  
*Motion: To accept (1) the bid from the Bonitz Company of Carolina-Tennessee in the amount of \$19,923 to install ISO insulation board and Johns Manville SR-50 PVC membrane on the Fire Station Portion and (2) to accept the bid from J's Roofing in the amount of \$850 to install gutter guards and provide downspout repairs to the remaining portion of the building*
- G. Appointments to Committee/Board Vacancies
  - a. Housing Commission
  - b. Historic Commission
  - c. Urban Forestry Commission
- H. Annual Financial Report by Mr. Scott Hughes with Johnson, Price & Sprinkle, PA, for Fiscal Year Ending June 30, 2004  
*Motion for Consideration: To accept the Annual Financial Report for FY 2003-04 as presented*
- I. Watershed Advisory Task Force Report  
*Motion for Consideration: To accept the report to the Board of Aldermen for the Town of Black Mountain dated February 14, 2005 as prepared by the Watershed Advisory Task Force*

J. Consideration of Request for Legislation Authorizing the Levy of an Additional \$5.00 Municipal Vehicle Tax for Public Transportation

*Motion: To request that representatives to the North Carolina General Assembly be asked to introduce legislation on the behalf of the Town of Black Mountain that would allow the Board of Aldermen to levy an additional \$5.00 vehicle tax for the express purpose of funding contractual public transportation services provided within the community*

*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. **Water Improvements Project** – Mr. Caudle reported that the North tank is full and tests will be performed. He said all construction is complete.

2. **Filling of Open Positions** – Mr. Caudle reported that he hopes to fill the Planning Director's position within the next two weeks. He said there are three additional openings: Assistant Town Manager – notice of opening has been posted and applications are being received; Recreation & Parks Director - Mr. Caudle announced that Chad Jonsson has accepted a position in Indiana to be closer to his family. Mr. Caudle recognized Chad and wished him well in his new position. Police Chief – Mr. Caudle reported that Allen Willet, Police Chief, has announced he plans to retire in March.

3. **Metropolitan Planning Organization - TCC Report** – At the request of Alderman Sobol, Mr. Caudle gave an update on the Metropolitan Planning Organization. Mr. Caudle explained that the Metropolitan Planning Organization (MPO) is a regional transportation cooperative set up through the North Carolina Department of Transportation. It has two bodies that advise the staff. The staff is paid with grant money from the state and money from the City of Asheville. It encompasses a four-county area and includes two representative bodies: the Transportation Advisory Committee which is made up of the chief elected officials from the jurisdiction within that four-county area and the Mayor serves on that committee; the Technical Coordinating Committee, which is a group of planners and administrative officials, including managers, provide technical advice to the TAC on the issues that are coming before the MPO. He said the committees meet on alternating months. The TCC meets one month and then forwards any recommendations to the TAC for consideration the following month. Mr. Caudle said the staff at the MPO is working on their work plan for the coming year. They have a sub-committee working on the long range transportation plan. The transportation plan is of great importance to the entire region as it will be the basis on which we submit many of our projects for funding through the state process into what is known as the Transportation Improvement Plan for the state. He said one of the projects is a corridor study that would look at the transportation corridor which is bounded by US 70 and I-40 and carries several different modes of transportation.

**4. Establishment of the Hurricane Response Center** – Mr. Caudle reported that a Hurricane Response Center has been established to resolve any issues left from the hurricanes. He said if anyone needs help, they should contact David Kelly at 252-3822.

**5. Cragmont Assembly and Town of Black Mountain Agreement -**

Mr. Caudle presented to the Board for approval an agreement between the Town of Black Mountain and Cragmont Assembly to use a piece of property that Cragmont Assembly currently owns at the top of Allen Mountain for the purpose of erecting a communications antenna. He said this will allow the Town's emergency management services to have improved communications throughout the valley. *After discussion, Alderman Brown made a motion to authorize the Town Manager to execute an agreement with Cragmont Assembly to use a piece of property that Cragmont Assembly currently owns at the top of Allen Mountain for the purpose of erecting a communications antenna. This will allow the Town's emergency management services to have improved communications throughout the valley. The motion passed unanimously.*

Mayor Begley explained that since there was only one opening each for the Historic Preservation Commission, Housing Commission, and Urban Forestry Commission, these were placed on the Consent Agenda. He said any time there are multiple applicants, these will be handled under the Boards/Commissions Report.

**VII. COMMITTEE/BOARD REPORTS**

**A. Recreation Commission** – Update on Black Mountain Swimming Pool and Clevenger Property (Soccer Complex)

Chad Jonsson, Recreation & Parks Director, reported that the Recreation Commission has agreed to work with Alderman Sobol to resurface the deck of the existing pool in order to meet the requirements of the State. He said Alderman Sobol is willing to organize a team of volunteers to complete this project and estimates the cost to be about \$12,000. Alderman Sobol said he feels this is a way to keep the pool open and not have to bus the children to the Owen pool. Mr. Jonsson reported that the Recreation Commission is working on plans for the indoor soccer field at the Clevenger Property as well as other activities that could be held at this location.

**B. Urban Forestry Commission** – Will Blozan, Chair of the Urban Forestry Commission, reported to the Board that the Hemlock trees are under attack by a woolly adelgid pest. He said the Urban Forestry Commission has scheduled a meeting on March 12 to organize volunteers to survey and assess Black Mountain's hemlock resources. After this assessment, the Commission will present a treatment plan to the Board of Aldermen. Mr. Blozan said the Commission has applied for a grant from the North Carolina Urban Forest Council to assist in accomplishing an initial wave of treatments and the development of a Hemlock woolly adelgid management plan. He is asking the Board of Aldermen to support this grant application. This is a matching grant for \$15,000 and can be matched with volunteer time. *Alderman Sobol made a motion to support the grant application. The motion passed unanimously.*

**C. Beautification Committee Report – Alderman Mary Leonard White**

Alderman White reported that this year is the fifth anniversary of the Beautification Committee. She announced that a celebration would be held on Friday, February 18 at 9:00 a.m. in the Public Safety Building and encouraged everyone to attend.

**D. Watershed Advisory Task Force Report – Bob Watts**

Mr. Watts, Chair of the Watershed Advisory Task Force, thanked the Board of Aldermen for accepting the committee's report. He recognized and thanked the Task Force for their work on this committee. Mr. Watts reported that the Task Force strongly supports a conservation easement on the watershed. The Task Force agrees the watershed needs to stay essentially the way it is and prohibit commercial development, logging, construction or improvement of roads, construction of ground transmission lines or towers, use of motorized vehicles except for water production or emergency fire, use of animals for recreation purposes, hunting and trapping and removal of native species or introduction of non-native species. Mr. Watts thanked the Board for their support and asked that the Task Force remain active and continue to work on a long-range water plan.

**VIII. OLD BUSINESS**

**A. Solid Waste Collection Services**

*Vice Mayor Kennedy made a motion to rescind the motion that authorized the change to Automated Sanitation Collection System. Vice Mayor Kennedy said that since the February meeting, new information has been collected which indicates there would not be an \$800,000 ten-year cost savings as indicated in earlier reports. He said GDS, our current provider for garbage collection, has offered the Town a good contract for three years. He feels we should stay with GDS and reevaluate the sanitation system in three years. Alderman Brown said she will vote to renew the contract with GDS. Alderman White is reluctant to change her mind, but the savings are not as high as originally proposed. She said she hopes problems experienced with recycling in the past with GDS will not recur in the future. The motion passed with a vote of 5-0. Vice Mayor Kennedy made a secondary motion that the Board accept the offer for contract extension for sanitation services as proposed by GDS in their letter of January 10, 2005 for three years beginning July 1, 2005. Vice Mayor Kennedy asked Mr. Caudle to review the contract as proposed by GDS. Mr. Caudle said the contract offers approximately \$50,000 per year savings over the existing contract. He said part of the way in which they will accomplish that is to take over recycling. Effective July 1 they will be doing solid waste collection and recycling. Mr. Caudle said there is a provision for a contract increase that corresponds to the consumer price index up to a maximum of 5% cap each year. He said there will be no change in the present schedule for sanitation and recycling collection. John O'Neal with GDS explained that they will run a separate route for recyclables. He encourages citizens to call him with any problems. With no further discussion, the motion passed with a vote of 5-0.*

**B. Proposal to Undertake Development of Youth Center at Carver Recreation Center**

Dr. Kevin Greenspan presented a proposal to the Board of Aldermen from the Carver Youth Center Board of Directors requesting approval to establish a youth center in the Carver Recreation Center; and allow the Carver Youth Center Board of Directors to file for a grant on behalf of the Town from the Community Foundation of Western North Carolina. Alderman Sobol said it is essential for the youth to run this center and be a part of the initial organizational meetings. *After further discussion, Alderman Brown made a motion to apply to the Community Foundation for a grant on the behalf of the Carver Youth Center, Inc. Board of Directors in the amount of \$5,000 for the establishment of the Youth Center and to authorize the Mayor or Town Manager to sign a letter of intent to lease space in the Carver Center for the Youth Center activities. The motion passed with a vote of 5-0.*

**C. PUBLIC HEARING – Public Hearing on Proposed FY 2005 – 2010 Capital Improvement Program**

Mayor Begley opened the public hearing and asked Mr. Caudle to give an introduction to the Capital Improvement Program.

Mr. Caudle gave a powerpoint presentation of the Capital Improvement Program. At the last meeting we presented the concept for the Capital Improvement Program and asked for citizen input. We have included that input into the development of the program. This is a five-year program designed to outline the expenditures required for the Town for this five-year period and to schedule those necessary projects for acquisition throughout the five-year period. Mr. Caudle said the draft copy has been presented to the Board of Aldermen and a copy is available at Town Hall for review.

John Ellery, Hilltop Road, asked would the sidewalk be put in on US 70? He is concerned about the people in wheelchairs who live in the North Blue Ridge Apartments. Mr. Caudle said this is one of the most heavily traveled areas in Town. He said the sidewalk on US 70 is a primary goal, and the Town is hoping to get grant funding to help in the cost. Mr. Ellery asked if there is anything he or the residents in the apartments can do to help make the grant applications more competitive. Mr. Caudle said he would take a look at this and let him know.

Harry Hamil, 15 John Myra Avenue, referred to item #23 regarding the multi-modal transportation center. He asked if that is entirely associated with planning for the possibility of the multi-modal transportation center. He said there has not been any agreement on the part of the State. Mr. Caudle said this is something they have been in discussion with the State and the \$20,000 allocated is for planning purposes. Mr. Hamil asked on the Laurel Ridge tanker #3, would this be the acquisition of a tanker that would be placed at Laurel Ridge and left there, and who would be able to operate that tanker from that site? Are we talking about stationing someone there? Mr. Caudle said we have volunteers who serve from that community, and they would be the first ones to respond to get the tanker and surplus engine that will be located there. It is important to note that the funding for the tanker is contingent upon fire tax district revenue being available to do it. We collect a certain percentage of revenue for the fire department for fire tax revenue as a result of a contract service we provide to the fire district. If there is

sufficient money left over from the fire tax revenue that does not subsidize the Town's cost, we will use that money for the purchase of that tanker. Mr. Hamil asked how many tankers would we have? Mr. Caudle replied two - one at the main station and one at Laurel Ridge.

With no further comments Mayor Begley closed the public hearing.

Vice Mayor Kennedy said the CIP is a financial planning document. He said there are four priorities encompassing the document: (1) addresses a health or safety issue; (2) is mandated by some federal or state agency; (3) a replacement of an existing item; or (4) an expansion item. He thinks the expansion item bleeds the color out of initiative. He said a financial document has to be structured, but the concentration on the long-range dollars does put a shadow over people volunteering new things. Vice Mayor Kennedy would like to see some better, more creative language in the document.

*Alderman Garrison made a motion to adopt the proposed FY 2005-2010 Capital Improvement Program. The motion passed with a vote of 5-0.*

**X. CITIZEN COMMENTS** - At 7:20 p.m. Mayor Begley asked for Citizen Comments.

Ron Collins, 400 Blue Ridge Road, inquired about the dirt being placed at Blue Ridge Road on the Reco property. He said he was under the impression that there is a regulation governing the ability to fill in a flooding area. Mr. Caudle explained that Montreat College and Reco had placed dirt in the floodway. The building inspector has contacted both parties and issued a stop work order.

Cecil Jividen, 31 Old Lakey Gap Road, stated that previous Boards have talked about constructing a sidewalk on Montreat Road. He said a friend was killed in 1993 on Montreat Road and would like to appeal to the Board to put a priority on construction of a sidewalk on Montreat Road.

Harry Hamil, 15 John Myra Avenue, asked if the Board would be voting tonight to supply water to "The Settings". He said the citizens cannot comment during Board discussion and feels there should be an opportunity for citizens to speak.

Ruth Brandon, 722 Laurel Avenue, stated that her comments come a little late. She said that the \$5 vehicle fee being requested comes on top of the \$5 fee already in place. Ms. Brandon said the Board is spending a lot of money and thinks the Board needs a training session on how to be conservative. Mayor Begley explained that the request for Black Mountain to charge the \$5 vehicle fee has to go to the North Carolina General Assembly for approval. Once the General Assembly approves the request, a public hearing would be scheduled.

**IX. NEW BUSINESS**

**A. Request from The Settings Development Companies, Inc. to Discuss Possible Annexation of Honeycutt Property into Corporate Limits for the Town of Black Mountain**

Mr. Marc Wilson with The Settings of Black Mountain gave an overview of the proposed community. He said the original plans called for 330 homesites, but after becoming familiar with the Town, they reduced the number to 250 sites. Mr. Wilson said 43% of the property will remain undeveloped and left in a natural state. He said the water system is designed not only for the needs of the development, but with the needs and concerns of the Town in mind as well. They will install a system with enough storage capacity to facilitate the requirements of the homeowners and to insure adequate flow for fire protection which will help maintain existing insurance rates for the Town. All costs for the installation and supply of public water will be borne by the developer and the homeowners' association. The community will have a clubhouse and pool, but will not have a restaurant. The expected tax base for the Town on vacant home site sales only will be in the range of \$200,000 per year. Once the community is completed, the projected tax income for the Town will be approximately \$775,000 or more per year. Mr. Wilson said they are requesting approval of the land plan and a commitment from the Town of Black Mountain to supply water for The Settings through annexation into the Town.

*Alderman Sobol made a motion for the Town of Black Mountain to commit to supply water to The Settings upon voluntary annexation of that property into the corporate limits of the Town of Black Mountain.*

Vice Mayor Kennedy asked if the developer considered any affordable housing and what is the rationale for a gated community? Mr. Wilson responded that affordable housing is not feasible to put on this property because of the cost of the land. He said his company is looking at property in the area that would be conducive for a higher density development. Mr. Wilson said because of the people they are trying to attract to this development, a gated community is something they desire.

Alderman Garrison said he is looking at the tax base that will be coming in when the development is complete. He said there is very little obligation for the Town. Alderman White said she is not ready to vote on this request. Alderman Sobol explained how the water would be provided. Alderman Brown asked if The Settings could set up meetings for the citizens to review the plans. Mr. Wilson said yes. Alderman White said she would like to postpone the vote because adequate information has not been provided. Mayor Begley explained that the motion is to commit to supply water, not to vote on voluntary annexation. At this time Alderman Brown called for the vote. *Vice Mayor Kennedy made a substitute motion to delay the decision on this. The motion failed with a vote of 3-2, with Aldermen Brown, Garrison and Sobol voting against. After further discussion, the original motion passed with a vote of 3-2, with Vice Mayor Kennedy and Alderman White opposed.*

**B. Request to Reclassify the Pay Grade for the Positions of Assistant Town Manager and Planning Director**

*Alderman Brown made a motion to reclassify the position of Assistant Town Manager from the current pay grade of B-18 to the proposed grade of B-25 and to reclassify the position of Planning Director from the current pay grade of B-18 to the proposed grade of B-21. With no discussion, the motion passed unanimously.*

**XI. CLOSED SESSION** - *With no further business, Alderman Garrison made a motion to go into closed session at 8:40 p.m. to discuss:*

- A. Personnel – as permitted in NCGS 143-318.11(a)(6)
- B. Property Acquisition – as permitted in NCGS 143-318.11(a)(5)

**XII. ADJOURNMENT** - *On a motion by Alderman Garrison the Board returned to open session at 9:05 p.m. With no further business, Alderman Garrison made a motion to adjourn the meeting at 9:06 p.m. The motion passed unanimously.*

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Wm. Michael Begley, Mayor

ATTEST

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Anthony N. Caudle, Town Manager

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Shirley J. Raines, Town Clerk