

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP and REGULAR SESSION
February 9, 2004

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in the regular monthly agenda workshop and regular session on Monday, February 9, 2004 at 4:30 p.m. in the meeting room of the Public Safety Building, 106 Montreat Road.

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

Also present:

Anthony N. Caudle, Town Manager
Ron Nalley, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney

Mayor Begley called the agenda meeting to order. The minutes of the January 12, 2004 Agenda Meeting and Regular Session were approved.

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

Under III, Consent Agenda, move item "E" to New Business
Under VII, Old Business, add new items "B", "C", & "D"
Added "Closed Session"

Alderman Brown made a motion to recess at 5:55 p.m., after which time the Board reconvened at 6:00 p.m. for the Regular Session Board Meeting. Approved unanimously.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, PRAYER

The regular monthly meeting of the Black Mountain Board of Aldermen was called to order at 6:00 p.m. 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
Ron Nalley, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
David Ballard, Golf Pro/Manager
Gary Bartlett, Fire Chief
Chad Jonsson, Recreation and Parks Director
Bob Watts, Public Works Director
Allen Willet, Police Chief
Jerry Wood, Planning Director

Representing the media:

Dan Hesse, Valley Record
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 The Rev. Father Gerard Freeman, Assistant Rector, Church of the Incarnation, 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 agenda was amended with the following changes:

Under III, Consent Agenda, move item “E” to New Business
Under VII, Old Business, add new items “B”, “C”, & “D”
Added “Closed Session”

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

III. CONSENT AGENDA

With the adoption of the agenda for the February 9, 2004 Regular Session Meeting, the following actions were approved:

- A. Adoption of the Minutes
Motion: To adopt the minutes of January 12, 2004 – Agenda Meeting and Regular Session
- B. Renewal of Memorandum of Agreement with North Carolina Wildlife Resources Commission to Stock Lake Tomahawk with Fish
Motion: To Approve the Memorandum of Agreement with the North Carolina Wildlife Resources Commission to Restock Lake Tomahawk with Fish Three Times Each Year and to Authorize the Mayor or Town Manager to Sign the Memorandum of Agreement on the Behalf of the Town
- C. Surplus Property Declaration
Motion: To Declare the following Fire Department Vehicle Surplus and Authorize Staff to Advertise to Accept Sealed Bids to be Sold to the Highest bidder, without a Minimum Amount.
(1) 1982 Chevrolet Kodiak Utility Truck VIN # 1GBM7D1Y1CV115002
- D. Surplus Property Declaration
Motion: To Declare the following Public Works' Vehicle Surplus and Authorize Staff to Advertise to Accept Sealed Bids with the Equipment to be Sold to the Highest Bidder, without a Minimum Amount
(1) 1988 Chevrolet K1500 4 x 4 VIN # 1GCDK14H8JZ264775
- E. **CALL FOR PUBLIC HEARING** – To Call for a Public Hearing on the Designation of a Local Downtown Historic and Conservation District and Adoption of the Black Mountain Historic District Design Guidelines
Motion for Consideration: To Call for a Public Hearing on March 8, 2004 at 6:00 p.m. or as soon thereafter as possible in the Public Safety Building to Consider Adoption of an Ordinance to Amend Sections 31.70-72 of Title III: Administration and Establish Sections 153.085-086 and Sections 153.200-217 of the Zoning Ordinance of the Town of Black Mountain to Designate a Local Downtown Historic and Conservation District and to Adopt the Black Mountain Historic District Design Guidelines

IV. COMMUNICATIONS FROM THE MAYOR

- Read a Proclamation for Paul Engineri, proclaiming February 23, 2004 as “Paul Engineri Day”. Mayor Begley said Mr. Engineri is an accomplished pianist and has volunteered his time and talents to the Swannanoa Valley for many years. He and his wife, Betty, are moving back to New York to be closer to their family.

- Reported that the Martin Luther King, Jr. Prayer Breakfast held on January 24, 2004 at Ridgecrest Conference Room was well attended. The keynote speaker was Rev. O. T. Tomes, minister in discipleship and Christian development with Friendship Baptist Church in Charlotte.
- Reported the closing of Bussman Division-Cooper Industries plant and noted the impact this will have on the people in the Swannanoa Valley.

V. COMMUNICATIONS FROM TOWN ATTORNEY – No report.

VI. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Water Improvements Project – Mr. Watts reported that the south tank site has been cleared, but construction cannot begin until the middle of March.

2. Fire Substation Development – Gary Bartlett, Fire Chief, reported that work on the south side substation (Station #2) is 50% complete. He said with good weather the project should be complete by April.

3. Comprehensive Plan Development – Mr. Caudle reported that the Comprehensive Plan Steering Committee met last month and approved a revised draft for submission to the Board of Aldermen. The Committee will meet on February 19, 2004 at 5:30 p.m. He said the purpose of the meeting is to review the final plan and set forth a plan of action. Mr. Caudle said the Committee would like to present the plan to the Board of Aldermen in March. The Board of Aldermen will establish a date when both groups can meet with the public and review the development of the plan.

4. Installation of Traffic Signals at State Street/Broadway/Montreat Road Intersections – Mr. Caudle reported that the Town has been working with the Department of Transportation to reconfigure the traffic signals at State Street, Broadway, and Montreat Road intersections to improve the traffic flow. He said staff is working with BellSouth and Charter Cable Company to remove some wiring.

5. Snow Removal/Response Activity – Mr. Watts reported that four times as much sand and salt have been used this winter for snow removal as in previous years. He said trying to remove the ice has been challenging.

6. Lighting Ordinance Development – Mr. Caudle said the Planning Board had to cancel two meetings due to inclement weather; therefore, the Lighting Ordinance will be brought back to the Board at the March meeting.

7. Report of Reallocation of Funds – Mr. Caudle reported that the first debt payment of \$21,009 for the Golf Cart Fleet purchase was due in January 2004. He said since the debt package has been completed and the amortization schedule has been calculated for the

amount of payments due through the end of the fiscal year, the funds have been transferred from the Capital Outlay line item to the Debt Payment line item.

8. Watershed Advisory Task Force – Mr. Caudle reported that the Watershed Advisory Task Force has not met due to inclement weather, but a meeting will be scheduled soon. He said the Task Force was created to look at the possibility of putting the 400-acre watershed property under a conservation easement and make recommendations to the Board.

9. Golf Course Superintendent – Mr. Caudle reported that Bud Adams, Golf Course Superintendent, passed away on January 23, 2004 after losing a courageous battle with cancer. He said our thoughts and prayers are with Bud's family.

VII. COMMITTEE/BOARD REPORTS

A. Update from Beautification Committee Subcommittee Working on the Development of Riverwalk Park – Stephanie Wilds gave an update on Riverwalk Park. She said the committee has been busy in developing a plan and securing funding. A requirement of funding is to have a civil engineer go over the plan and make sure this is an actual functioning stormwater filtration system. Ms. Wilds noted that Mike Miller, with Riverlink, Swannanoa Watershed Coordinator, secured a civil engineer with TVA and Randy Burroughs, who designed the plan, and worked together to come up with a modification of the plan. Mr. Miller said that Riverwalk Park will be a good example of a demonstration project that Black Mountain can build on in the Phase II requirements of the project and can also serve as an educational vehicle for students and citizens. Mr. Miller said \$38,718 was put into the budget to fund this project and is matched in-kind by volunteer labor on the Town's part. He said the committee hopes to get started some time in March. Ms. Wilds said that a work day is planned for Montreat College students the first weekend in April, and they are excited about helping to build this park. She hopes the park opening will coincide with National Arbor Day which falls at the end of April.

B. Housing Commission – Alderman Sobol reported that he would be relinquishing his position as Chair of the Housing Commission. He said there are two vacancies on the Housing Commission and encourages anyone interested in serving on this Commission to stop by Town Hall and complete an application or download the form from the Town's website.

C. Bus Report – Alderman Brown noted that the Mountain Mobility Bus is a community bus. She said some people think this is a bus for handicapped people, but it is a public transportation bus that transports riders from different areas of town to the main terminal by the depot.

Alderman Brown reported that the Chamber of Commerce is sponsoring the Mt. Mitchell Marathon on February 28, 2004. She said there are approximately 200 runners in the event, along with their families, and will bring an economic boost to the Town and community. Alderman Brown said the Chamber is also putting together a new tourist guide which will include Black Mountain, Swannanoa, Montreat, and Ridgecrest.

D. Land-of-Sky Regional Council – Alderman White reported that the Land-of-Sky Regional Council has produced a video titled, “A Sense of Place”, which is available to organizations showing scenes from Black Mountain, Asheville, and surrounding counties depicting the type of place in which we live and our vision for the Town and County. She said if anyone is interested in showing this video to their business or group, they should contact Land-of-Sky Regional Council.

VIII. OLD BUSINESS

A. PUBLIC HEARING – To Solicit Input on Proposed FY 2004-2009 Capital Improvement Program

Mayor Begley opened the public hearing and asked Tony Caudle, Town Manager, to review the Capital Improvement Program.

Mr. Caudle gave a brief summary of the Capital Improvement Program for FY 2004-2009. He said the CIP is designed to forecast the capital needs of the Town over the five-year period. Mr. Caudle said within the General Fund some items that are of special interest are:

- Bus shelters
- A multi-modal transportation center; this is planned in hopes that passenger rail service will return to western North Carolina
- Allocation for street paving and sidewalk replacement
- Allocation for the Town to undertake sanitation services
- Proposed sidewalk from Cragmont Road down to U.S. 70 to Blue Ridge Road – Alderman Sobol, Chair of the Greenways, Bikeways, and Walkability Committee, said their committee recognized the need for a sidewalk to accommodate the residents in the Blue Ridge Apartments who are in wheelchairs and those who walk to the Ice Service Store and other businesses. He said he met with McGill & Associates and the Department of Transportation. The cost to do this project is around \$170,000 and hopes that the Town will be able to get some grant money from DOT. He said he would like to go to the Department of Transportation and get on record that the Greenways Committee and the Board of Aldermen endorse the plan for the sidewalk. Alderman Sobol then said he would like to make this motion. At this time, Mayor Begley asked to hold the motion until the public hearing is complete.

Mayor Begley then asked for public comment.

Harry Hamil, 15 John Myra Avenue, asked if the paving of the portion of Hamlet that is on the south side of Cotton Avenue would be paved under the CIP. He said this particular section of the road connects into Laurel Court; it was essentially a driveway for Tracy Taylor until Laurel Court was built. Mr. Hamil said he feels the Town has a responsibility to the citizens who use this road. Mr. Caudle said he would check with the Public Works Director to see if this road is scheduled for paving.

With no further comments, Mayor Begley closed the public hearing and opened the floor to Board members for discussion.

Vice Mayor Kennedy asked Mr. Caudle to give a summary of funding of capital projects.

With no further discussion, Alderman Brown made a motion to adopt the proposed FY 2004-2009 Capital Improvements Program. The motion passed unanimously.

At this time, Alderman Sobol made a motion that the Board of Aldermen endorse the proposal from the Greenways, Walkability, and Biking Task Force to construct a sidewalk along U.S. 70 from Cragmont Road to Blue Ridge Road and send to the Department of Transportation to encourage them to put into their budget. The motion passed unanimously.

B. Request to Apply to North Carolina Parks and Recreation Trust Fund for Matching Grant Proceeds to Subsidize a Portion of the Construction of a New Pool

Mayor Begley said a motion was made to defer this item for consideration at an earlier meeting. Mayor Begley said procedurally he would need a motion to revive discussion. *Vice Mayor Kennedy made a motion to revive discussion on the deferred motion. The motion passed unanimously.*

Mayor Begley noted that the motion for consideration is to endorse the Grant Application and to authorize the Town Manager to sign the application on the behalf of the Town of Black Mountain. Mayor Begley said that in the agenda meeting, it was the consensus of the Board to proceed in a different direction. Mayor Begley said he would need a substitute motion to proceed. *Vice Mayor Kennedy made a substitute motion to establish a task force to study feasibility and develop a comprehensive framework for a multi-purpose recreational and health program and center; the task force to present to the Board of Aldermen by December 2004 a proposal including application for a grant for new pool construction from the North Carolina Parks and Recreation Trust Fund. This task force will include no more than fifteen representatives of potential community partners such as: health institutions including hospitals and rehabilitation services; the Town's Parks and Recreation Commission and its sports and hiking activities; education including public and private elementary, secondary and higher education institutions; businesses with their contributions to a healthy community; and faith-based institutions.*

Vice Mayor Kennedy said that he and Alderman White, Mayor Begley, and Town Manager, Tony Caudle met with Dr. Olsen Huff and a member of Mission Hospital staff to explore the possibility of developing a multi-purpose recreational and health program and center. He said Dr. Huff feels Black Mountain could become a community known for its development of a totally healthy community. Alderman Brown noted that she was not invited to attend the meeting with Dr. Huff. *After discussion, the amended motion passed with a vote of 5-0.*

C. Consideration of Decorative Streetlight Cost Sharing Policy

Town Manager, Tony Caudle, explained that a policy for Decorative Streetlight Cost Sharing is being proposed for consideration by the Board of Aldermen to be included in the Statement of Policy manual. He said that the policy will regulate the installation of decorative streetlights on public streets and rights-of-way. Mr. Caudle said the Town will participate in

shared operational costs in accordance with the policy. *After discussion, Alderman Garrison made a motion to amend the Statement of Policy manual to regulate the installation of decorative streetlights on public streets and rights-of-way.* Vice Mayor Kennedy noted that there are two choices of payment: quarterly or the Town can accept a lump sum payment for 15 years. *With no further discussion, the motion passed with a vote of 5-0.*

IX. NEW BUSINESS

A. Request from Carl Bartlett to Place a Moratorium on Building Permits in Black Mountain Estates Until the Asheville Buncombe and Henderson Regional Water Authority Corrects Service Delivery Problems

Mr. Carl Bartlett, Lynx Drive, addressed the Board asking for help to restore the water pressure at his house. He said he is on Asheville Water Service and when the pumps come on that refill the tank at the top of Little Allen Mountain, the water pressure drops so low that he has very little water. He said Mr. Caudle explained to him that the pumping problems had nothing to do with the Town's water system, but since he is a taxpayer, he feels the Town should help resolve the problem. Mr. Bartlett is asking that a moratorium be placed on building permits in Black Mountain Estates until the water pressure issue is resolved.

Mr. Caudle said he has received correspondence from David Hanks with the Asheville Water Authority, who is in the audience, saying that he has checked the pressure at Mr. Bartlett's house, and the lowest pressure at the meter is 30 pounds and the minimum required is 20 pounds at any one meter. He said the problem seems to be between the meter and Carl's house. Mr. Bob Watts, Public Works Director, said that the new north tank would have adequate pressure to solve the water pressure problem on Lynx Drive if we transfer the Asheville customers to our system. Mr. Caudle said there may also be a possibility of sharing of the capacity of the tank, even if we do not take over the customers. There is still a great deal of discussion going on about the swapping of the customers and propriety of the tank. Mr. Caudle said he feels it could be resolved through some sort of joint effort between Asheville Water Authority and Black Mountain.

David Hanks, Asheville Water Authority, said there are not many customers in Black Mountain with low pressure. He said he did have the pressure checked at Mr. Bartlett's house, and found that when the pumps were off, the pressure was 110 pounds when it was open. The pressure was 75 pounds when it was closed. He said that is very good water pressure. The pump comes on approximately seven times for 20-25 minutes within a 24-hour period. There is adequate pressure at the meter. Mr. Hanks said Asheville has been negotiating with Black Mountain to get use of the new tank to help eliminate problems like this, as the Asheville tank on Allen Mountain is very small. After further discussion, Mr. Caudle said negotiations will continue after some engineering calculations are checked. The Board agreed that staff will continue to try and solve this issue as soon as possible.

X. CITIZEN COMMENTS (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)
Mayor Begley called for Citizen Comments at 8:05 p.m.

Ruth Brandon, 722 Laurel Avenue, said reference was made earlier that meetings are being held with some board members without all members being present. She said this should not be allowed.

Ann Lutz, 211 N. Park Lane, thinks that there should be a tax increase to pay for projects in the Town, such as the pool/fitness complex.

Elaine Loutzenheiser, 410 Avena Road, said she does not support a tax increase.

Ms. Loutzenheiser requested that the following comments be a part of the minutes.

“Mr. Mayor, Board of Aldermen, and Town Manager – I would like my remarks to be a matter of public record. The Planning Board is truly a volunteer public servant board. I’m in the middle year of my last 3 yr. term and I’ve watched this board go from members arriving without ever having looked at their packets to members who take their own time to scout out a property in question on our agenda in order to be knowledgeable ahead of time for discussion.

We have repeatedly requested our packets be available in our hands (1) one week before our meetings but find too often as of late the packets are hand delivered – the mail having insufficient time to deliver them – on Thursday or Friday before our scheduled Monday meeting.

The January packet was delivered Friday the 23rd before our Monday the 26th meeting and contained 66 pages. The weather gave us a respite only to have an additional 33 pages delivered on Thursday before the rescheduled Monday meeting (which was again postponed by weather so has yet to take place – do we expect another 30 pages before that?

Our Board members are conscientious about the charge given us by the Aldermen. We dutifully try to look at the requests brought to us and the ramifications and consequences of those requests. We have an equal duty to the citizens we represent as well as to you.

The dates of our regular meetings are public knowledge – as are yours. If persons or companies cannot comply with a deadline for that meeting in order for staff to have the necessary material out to us one week in advance, then the next month will have to be when they are placed on the agenda. We are no longer a one horse/one spotlight town and we deserve to be treated professionally by those wishing to do business with our town. We, in turn, will deal with them in a professional manner when we have adequate time to assess their request.

Thank you for listening.”

IX. NEW BUSINESS (cont.)

B. Request to Facilitate Fourth of July Fireworks Display – Mr. Caudle said Alderman Sobol has requested that this item be placed on the agenda for discussion.

Alderman Sobol noted that he felt the fireworks issue should be discussed in order to have time to order the fireworks if the Board desires to pursue this item. He said no groups or individuals who have raised money for fireworks in the past have contacted staff, but hopes they will come forward. Alderman Sobol said due to the new regulations from 9/11, there are a limited number of companies who can provide licensed shooters for the fireworks display and

these have to be booked early in the year. Fire Chief, Gary Bartlett, explained the rules and regulations which have to be followed in handling fireworks. After discussion, the Board agreed that the Town Manager should move forward and engage a shooter for July 4th.

C. Request to Renew License to Harvest Hay on Clevenger Property

Alderman Garrison made a motion to approve the extension of the License Agreement with Don Collins for the purpose of harvesting hay from the Clevenger-Sox Property; to accept Mr. Collins' offer to reduce the amount paid for the license to \$100.00 annually, and, to authorize the Town Manager to execute the necessary agreements required to effect approval of this extension.

Alderman Sobol said that Harry Hamil has submitted a proposal to the Board of Aldermen requesting an annual license to market garden on the Clevenger Sox property. He feels the Board should approve the request from Mr. Hamil. After discussion, Alderman Garrison withdrew his original motion. Attorney Sneed advised the Board that there is a license with Mr. Collins until the Board terminates it. He said the Board needs to decide if Mr. Collins gets to continue his license and reduce the amount to \$100 or award the license to Mr. Hamil to garden the property. *After discussion, Alderman Sobol made a motion to give Don Collins 30 days' notice to end the license for mowing hay and have staff bring back a license that will start in one month for Mr. Hamil to begin using the property for gardening. The motion passed with a vote of 3-2 with Aldermen Brown and Garrison voting against.* At this time Mr. Caudle said he needs to review the agreement with the lending institution to make sure we are not in violation of the agreement. *Alderman Sobol then amended his motion to instruct staff to prepare a lease for Board approval that would give to Harry Hamil an 11-month period starting at the end of the license period of Don Collins, subject to approval by the lending institution. The motion passed with a vote of 3-2 with Aldermen Brown and Garrison opposed.*

XI. CLOSED SESSION

With no further business, Alderman Garrison made a motion to go into Closed Session at 9:10 p.m. to discuss property acquisition. The motion passed unanimously.

XII. ADJOURNMENT - *On a motion by Alderman Sobol the Board returned to open session. With no further business, Alderman Garrison made a motion to adjourn the meeting at 9:25 p.m. Approved unanimously.*

Wm. Michael Begley, Mayor

Anthony N. Caudle, Town Manager

ATTEST

Shirley J. Raines, Town Clerk