

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**AGENDA WORKSHOP and REGULAR SESSION**  
**January 12, 2004**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in the regular monthly agenda workshop and regular session on Monday, January 12, 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

Representing the media: Matt Mittan, The Valley Record

Mayor Begley called the agenda meeting to order. The minutes of the December 8, 2003 Agenda Meeting and Regular Session were approved.

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

Under VII, Committee/Board Reports, add "B" – "Land of Sky" Report and "C", "Bus Report"

Under VIII, "A", Old Business, change from "To Consider a Proposed Lighting Ordinance" to "To Adopt a Proposed Lighting Ordinance"

Under VIII, "B", "Consideration of Decorative Streetlight Costs Sharing Policy" – Defer to February meeting.

Under IX, add "D", "Bridge Maintenance Agreement"

*Alderman Brown made a motion to recess at 6:05 p.m., after which time the Board reconvened at 6:10 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 6:10 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  
Chad Jonsson, Recreation and Parks Director  
Bob Watts, Public Works Director  
Allen Willet, Police Chief  
Jerry Wood, Planning Director

Representing the media:

John P. Kennedy, Black Mountain News  
Matt Mittan, The Valley Record  
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Begley led the Pledge of Allegiance, followed by prayer, led by Dr. S. Samuel Shermis, resident of Black Mountain and a leading member of the Beth Ha-Tephila Congregation in Asheville.

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 VII, Committee/Board Reports, add “B” – “Land of Sky” Report and “C”, “Bus” Report”

Under VIII, “A”, Old Business, change from “To Consider a Proposed Lighting Ordinance” to “To Adopt a Proposed Lighting Ordinance”

Under VIII, “B”, “Consideration of Decorative Streetlight Costs Sharing Policy” – Defer to February meeting.

Under IX, add “D”, “Bridge Maintenance Agreement”

*With these changes the agenda was approved with a 5-0 vote on a motion by Vice Mayor Kennedy.*

### **III. CONSENT AGENDA**

With the adoption of the agenda for the January 12, 2004 Regular Session Meeting, the following actions were approved:

- A. Adoption of the Minutes  
*Motion: To adopt the minutes of December 8, 2003– Agenda Meeting and Regular Session*
- B. Adoption of Budget Amendment #07  
*Motion: To adopt budget amendment #07 as submitted*
- C. Consideration of Lease to Frith Recruiting, L.L.C. for Dumpster Space in the Art Center Parking Lot  
*Motion for Consideration: Motion to Approve the Agreement with Frith Recruiting, L.L.C. and to authorize the Town Manager to execute same on behalf of the Town*
- D. Resolution Supporting Black Mountain’s National Register Nomination for the Black Mountain Downtown Historic District  
*Motion for Consideration: To Adopt the Resolution supporting Black Mountain’s National Register Nomination for the Black Mountain Downtown Historic District*
- E. Scheduled List of Board of Aldermen Agenda Meetings for 2004  
*Motion: To adopt the scheduled list of Board of Aldermen Agenda Meetings for 2004*
- F. **CALL FOR PUBLIC HEARING** – To Call for a Public Hearing to Solicit Input on Proposed Projects for the FY 2004-2009 Capital Improvement Program  
*Motion for Consideration: To Call for a Public Hearing on February 9, 2004 to Solicit Input on Proposed Projects for the FY 2004-2009 Capital Improvement Program*

### **IV. COMMUNICATIONS FROM THE MAYOR**

Mayor Begley announced that the Martin Luther King, Jr. breakfast would be held on Saturday, January 24, 2004 at 9:00 a.m. at the Ridgecrest Conference Center.

### **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. Caudle reported construction is almost complete on the 10” water line out Hwy. #9 which will lead to the south side water storage tank to be located in Christmount. He said the tank site has been cleared. Construction up Chapel Road is almost complete. The tank will be built this spring.

**2. Fire Substation Development** – Gary Bartlett, Fire Chief, reported that work has begun on the Fire Substation and is approximately 20% complete. He said with good weather the project should be complete by April.

**3. Board of Aldermen Meetings** – Mr. Caudle reported the Board has scheduled the following workshops:

January 29, 2004 – 8:30 a.m.–noon – Capital Improvement Program – 2004-2009

February 12, 2004 – 8:30 a.m.-4:00 p.m. – Retreat – Team Building

March 15, 2004 – 8:30 a.m.-4:00 p.m. – Goal Setting

**4. Fire Department Annual Banquet** – Mr. Caudle reported the Fire Department annual banquet would be held on January 26, 2004 at 6:30 p.m. at Lake Tomahawk Clubhouse.

**5. Christmas Cheer Program** – Johnny Raines, Chief of the Auxiliary Police, reported that this year’s Christmas Cheer Program provided food, clothing, and gifts to 80 families and 95 children. He commends all the volunteers for making this program such a success each year. Chief Raines said that without the help of the volunteers, this program would not be possible.

## **VII. COMMITTEE/BOARD REPORTS**

**A. Skate Park Committee Update** – Chad Jonsson, Recreation and Parks Director, reported the Skate Park Committee is looking at the old Ingle’s site, the old Roses’ store, and property by the tennis courts on Cragmont Road as possible locations for a skate board park.

**B. Land-of-Sky Regional Council** – Alderman Brown reported that the Land-of-Sky Regional Council has scheduled their Annual Awards Banquet on February 25, 2004. Alderman Brown said the banquet is to recognize individuals in Buncombe, Madison, Henderson, and Transylvania Counties who have made outstanding contributions. She said nominations are being accepted for Outstanding Citizenship Award and the Kathleen Godwin Cole Award. *Alderman Brown made a motion to nominate Johnny Raines for Outstanding Citizenship Award for the year 2003. The motion passed unanimously. Alderman Brown made a motion to nominate Lib Harper for the Kathleen Godwin Cole Award for people over 60 who have made a contribution in providing help and assistance to older citizens. The motion passed unanimously.*

**C. Bus Report** – Alderman Brown reported on the ridership for the Asheville Transit Service. The Asheville Transit System - Route 28 – 2,914 riders, Mountain Mobility (Throughout Black Mountain) – 310 riders, Route 29 (from Asheville servicing Warren Wilson

College) – 5,651 riders. Alderman Brown said a survey will be mailed out to area residents to better understand the needs of the customers.

## **VIII. OLD BUSINESS**

### **A. PUBLIC HEARING – A Public Hearing to Adopt a Proposed Lighting Ordinance for the Town of Black Mountain**

Mayor Begley opened the public hearing and asked Jerry Wood, Planning Director, to introduce the ordinance.

Mr. Wood reported that the development of the Lighting Ordinance has encompassed several years of work by the Planning Department. He said the intent of the purpose of the ordinance is to develop procedures for the regulation and monitoring of outdoor lighting in the areas of the Town that are zoned industrial, commercial, institutional, and mixed use. The purpose is to eliminate problems caused by improperly designed lighting ordinances, lighting fixtures, and eliminate glare to cut down on light trespass. Mr. Wood then gave a powerpoint presentation.

Mayor Begley then asked for public comment.

Phyllis Genetti, Planning Board Chair, said the Planning Board has spent many hours in writing the proposed lighting ordinance. She said this is a new and lighter version of the previous draft. She said with proper planning and utilization of newer lighting methods, the glare from outdoor lighting will be greatly reduced. Ms. Genetti said well planned lighting ordinances allow for enough light to safely and adequately light our public area and removes the need to constantly escalate outdoor lighting.

Mr. Wood explained that this ordinance will be in effect in all of the commercial, industrial, mixed use, institutional, and TND districts in Town. He said it would not be in effect in the R-10 and R-20 residential zoning districts. He said the ordinance will apply in the areas where the highest intensity lighting is used.

Mikkel Hansen, 112 Hilltop Road, thinks the lighting ordinance will benefit Black Mountain.

Elaine Loutzenheiser, 410 Avena Road, encouraged the Board to pass the ordinance.

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

Alderman Garrison asked how the Planning Department will educate business owners regarding the new ordinance. Mr. Wood said staff has issued a press release and included in that was the offer to go out and meet with individual businesses. Phyllis Genetti, Planning Board Chair, said a fact sheet has also been prepared to give to businesses.

Alderman Brown referred to the “grandfather clause” in the ordinance. She asked when a new owner buys a business, why does he have to conform immediately when the current businesses have eight years to conform. Mr. Wood said the Planning Board discussed this at length and the feeling was they wanted to move to compliance with these regulations as quickly as practical. Phyllis Genetti stated that she feels the ordinance would not present a hardship with the businesses that would be involved.

Alderman Sobol pointed out that maximum and minimum lighting for parking lots is not covered in the ordinance. He hopes this will be addressed in the future.

Alderman White asked if Progress Energy would be replacing the pole lighting in Town. Mr. Wood said that Progress Energy would continue to replace lights as they break down.

Phyllis Genetti commended Alderman Garrison for the shoebox lighting fixtures installed at his business, Shadowbrook Golf and Games.

Mayor Begley requested that the Planning Department inform the realtors and lawyers in Town of the requirements of the lighting ordinance in regard to transfer of property.

Mayor Begley then reopened the public hearing.

Tom Motzko, 609 Hiawassee Avenue, does not support the lighting ordinance. He feels there are too many restrictions on properties in Black Mountain.

Mr. Wood said that Bob Henderson with Progress Energy is here tonight and has been assisting the Planning Board in the writing of the ordinance. He said additional comments and suggestions have been received from Mr. Henderson, but all members of the Planning Board have not seen the comments.

After discussion, Mayor Begley asked the Planning Board how they wished to proceed. Phyllis Genetti, Chair of the Planning Board, and several members of the Planning Board in attendance, agreed that the Board of Aldermen should defer the ordinance back to the Planning Board to review the following items and present at the February meeting:

- (1) Review Mr. Henderson’s suggestions;
- (2) Review property line of property that abuts the R-10 or R-20 zoning districts or on a lot occupied by a dwelling;
- (3) Review transfer of property clause.

Mayor Begley then closed the public hearing.

Mayor Begley stated that the Board would not hear a motion on the lighting ordinance.

**B. Consideration of Decorative Streetlight Costs Sharing Policy – Defer to February meeting.**

**C. Multi-Modal Transportation Center Site Study**

Mr. Nalley reported that staff has been meeting with the Department of Transportation discussing the options available and the need for the construction of a facility associated with the return of passenger rail service to Western North Carolina. He explained that discussion is on-going with DOT in regard to a multi-modal transportation station. Mr. Nalley said at the November meeting, the Board approved funding of \$2,000 for a site selection study for this center to be built on the south side of the railroad tracks, adjacent to CCB. Mr. Nalley said staff has been working with the Metropolitan Planning Organization (MPO), a regional planning transportation authority in Asheville to do this study, which would cost between \$5,000-\$10,000, of which the Town would pay \$2,000. He said the NCDOT Rail Division was approached about the Board's request to do a site study for the multi-modal center. Mr. Nalley said he has met with David Bender, with the N. C. Rail Division, and he expressed interest in the McKoy Building as a possible site location. Mr. Nalley said they have stated that they understand the concern for the possibility of finding a more locally suitable site but expressed their concern that there was no money at the State level for such a study. Mr. Nalley said after talking with the MPO that the cost of the study to include the McKoy Building would not exceed \$25,000, and the Town would have to supply 20% of that cost, which is up to \$5,000. *After discussion, Alderman Brown made a motion to approve an additional \$3,000 to proceed with the site study. The motion passed with a vote of 4-1 with Alderman Sobol opposed.*

**D. Call for a Public Hearing on a Proposal to Amend the Zoning Ordinance (Section 153.079) to Change Private Clubs from a Permitted Use to a Conditional Use in the C-2 Zoning District**

*Alderman Brown made a motion to call for a Public Hearing on February 9, 2004 at 6:00 p.m. to consider the proposal to amend the Zoning Ordinance (Section 153.079) to change private clubs from a permitted use to a conditional use in the C-2 Zoning District. The motion was defeated by a vote of 2-3, with Aldermen Garrison, Kennedy, and Sobol voting against.*

**IX. NEW BUSINESS**

**A. Request for Martin Luther King Board to Address Board of Aldermen**

Carlos Showers, Board member of the Martin Luther King, Jr. Memorial Committee, noted that the first breakfast in honor of Dr. King in the Swannanoa Valley was held on January 12, 1990 at Ridgecrest Conference Center and was attended by over 700 people. He said the Corporation has worked to provide organizations which will present the life and teachings of Dr. King in ways that will bring knowledge and awareness to people in the community served by this Corporation. The Corporation has established a monetary fund to be used for educational projects or to be used to benefit students worthy of scholarship grants or grant assistance throughout the schools in the area; to facilitate community events for the citizens served by the Corporation; to promote the development of character, integrity, leadership, and scholarship of young people served by the Corporation. Mr. Showers thanked the Board of Aldermen and citizens of Western North Carolina for their support so the Corporation can continue to pursue Dr. King's dream. Mr. Showers said the Prayer Breakfast is scheduled for Saturday, January 24 at 9:00 a.m. at the Ridgecrest Conference Center and hopes everyone will attend.

**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**

*Alderman White made a motion to defer consideration of this request. The motion passed unanimously.*

Mayor Begley called for a brief recess at 8:10 p.m.

**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 8:20 p.m.

None received.

**IX. NEW BUSINESS (contd.)**

**C. Proposed Amendments to “Article IV, The Pay Plan” of the Black Mountain Personnel Policy Manual**

Mr. Caudle explained that one of the key action items for the Administration Department for the 2003-04 Fiscal Year was to review and provide recommendations regarding revising the current pay classification system. Included in that review was checking all pay classifications, eliminating steps in pay grades, developing a system that allows for varying degrees of percentage raises, and developing a system that allows the award of merit bonuses to employees in lieu of merit raises.

*After discussion, Alderman Sobol made a motion to approve the proposed amendments to Article IV – The Pay Plan of the Black Mountain Personnel Policy Manual. The motion passed with a vote of 4-1 with Alderman White opposed.*

**D. Agreement Between North Carolina Department of Transportation and the Town of Black Mountain to Repair Bridge on Cotton Avenue**

Mr. Caudle reported that the bridge on Cotton Avenue is in need of repairs. Staff has requested that the Town of Black Mountain enter into an agreement with the North Carolina Department of Transportation to make these repairs. *Alderman Brown made a motion to approve the agreement with the North Carolina Department of Transportation for repair of the bridge on Cotton Avenue and to authorize the Mayor to execute same on behalf of the Town. Alderman Garrison seconded the motion. The motion passed unanimously.*

**XI. ADJOURNMENT** – *With no further business, Alderman Garrison made a motion to adjourn at 8:45 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