

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
February 13, 2006

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, February 13, 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

Mayor Kennedy called the meeting to order at 6:00 p.m. 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

The following staff members were present:

Anthony N. Caudle, Town Manager
Bo Ferguson, Assistant Town Manager
Gary Bartlett, Public Works Director
LuAnn Bryan, Recreation & Parks Director
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
Jim Genaro, Asheville Daily Planet
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Kennedy led the Pledge of Allegiance, followed by the Lord's prayer.

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 1,344th regularly scheduled meeting of the Black Mountain Board of Aldermen.

II. CITIZEN COMMENTS

Harry Hamil, 15 John Myra Avenue, said he would like to speak to the issue of the driveway permit on the agenda. He said when he read the announcement that was on the agenda, he thought that he would need a permit for his driveway. After reading the backup information, he said he realized the largest part of this is really oriented toward the impact on development. He asks that the Board of Aldermen review the way in which these things are done and the way it is presented to the public should be more apparent. He said if it had been worded differently, more people would have said something about this. Mr. Hamil pointed out that the Town already has a driveway permit, ordinance 100.23 and 100.24, which both would need to be replaced by this one so that the motion would need to say that. In the current ordinances 100.99, includes penalties and littering. This might need to be corrected. The language under 100.26, 4th line of 1st paragraph, refers to more than 100 trips. The ordinance is not clear regarding trips and needs to be clarified. He asks that the Board defer action and call for a public hearing and look at recent development in the Town. Mr. Hamil feels citizens should have the opportunity for input.

III. ADOPTION OF THE AGENDA

The minutes of January 5, 2006 - Agenda Workshop, January 6, 2006 – Special Workshop, January 9, 2006 - Regular Session, January 9, 2006 – Closed Session, January 20, 2006 – Special Workshop were approved.

The agenda was amended with the following changes:

Under IV, Communications from the Mayor, added item “B”, “URTV report”.

Under X, New Business, added new item “E”, “Consideration of Budget Amendment #17 for Remaining Capital Costs and Operational Costs Associated with Development of the Clevenger Athletic Facility”.

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

IV. COMMUNICATIONS FROM THE MAYOR

Mayor Kennedy administered the oath of office to Dorothy P. Jones, who was recently appointed as a new alternate member to the Zoning Board of Adjustment.

A. Technical Advisory Committee (TAC) Report – Mayor Kennedy reported that he attended his first meeting of the Technical Advisory Committee (TAC) of the French Broad River Metropolitan Planning Organization (FBR-MPO). He said this committee works with the North Carolina Department of Transportation (DOT) on long-range transportation planning. Mayor Kennedy explained the purpose of this committee and how it interacts with the DOT.

B. URTV Report – Mayor Kennedy said he would like to report on URTV, which stands for Public Access Television in our area and works through Charter Communications. The three channels (PEG), public access, education, and government will soon be available. The

public access channel is now organized. Mayor Kennedy hopes that interested citizens will go and learn how to produce a film and get it shown on the public access channel 20.

C. Mayor Kennedy reported that the Board of Aldermen met on January 20, 2006 to review the second part of the pay plan study, which was conducted by Springsted, Inc. He said the Board approved the recommended class descriptions and pay grades. Mayor Kennedy said that in order to transition from the Town's current pay plan to the recommended plan, the payroll cost will be approximately \$45,000. He said this will affect only those employees whose current salary is below the recommended minimum for the class.

D. Mayor Kennedy said the Martin Luther King breakfast was a huge success and thanked everyone for their effort.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of January 5, 2006 - Agenda Workshop, January 6, 2006 – Special Workshop, January 9, 2006 - Regular Session, January 9, 2006 – Closed Session, January 20, 2006 – Special Workshop

B. Adoption of Budget Amendment #15

Motion: To adopt Budget Amendment #15 as submitted

C. Award Construction Bid – Water Line Relocation Grant Project

Motion: To accept the lowest bid in the amount of \$139,035 as submitted by Hobson Construction; to award the bid to Hobson Construction based upon this bid; and to authorize the Town Manager to execute any and all documents associated with the execution of this contract

D. Senior Center General Purpose Funding Grant Application

Motion: To authorize the Mayor or Town Manager to sign the grant application to Land-of-Sky Regional Council for the Senior Center General Purpose Funding Grant in the amount of \$7,272.

VII. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Budget Preparation – Mr. Caudle reported that the Board of Aldermen met in a workshop in January and provided staff with direction to begin the 2006-07 budget year.

2. Dogwood Lane Bridge Replacement – Mr. Caudle said that construction of Dogwood Lane Bridge will probably take an additional 60-90 days for completion.

3. U.S. Highway 70 Sidewalk – Mr. Caudle noted that plans are available for viewing at Town Hall for the proposed sidewalk construction from Cragmont Road down to the intersection of old Highway 70 and U.S. 70.

4. Fire Department Banquet, January 30, 2006 – Mr. Caudle reported that the Fire Department banquet held on January 30, 2006 was well attended. He said Sam Maybery received the Fireman of the Year award given by the Rotary Club.

5. City/County Managers' Meeting – Mr. Caudle reported that he and Bo Ferguson, Assistant Town Manager, attended the City/County Managers' meeting in Research Triangle Park the first week in February. He said it was a very productive three days.

VIII. COMMITTEE/BOARD REPORTS

A. Appointment to Fill Unexpired Term on the Library Board - *Alderman White made a motion to fill the unexpired term of Ms. Lillian Reynolds on the Library Board with Mr. Robert Woodward. The motion passed unanimously.*

B. Update on Land Use Code Revisions - Stefan Stackhouse, Chair of the Planning Board, reported that the rewrite of the Land Use Code is on schedule.

C. Committee Vacancies - Mayor Kennedy reported that there is a vacancy on the Housing Commission due to the death of John Galbreath and a vacancy on the Urban Forestry Commission due to the death of Patte Mitchell. He said if anyone would like to serve on either of these committees, they should pick up an application at Town Hall or a form can be downloaded from the Town's website.

D. Chamber of Commerce Report

Alderman Brown reported on the following events:
Mt. Mitchell Marathon, February 25, 2006;
"Shoppers' Expo", an endeavor by the Chamber of Commerce and Business to Business, will be held on April 8, 2006 at Owen Middle School from 9 a.m. to 2:00 p.m.

Mayor Kennedy congratulated Travis Childs, who is the new Chair of the Economic Development Committee.

IX. OLD BUSINESS

A. PUBLIC HEARING: To Solicit Input on Proposed Water System Impact Fee

Bo Ferguson, Assistant Town Manager, reported that at the direction of the Board of Aldermen, Town staff developed a proposal to establish a water impact fee for any new customers to the Black Mountain water system. He said the purpose of the fee is to fund the expansion of the water system to serve new customers and to fund required efficiency improvements. Mr. Ferguson said the impact fee would be in addition to the existing tap fee.

Mayor Kennedy opened the public hearing.

Lisa Milton, 406 W. State Street, said she owns 17 acres and assumes she will be affected by the impact fee. She feels this is just the start of how developments will impact the Town.

Ruth Brandon, 722 Laurel Avenue, said she is glad that the Board attended the workshop for elected officials. Ms. Brandon then read a letter from Richard Hudson III opposing the proposed fee increase for water taps to the Black Mountain water system. In the letter he urges the Board to take a position that helps people live in our community, not hinder them.

Harry Hamil, 15 John Myra Avenue, said he is concerned by the speed with which the Board is approaching the water tap issue. Mr. Hamil asks that the Board delay this item for one month. His concerns are:

1. Tap fee;
2. Nothing shown for additional water lines;
3. In talking with Ron Sneed, there is no state statute governing impact fees. There are some questions that need to be clarified. Mr. Hamil said he is currently considering adding another tap for watering his garden. He is also looking at putting an apartment on a separate meter. He needs to know how these requests would be handled;
4. There is no time period for the 648 units proposed to be added to the water system. The Town cannot have a plan to drill wells unless there is cash flow;
5. The Town needs to have an overall plan for development of our water system and our water resources instead of doing things piecemeal.

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

Alderman Brown said the Housing Commission and Planning Director are discussing ways to help developers who are building affordable housing. She said the proposal is not ready yet. Alderman Brown said the Board should pass the ordinance tonight and bring back an amendment for affordable housing. Alderman Phillips does not agree; she feels the ordinance should include the provision for affordable housing before it is passed. Mayor Kennedy asked if the concerns for affordable housing can be addressed by the February 28, 2006 Board of Aldermen workshop. Mr. Caudle and Elizabeth Teague said an evaluation of proposals could be ready. *Alderman White made a motion to approve the Water System Impact Fee Ordinance, setting the rate at \$700 and implementing the fee on March 1, 2006.* She is comfortable that the Board can address the affordable housing issues on February 28, 2006. *The motion passed with a vote of 4-1, with Alderman Phillips opposed.*

X. NEW BUSINESS

A. Blue Ridge National Heritage Area Committee Report – Jill Jones

Jill Jones, Executive Director of the Swannanoa Valley Museum, gave a powerpoint presentation on the Blue Ridge National Heritage Area. Ms. Jones explained that there are 27 national heritage areas in the United States. These are areas designated by the U.S. Congress as a “special landscape in American culture based on its natural cultural, historic, and recreational

resources”. Our area is the 25 western counties in North Carolina and is based on the landscape, the historic landscape, Cherokee heritage, mountain culture, crafts, agriculture and music. Ms. Jones said an area has the opportunity to receive up to \$1 million dollars per year allocation. She said any money received is used for preservation, conservation, education, and economic development.

XI. CITIZEN COMMENTS - At 8:05 p.m. Mayor Kennedy asked for Citizen Comments.

Harry Hamil, 15 John Myra Avenue, said he is surprised that no one on the Board chose to raise the issue of the inclusion of water meter charges. (1) He said it could be argued that if a tap fee and impact fee are charged that customers are being charged twice for this particular item. (2) Under “New Business”, “B”, of the new ordinance, under fees, it states you can charge a fee but no fee is stated. (3) He said the issue of impact fees is one which should be interfaced with the Town’s residential zoning ordinance and the conditional use on the commercial side.

Ron Collins, 400 Blue Ridge Road, asked how the ordinance recognizes taps of different sizes, i.e., commercial versus residential. Mr. Ferguson replied that it is tied to usage.

Mayor Kennedy called for a brief recess at 8:10 p.m. The Board resumed the meeting at 8:20 p.m.

B. Proposed Driveway Connection Permit Ordinance

Mr. Caudle explained that the proposed ordinance to provide for the requirement for driveway connection permits is a method by which the municipality may exercise due diligence in determining the impact of development on the supporting transportation network. He said the proposal allows for single family developments located on a single lot to connect to the existing street network, as maintained by the Town, but requires that developments adding four or more units be required to go through a permit review process. Mr. Caudle explained the proposed regulations require that land uses anticipated to generate more than 100 vehicle trips per day go through a review process that entails the development of a traffic impact analysis in order to determine if the existing transportation system can support the anticipated increase in vehicle trip demand.

Alderman Phillips made a motion that the Board of Aldermen call for a public hearing on March 13, 2006 to solicit input on the proposed driveway connection permit ordinance. She said she feels the public should have input on this item.

Alderman White asked who makes the decisions regarding the permit? Mr. Caudle said the analyses are made by a traffic engineer who will make recommendations to make sure that traffic is not impeded, e.g., a turning lane needs to be added or the lane is not wide enough to accommodate the additional volume of traffic. Alderman Brown said we have been wanting to see some traffic studies made before developments go in. She said this is the first time we have taken a stand before the development is completed. *The motion failed with a vote of 4-1 with Aldermen Brown, McKeown, Sobol, and White opposed. With no further discussion, Alderman Brown made a motion to approve the ordinance amending Chapter 100 of the Black Mountain*

Code of Ordinances to provide for the requirement for driveway connection permits. The motion passed with a vote of 5-0.

C. Adoption of Budget Amendment #16

Mr. Caudle explained that Budget Amendment #16 is to appropriate Water Fund Balance in the amount of \$13,541 for transfer into the Capital Project Fund for expenses incurred during the project that were not reimbursed by grant funds. *Alderman Brown made a motion to adopt Budget Amendment #16 as submitted. The motion passed unanimously.*

D. Water System Improvements Grant Project Closeout

Mr. Caudle reported that staff is requesting approval to close out the Water System Improvement Grant Project Ordinance that was adopted in June 2002. All construction work has been completed as verified per information provided by McGill Associates. *Alderman Brown made a motion to approve the Capital Project Ordinance to close the Water System Improvements Grant Project. The motion passed unanimously.*

E. Consideration of Budget Amendment #17 for Remaining Capital Costs and Operational Costs Associated with Development of the Clevenger Athletic Facility

Vice Mayor Sobol explained that Budget Amendment #17 is a request for \$30,000 to finalize a request for funds for the completion of renovations and operational costs through June 30, 2006 for the Clevenger Athletic Facility. *After discussion, Vice Mayor Sobol made a motion to adopt Budget Amendment #17 as submitted. The motion passed with a vote of 5-0.*

XII. ADJOURNMENT - *With no further business, Alderman Phillips made a motion to adjourn the meeting at 8:50 p.m. The motion passed with a 5-0 vote.*

Will Kennedy, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk