

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
January 10, 2005

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, January 10, 2005 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

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
Ron Nalley, Assistant 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. Owen Lovejoy, Pastor, Lakey Gap 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 December 2, 2004 – Closed Session, December 9, 2004 - Agenda Workshop, December 13, 2004 – Regular Session, December 13, 2004 – Closed Session, December 16, 2004 – Closed Session were reviewed and approved as written.

The agenda was amended at the Agenda Meeting on January 6, 2005 with the following changes:

Under VI, Communications from the Town Manager –

Deleted “Fire Department Annual Banquet” and added “Housing Commission Vacancy”.

Under VII, Committee/Board Reports – moved items “B” and “G” to Town Manager’s Report. Deferred item “C”, “Minute-Taking” to February meeting.

Under IX, New Business, deferred items “A” and “C” to the February meeting. Moved items “D” and “F” to V, Consent Agenda.

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

III. COMMUNICATIONS FROM THE MAYOR

A. Mayor Begley announced the Martin Luther King, Jr. breakfast is scheduled for January 22, 2005 at the Ridgecrest Lifeway Conference Center.

B. At this time Susan Roderick with Quality Forward presented plaques to Dr. John Wilson and students from the Learning Community Center for their outstanding work in the Community Garden. The Community Garden is located on the Clevenger property. Dr. Wilson said that the vegetables harvested from the garden is shared with different organizations in the valley, including the Soup Kitchen at Swannanoa United Methodist Church and the Swannanoa Valley Christian Ministries.

IV. COMMUNICATIONS FROM TOWN ATTORNEY - None

V. CONSENT AGENDA

With the adoption of the agenda for the January 10, 2005 Regular Session Meeting, the following actions were approved:

A. Adoption of the Minutes

Motion: To adopt the minutes of December 2, 2004 – Closed Session, December 9, 2004 - Agenda Workshop, December 13, 2004 – Regular Session, December 13, 2004 – Closed Session, December 16, 2004 – Closed Session

B. Adoption of Budget Amendment #09

Motion: To adopt budget amendment #09 as submitted

C. Riverwalk Park Committee Requests Permission to Apply for Grant to Complete Riverwalk Park Project

Motion: To grant permission to Riverwalk Park Committee to apply for grant to complete Riverwalk Park Project

D. Buncombe County Hazard Mitigation Plan

Motion for Consideration: To adopt a Resolution that adopts the Buncombe County Hazard Mitigation Plan

- E. Proposed Amendment to “Flood Damage Prevention Ordinance” (Section 151.99 of the Black Mountain Code of Ordinances) as it Applies to Penalties for Violation

Motion for Consideration: To amend Section 151.99, “Penalty”, of the Black Mountain code of Ordinances to reflect the State requirements of penalty institution

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 - December 13, 2004** – Town Manager, Tony Caudle, reviewed the December 13, 2004 Consent Agenda.

B. **Review of Consent Agenda – January 10, 2005**

C. **Projects Update**

1. **Storm Debris Removal Update** – Mr. Caudle reported that the storm debris removal related to the September and October hurricanes is now complete.

2. **Upcoming Street Maintenance** – Mr. Caudle reported that we have received numerous complaints throughout the Town regarding the trees and limbs that are growing out into the right of way and obstructing traffic. The Public Works Department will be embarking upon a project that will remove these limbs and debris from the right of way approximately two to three feet from the pavement.

3. **Water Improvements Project** – Mr. Caudle reported that the Water Improvements Project is nearing completion. He said the construction of the North tank is complete.

4. **Filling of Open Positions (Planning Director, Assistant Town Manager)** – Mr. Caudle reported that interviews will begin soon for the position of Planning Director. He said Mr. Nalley, Assistant Town Manager, has accepted a position at Montreat. Advertisements for this position has been placed in several newspapers, state periodicals, and on the web site.

5. **Christmas Cheer Program** – Lieutenant Johnny Raines reported that the Christmas Cheer Program for families in need in the valley was very successful. He thanked the citizens and volunteers for their generosity. Lieutenant Raines said there were 120 children and 85 families who received gifts and food. He said this number increased from the previous year.

6. **Housing Commission Vacancy** – Mr. Caudle advised that there is an opening on the Housing Commission. He said anyone interested in applying should contact the Town Clerk at Town Hall for an application or you can download the application from the web site.

7. Historic Commission Vacancy – Mr. Nalley reported there is an opening on the Historic Commission. He said the applicant must be a property owner in the downtown district. He said anyone interested in applying should contact the Town Clerk at Town Hall for an application or you can download the application from the web site.

8. Flood Recovery Task Force Report – Alderman White – Alderman White reported that there are several meetings taking place discussing the results of the flood, flood mitigation, and what strategy should be taken. Riverlink has been sponsoring meetings with the Swannanoa Watershed Planning Committee. Governor Easley has appointed a Task Force to look at economic recovery. They are putting together a legislative package that will be broadened to include some mapping. The City of Asheville is seeking a grant from the National Weather Service to add rain and stream monitoring gauges within the Swannanoa Watershed. The historic Biltmore Village Association is asking Congressman Charles Taylor to request a reconnaissance study by the Army Corps of Engineers to examine flood mitigation options in the Swannanoa Watershed. Alderman White reported there will be a meeting on Wednesday evening, January 12, 2005 from 6-8 p.m. at A-B Technical College. The purpose of the meeting is to inform and educate the public on the ecology of streams and flood issues. She said experts will be available to answer questions. The public is invited to attend.

9. Stream Restoration – Bob Watts, Public Works Director – Mr. Watts reported that he has met with the Soil and Water Conservation Service. He said they walked the streams in the Town and identified those areas that had total blockages. Mr. Watts said the Soil and Water Conservation Service will take care of the total blockages in the areas of the Swannanoa River and Flat Creek where the stream banks have been severely eroded.

Mayor Begley advised that item “C” – “Minute Taking” under VII, Committee/Board Reports had been removed at the Agenda meeting on January 6, 2005 and was left on in error. The Board agreed by consensus to remove this item.

Alderman Sobol stated to Mr. Caudle that the wording on the local Transportation Plan with regard to the Blue Ridge Road interchange has not been corrected. Mr. Caudle said he had contacted the MPO (Metropolitan Planning Organization) and they informed him the appropriate changes would be made during the update period. Alderman Sobol requested Mr. Caudle to get a date as to when the changes would be made. Alderman Sobol asked Mr. Caudle and Mayor Begley to give updates on the TCC and the TAC meetings that they attend as representatives for the Town.

VII. COMMITTEE/BOARD REPORTS

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

Clay Hile, member of the Recreation Commission, said the Commission is still looking at a covered pool at a new location. We are applying for a grant with the Parks & Recreation Trust Fund Grant and are also waiting for reports back from the Health Initiative Task Force. These will not be available until the summer. Mr. Hile said it would be at least two years before a new facility would be available. He said Alderman Sobol has met with the Recreation Commission

and discussed the possibility of resurfacing the deck of the existing pool in order to meet the requirements of the State. Alderman Sobol said he is willing to organize a team of volunteers to resurface the deck. He estimates the cost would 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.

Vice Mayor Kennedy asked for clarification of the scheduling of the Parks & Recreation Trust Fund Grant. Mr. Caudle said the grant is a competitive grant. He said he understands that the Trust Fund tries to fund good projects in every community and would probably not jeopardize our funding if we wait until next year to apply. Mr. Hile said the Recreation Commission would like some direction from Alderman Sobol on how to proceed. Alderman Sobol agreed to meet with the Recreation Commission and compile a package to present to the Board of Aldermen.

B. Chamber of Commerce – Alderman Brown reported the winners for the floats in the Christmas parade were: 1st place – YMCA Blue Ridge Assembly, 2nd place – Meadowbrook Baptist Church, 3rd place – Learning Community Center. She said the Grand Marshal for 2004 was the Public Works Department of the Town of Black Mountain.

Alderman Brown reported that the Mt. Mitchell Marathon is scheduled for February 26, 2005. She said 300 runners from 22 states are registered to compete.

Alderman Brown reported that the Chamber of Commerce is sponsoring an advertising program called “Value our Valley – Shop Black Mountain/Swannanoa”.

Alderman Brown said the Chamber of Commerce and Business to Business are planning a business expo reaching out to Montreat College and Warren Wilson College on April 16 from 10-5 p.m. The purpose is to promote the businesses in the Swannanoa Valley. She said the Chamber of Commerce has an Economic Development Committee that has played a vital role in the development of Black Mountain.

Alderman Brown reported that the Chamber of Commerce presented the first Beautification Award to Diane French of Howard’s Antiques for the beautification of the area by Howard’s Antiques.

VIII. OLD BUSINESS

A. PUBLIC HEARING – Rezoning Request – Hedrick Industries - Grove Stone Division

Ron Nalley, Assistant Town Manager, presented a brief introduction of the rezoning request by Hedrick Industries from I-1 to I-2. He said that in May of 2004 the applicant had requested that the property be rezoned from I-1 to I-2 because of projected productivity needs. In June, Hedrick Industries requested that the Planning Board table the application to provide the Planning Board more time to consider the request and to reopen the matter no later than the November meeting. The Planning Board discussed the proposed rezoning on October 23 and November 29, 2004. At their meeting on November 29, the Board voted unanimously to recommend to the Board of Aldermen that the rezoning request by Hedrick Industries be denied.

Phyllis Genetti, Chair of the Planning Board, addressed the Board stating that the Planning Board is close to completing the review of the Permitted Uses Table and hopes to present their recommendation to the Board of Aldermen at the February meeting. She said recently large tracts of land have been sold and ensuing development has caused the Planning

Board to take a larger look at our growing town. From all appearances the 15-20 year projection is becoming a picture of 2005. Trends in business are not projecting the growth of heavy industry. Instead analysts are predicting smaller and highly skilled technical businesses for our future. Current housing trends in Black Mountain indicate we are becoming a high end bedroom community while trying to maintain a small town status. There is extensive growth on all sides of Black Mountain. Ms. Genetti said areas other than Blue Ridge Road need to be studied for possible locations of an interchange. She said the Planning Board feels more modern types of business do show promise and is a strong reason for not allowing development of an I-2 zoning district. Ms. Genetti said the Planning Board feels we should work together and take a hard look at how we can all grow successfully but smart.

Mayor Begley opened the public hearing and noted that Ms. Genetti's comments would be included as part of public comment.

Jeff Lamm, representative with Hedrick Industries (Grove Stone), said this is not property that they are adding to their existing operations. They are presently operating as a mineral processing business. Mr. Lamm said to facilitate any future needs they might have, it makes sense to have this I-2 designation.

Elaine Loutzenheiser, 410 Avena Road, a member of the Planning Board, is concerned if the Town rezones to I-2 it would open it up to some conditions we might not want to pursue in the future in the view we have for Black Mountain. She referenced the June 28, 2004 Planning Board minutes, page 3 of 8, "we asked if the plant was allowed under I-2 regulations if the plant were rezoned would Apac be allowed to operate under that and Mr. Wood said yes but they would have to abide by the I-1 stipulations." If we give them I-2, it does not restrict them as much and that is what the Planning Board is concerned about.

Mikkel Hansen, 112 Hilltop Road, member of the Planning Board said the applicant did not provide enough information to the Planning Board to grant the rezoning request. He only said it was for possible future use, and we do not have any assurance it would be of benefit to the Town. He said it is not necessarily a final no, but the Planning Board recommends that the request be evaluated in more depth in relation to the Comprehensive Plan.

With no further public comment, Mayor Begley closed the public hearing at 7:15 p.m.

Alderman Brown made a motion to grant the request by Hedrick Industries - Grove Stone Division to rezone property currently zoned I-1 to I-2; property located at 1555 Grove Stone Road. Alderman Brown said the company has provided many jobs in the valley for more than 50 years and spent many dollars to protect the environment. This end of the valley is the best place to have these types of industry. She said we need to look to the future.

Vice Mayor Kennedy asked Mr. Lamm to explain what he feels is the difference in I-1 and I-2.

Mr. Lamm said if the company wants to expand or add on to railroad expansion, this is not allowed in I-1.

Mr. Caudle explained that I-1 designation was to be light industrial uses, contained in a building. The I-2 designation was for exterior, heavier manufacturing industry.

Alderman Garrison understands how the Planning Board feels, but we want different businesses to work together. We want affordable housing. If we were to take away aggregate, asphalt, and concrete, the price of housing would increase. He said how can we argue we want affordable housing but then take away everything that makes it as affordable as can be.

Alderman Sobol said if there were specific contracts to facilitate the expansion, he would be more receptive to the request for rezoning.

After further discussion, the motion failed with a vote of 2-3, with Vice Mayor Kennedy and Aldermen Sobol and White voting against.

At this time, Mayor Begley called for a brief recess.

X. CITIZEN COMMENTS - At 8:00 p.m. Mayor Begley asked for Citizen Comments.

Elaine Loutzenheiser, 410 Avena Road, said there is standing water on the east side of NC 9 north. She wants to know why this cannot be repaired. Mayor Begley referred her question to staff.

Carlos Showers, 102 Beech Road, reported that the Carver Center Focus Group had met with the Board of Aldermen and Recreation Commission. He said while the Focus Group supports the idea of a youth center, they do have concerns, i.e., lighting, noise control, parking, more police patrol. Mr. Showers thinks the space should be leased probably for ten years. He said the day care facility paid \$1,000 per month to cover expenses at the Carver Center. NOTE: Rent paid by the Day Care Center beginning in 1998 was \$1,000.00, in 2000 - \$1,105.00, in 2002 - \$1,060.00.

VIII. OLD BUSINESS – continued

B. PUBLIC HEARING – Public Hearing to Solicit Input on Proposed Projects for Inclusion in the 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 and explained that this is a long-range financial planning tool. He said this is the first of two public hearings to receive input from the citizens.

Betty Becker, 104 9th Street, #1, said she is representing the Beautification Committee. The committee is recommending the gateways to the Town be improved for an estimated cost of \$50,000 and this amount to be included in the CIP.

Roger Brown, 689 North Fork Road, said his main concern is for the children. He hopes the Board will unite and approve facilities for a pool, a teen center, and health initiative.

With no further public comment, Mayor Begley closed the public hearing.

Vice Mayor Kennedy asked Mr. Caudle to explain to the public how the budget process, the Capital Improvement Program, the Comprehensive Plan, and the Transportation Plan relates to the overall operation of the Town.

Mayor Begley stated that Alderman Garrison has requested that the February meeting time be changed to start at 5:00 p.m. instead of 6:00 p.m.

After discussion, Alderman Brown made a motion to call for a Public Hearing on Monday, February 14, 2005 to be held in the meeting room of the Public Safety Building, located at 106 Montreat Road, at 5:00 p.m. or as soon thereafter as possible, for the purpose of receiving comment on the proposed Black Mountain Capital Improvement Program for the FY 2005-2010.

IX. NEW BUSINESS

A. Use of the Carver Center

Alderman White made a motion that the Board of Aldermen thank Owen Youth Center Board for their hard work on behalf of the children of the Valley including the successful meeting at Carver School with members of the Carver Center Focus Group. We agree that there is a significant need for a facility to serve our Middle and High School children and that the Town and the Recreation and Parks Department share in the responsibility to fill that need. We ask the Recreation and Parks Department to work with the Owen Youth Center Board and come back to us within 90 days with a more specific proposal, especially as to their board organization, financial position, and other possible partnerships.

Alderman White said everyone thinks the Youth Center is a good idea and would like to give the committee time to work out the issues.

Alderman Brown asked that the Carver Center Focus Group, the Recreation and Parks Department, and the Teen Center Board meet and bring back a proposal to the Board.

Alderman Sobol reminded the committees to be sure the youth are a part of the development process. He said there should be a proposal to cover expenses, i.e., rent, lights, etc.

With no further discussion, the motion passed with a vote of 5-0.

B. Automated Sanitation Collection System

Alderman Sobol made a motion to change the current sanitation service delivery to an automated collection system.

Ron Nalley, Assistant Town Manager, gave a presentation showing the costs associated with an automated collection system.

Joann Smith, 24 Blue Ridge Assembly Drive, asked how would home-bound people be serviced? Mr. Nalley said if a person meets certain requirements, we would continue with the policy that is currently in place with GDS.

Mary McKeown, 66 Blue Ridge Assembly Drive, asked if the containers are bear-proof? Mr. Nalley said no.

Alderman Garrison said it would take a long time to educate the public. He would like to leave the service with GDS for three more years and in 18 months, we can decide if we want to go into the garbage business. Alderman Garrison said the staff is at present two people short, and thinks it would be best to wait.

Elaine Loutzenheiser, 410 Avena Road, asked how many residents are there in Black Mountain?

Mayor Begley stated that he is concerned that the Board has not listened to the staff recommendation to postpone the change for three years.

With no further discussion, the motion passed with a vote of 3-2, with Aldermen Brown and Garrison voting against.

XI. CLOSED SESSION - *With no further business, Alderman Garrison made a motion to go into closed session at 9:25 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 Brown the Board returned to open session at 10:20 p.m. With no further business, Alderman Garrison made a motion to adjourn the meeting at 10:21 p.m. The motion passed unanimously.*

Wm. Michael Begley, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, Town Clerk