

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
January 8, 2007

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, January 8, 2007 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 Bartlett called the meeting to order at 6:00 p.m. with the following members present:

Mayor Carl Bartlett
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
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
David Ballard, Golf Pro/Manager
LuAnn Bryan, Recreation Director
Steve Padgett, Police Lieutenant
Kevin Pressley, Police Chief
Tim Rayburn, Fire Chief
John Shaw, Golf Course Superintendent
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

Andy Grabel, Black Mountain News
Anna Lee, Asheville Daily Planet
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Bartlett led the Pledge of Allegiance, followed by prayer led by Anne Welsh with Swannanoa Valley Friends Meeting.

Mayor Bartlett recognized the death of Fred Tennant's father. Fred is an officer with the Police Department. Mayor Bartlett also recognized the death of his neighbor, Herb Higgins and asked that we keep these families in our prayers.

Mayor Bartlett then addressed the public saying that a recent quote in the Black Mountain News said that the Town would demolish tennis courts and a parking lot to construct a new pool was totally in error. He met with Andy Grabel, reporter with the Black Mountain News, and Mr. Grabel said he thought he had quoted the Mayor correctly. Mayor Bartlett assured the citizens that the Mayor and Board of Aldermen have no intention of demolishing the tennis courts. He said with an issue of this importance, out of courtesy and respect for the Black Mountain Tennis Association, the Board would have meetings to consider alternatives. Mayor Bartlett then recognized Judy Eubanks.

Judy Eubanks, President, Black Mountain Tennis Association, spoke on behalf of the Black Mountain Tennis Association and the United States Tennis Association, with which they are affiliated saying she appreciated all the calls and e-mails supporting the Association. Ms. Eubanks is working with the Town and Recreation Department to get lights on the lower courts and possibly get additional courts added to the long-range plan. She said the Association is working with the Recreation Department and hoping to get courts resurfaced in the spring.

II. CITIZEN COMMENTS

Joe Tyson, 309 N. Dougherty Street, said he understands that the Board has received a letter back from the state regarding the west Black Mountain interchange evaluating the proposed locations of the interchange. He said he understands there are several members of the Board that actually oppose the Blue Ridge Road interchange. Mr. Tyson hopes that before the Board makes the decision to eliminate the interchange that they consider appointing the Town Manager to gather all the facts, try to come up with a resolution that is positive that would keep Black Mountain in the running for a west Black Mountain interchange, and spell out what the Town wants rather than letting the Department of Transportation determine what is going to happen.

Mayor Bartlett 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.

III. ADOPTION OF THE AGENDA

The minutes of the minutes of December 4, 2006 – Special Meeting, December 4, 2006 – Closed Session, December 7, 2006 - Agenda Workshop, December 7, 2006 – Closed Session, December 11, 2006 - Regular Session were approved.

The agenda was amended with the following changes:

Under VI, Consent Agenda, moved item “H”, “Contract with Benchmark, CMR, Inc.” to “Old Business”,

Under VI, Consent Agenda, item “J”, delete reference to “Plat Book”,

Under VII, Communications from the Town Manager, add item “10”,

Under IX, Old Business, delete item “D”, “Review of Various Projects in the Capital Improvement Program”,

Under IX, Old Business, item “E”, “Estimates for Paving of Greenway Connecting the Oaks Trail to the Recreation Park Greenway”, move to “Consent Agenda”,

Under X, New Business, item “A”, “Use of Forfeiture Funds to Purchase a Utility Building for the Storage Facility at the Police Department Firing Range” to “Consent Agenda”,

Under X, New Business, item “B”, amended motion to delete “and to authorize that hourly compensated employees within the Police Department be paid the same total wages for work performed in 168 hours in a 28-day cycle as are currently being paid for work performed in 160 hours in a 28-day cycle”.

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

IV. COMMUNICATIONS FROM THE MAYOR

A. Mayor Bartlett announced the upcoming Martin Luther King, Jr. Breakfast would be held on Saturday, February 3, 2007 at 9:00 a.m. at Ridgecrest Lifeway Conference Center. He encouraged everyone to try and attend.

B. Mayor Bartlett read a Resolution of Appreciation for Sheridan Hill, former member of the Planning Board.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of December 4, 2006 – Special Meeting, December 4, 2006 – Closed Session, December 7, 2006 - Agenda Workshop, December 7, 2006 – Closed Session, December 11, 2006 - Regular Session

B. Adoption of Budget Amendment #07

Motion: To adopt Budget Amendment #07 as submitted

C. Adoption of Budget Amendment #08

Motion: To adopt Budget Amendment #08 as submitted

D. Appointment of Trustees to the Black Mountain Local Firemen’s Relief Fund Board

Motion: To appoint Sterling Poe to serve as the Board of Aldermen’s appointment until January 2008 and to appoint Freddie Robinson to serve as the Board of Aldermen’s appointment until January 2009 as recommended by the Black Mountain Firemen’s Local Relief Fund Board

E. Reallocation of Grant Funds from the State Division of Water Resources and the Buncombe County Soil and Water Conservation District

Motion: To direct Town Staff to pursue matching funds from the Pigeon River Fund and/or other sources for the Water Resources Program for stream restoration activities along Flat Creek, and to work with NCSU to implement stream improvement and educational activities

- F. Application for Mobile Source Emissions Reduction Grant
Motion: To endorse a grant application for \$27,813 from NCDENR's Mobile Source Emissions Reduction Grant program to purchase two electric vehicles and establish a biodiesel pumping facility
- G. Consideration of a Resolution to Work with the Western North Carolina Green Building Council to Promote Green Building, Energy Efficiency, and More Environmentally Friendly Design for Projects within the Town of Black Mountain
Motion: To adopt the attached Resolution to cooperate with the Green Building Council and the State Energy Office to "Green Black Mountain"
- H. Estimates for Paving of Greenway Connecting the Oaks Trail to the Recreation Park Greenway
Motion: To adopt Budget Amendment #09 as submitted
- I. Adopt Primary School Greenway Master Plan
Motion: To adopt the Primary School Greenway Master Plan as presented by the Greenways Commission and Equinox Environmental, and to direct staff to proceed with easement acquisition
- J. **CALL FOR PUBLIC HEARING** on the annexation of Phase III of the Property Known as The Settings
Motion: To call for a Public Hearing on the proposed annexation of a portion of the property known as The Settings to be held on Monday, February 12, 2007 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road, Black Mountain, NC
- K. Use of Drug Forfeiture Funds to Purchase a Utility Building for the Storage Facility at the Police Department Firing Range
Motion: To adopt Budget Amendment #10 as submitted

VII. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. **Presentation of Annual Financial Audit** – Mr. Scott Hughes, with the accounting firm of Johnson, Price, and Sprinkle, gave the annual financial report for the Town of Black Mountain. His report showed that the Town was in good financial condition.

2. **Christmas Cheer Report** – Lt. Johnny Raines reported that the Christmas Cheer Program, which is sponsored by the Police Department, assisted 120 families and 157 kids. He said without all the volunteers throughout the Town staff and Town this program would not be possible. Lt. Raines said the party for the children was held on December 21 at which time the toys and food were given out.

3. **Police Department Monthly Report** – Police Chief, Kevin Pressley, gave the December report for the Police Department.

4. **Fire Department Monthly Report** – Fire Chief, Tim Rayburn, gave the December report for the Fire Department.

5. **U.S. Highway 70 Sidewalk** – Mr. Caudle reported that the first phase of the U.S. Hwy. 70 sidewalk project is under construction. He said Phase I should be completed in

three to four weeks. Vice Mayor Sobol requested that staff look at the driveway on East College Street and also the curb cuts.

6. Staff Training – Mr. Caudle reported that supervisory training is underway for staff. Mr. Caudle said we are working with an organizational development specialist, Mr. Beau Bobbitt, a local resident, who has volunteered his services to the staff. He said this would be a four to five month process.

7. Carver Youth Center – Mr. Caudle reported that the contract has been signed with the Salvation Army for the Girls and Boys Club to meet at the Carver Center.

8. Board of Aldermen Meeting – January 10, 2007 – The Board of Aldermen has scheduled a tour to review Town facilities on January 10, 2007 beginning at 9:00 a.m.

9. Pedestrian Plan Update – Elizabeth Teague, Planning Director, reviewed the Pedestrian Plan Update. She said that the Town has received \$20,000 in funding from the State Department of Transportation to conduct a comprehensive pedestrian master plan. Ms. Teague requested that the Board appoint a Steering Committee within the next month to include representatives from the various boards, the Police Department, Public Works and others who are critical to the pedestrian planning process.

10. Fire Department Banquet – January 29, 2007 @ Assembly Inn, Montreat, 6:30 p.m. – Social; 7:00 p.m. – Dinner – Mr. Caudle reminded the Board that the Fire Department Annual Banquet will be held on January 29, 2007 at Assembly Inn, Montreat.

VIII. COMMITTEE/BOARD REPORTS

Alderman Brown announced that the Martin Luther King, Jr. Breakfast would be held on February 3, 2007 at Ridgecrest Lifeway Center. She said the speaker will be James Ferguson II, a nationally known famous civil rights attorney and activist. Alderman Brown said proceeds from the breakfast provide scholarships to some Owen High School students.

A. Board/Committee Appointments –

1. **Housing Commission** – *Alderman Brown made a motion to appoint Ellen Farrior to fill a vacancy on the Housing Commission. The motion passed unanimously.*

2. **Urban Forestry Commission** – *Alderman White made a motion to appoint Eric Wardwell and Van Burnette to fill vacancies on the Urban Forestry Commission. The motion passed unanimously.*

B. Consideration of Appointments of Governing Body Members to Serve on the Land-of-Sky Regional Council – *Vice Mayor Sobol made a motion to appoint Alderman White to serve as the representative from the Town of Black Mountain on the Land-of-Sky Regional Council. The motion passed unanimously.*

IX. OLD BUSINESS

A. PUBLIC HEARING and Consideration of a Text Amendment Request from CitilineResortline to the Cheshire Architectural Guidelines

Elizabeth Teague, Planning Director, explained that at the November 27, 2006 meeting of the Planning Board, a request was heard and approved from CitilineResortline to amend the text

of the Village of Cheshire Architectural Guidelines regarding Townhomes as follows: To allow attached garages on lots 70 and 71 for parking of townhouse residents' vehicles and allow a zero foot (0') setback for any townhouse on lots 70 and 71, provided that the rear lot line abuts an alley or parking lot. She said that this request has also been approved by the Village of Cheshire Architectural Review Committee and found acceptable and consistent with the design goals of the Master Plan.

Mayor Bartlett opened the public hearing at 7:05 p.m.

Harry Hamil, 15 John Myra Avenue, member of the Planning Board, said this request has no impact on the neighbors. He said requests for minor changes are expected.

With no further comments, Mayor Bartlett closed the public hearing at 7:10 p.m.

With no further discussion, Alderman Brown made a motion to approve the amendment to the Cheshire Architectural Guidelines regarding Townhouses, p. 24, and specific to lots 70 and 71 as stated. The motion passed with a vote of 5-0.

B. PUBLIC HEARING on Proposal from CitilineResortline Development and Construction for Downtown Redevelopment Project

Mr. Caudle gave a brief review of the downtown development project as submitted by CitilineResortline Development and Construction.

Amy Merritt with CitilineResortline thanked the Board, staff, and citizens for their input during this process. Ms. Merritt reviewed the concerns regarding parking and the financial proposal. Ms. Merritt said they are asking the Board for a decision regarding the proposal by January 22.

Mayor Bartlett opened the public hearing at 7:30 p.m.

Carter Blaisdell, 313 Hiawasse, commented that he would like to see the project be two stories instead of three stories.

Mikkel Hansen, 112 Hilltop Road, said the Board and staff should ask some serious questions about what we want to accomplish and thinks the Board should buy the two properties.

Leslie Carreiro, 204 View Street, asked if there is a setback from the main road. She feels the price for the condos, \$200,000 to \$300,000, is too excessive. She asked if the rent for the retail space is high and would they be able to rent those spaces?

Philip Bisesi, 15 Hi Vu Drive, asked what level of leads are you going to ask? He asked if any of the condos are pre-sold and is there any good market research data available? He thinks that Town Hall should be free standing.

Fran Dionne, 108 N. Blue Ridge Road, asked where are the tourists going to come from? She said we need to market Black Mountain.

Deirdre Christy, 108 9th Street, said we need to take time to think about what makes Black Mountain what it is. She said we should look at this very closely.

Betty Whitaker, 207 N. Ridgeway, read part of an article from the Asheville Citizen-Times regarding the growth in Black Mountain. She asks that the Board consider the small town quality of life when making decisions. She said tourism is important in Black Mountain. Ms. Whitaker said we need mid-price housing.

Ron Collins, 400 Blue Ridge Road, said the scale of the project, three stories, seems to be overpowering. He asks that the Board decide what we need as a Town.

Susan Robinson, 28 Blue Ridge Assembly Drive, does see that the block is ripe for development and it will have an impact on the town. She said the renderings she has seen seem to be on the right track. Ms. Robinson hopes the Town will look at this seriously.

Ray Lamm, 103 Border Street, said it seems that the proposed project is not in keeping with Black Mountain. He said we like it the way it is.

Harry Hamil, 15 John Myra Avenue, made several comments:

- This block is ripe for development. Do we approach it on a pro-active basis? We need to give the developer an answer;
- Interior parking – one of the benefits of church parking lots – available to the public during certain hours;
- With a good design, hopes that a good entrance will be included for emergency vehicles;
- Consider underground utilities;
- Need direction from Board of Aldermen for input from Planning Board.

Mary Soyenova, 661 Old Toll Road, said she would like to see a Town Square with green space.

Bronte Lamm, 103 Border Street, said the proposed project does not fit Black Mountain. She is concerned about dual ownership.

Travis Childs, 204 Pine Street, said Black Mountain is an important part of his life. This project presents this Town with an incredible opportunity. He challenges the Board not to say no but to ask how can we do it?

Ann Lutz, 211 North Park Lane, made reference to the Comprehensive Plan. She does not feel this proposal suits Black Mountain. Ms. Lutz would like the Board to look at other proposals.

Ken Pittman, 118 Cherry Street, thanked the Board for working through this. He also thanked Citiline for their work.

Charles Tate, #2 Arosa Court, is opposed to this project. He said we need an architect committee that will blend a development into a small town. We need to keep small town character. He said there are some things about the proposed development he likes.

Mayor Bartlett closed the public hearing at 8:15 p.m.

Alderman Brown said the owners of the two properties are going to sell and growth will happen.

Vice Mayor Sobol thinks the financing should be the function of private developers. He feels the Town should not put money into a private development.

Alderman White thinks this is a project of smart growth and thinks the Town government should be involved. Alderman White wants to move forward.

Alderman Brown said we owe the developer an answer as soon as possible and she will vote yes.

Mayor Bartlett would like the developer to submit a complete financing package.

With no further discussion, Vice Mayor Sobol made a motion that the Board of Aldermen meet on January 22, 2007 at 6:00 p.m. to make a decision on the proposed development. The motion passed with a vote of 5-0.

At 8:55 p.m. the Mayor called for a five-minute break.

XI. CITIZEN COMMENTS - At 9:00 p.m. Mayor Bartlett asked for Citizen Comments.

Harry Hamil, 15 John Myra Avenue, referred to the Pedestrian Master Plan Steering Committee that the Board will be appointing. He said that the Planning Board should be represented and Ryan Stone, a member of the Planning Board, has volunteered to serve on this committee. Mr. Hamil urged the Board to look at other places that have undergone downtown development before the Board makes a decision on Black Mountain. He said we would lose a view.

IX. OLD BUSINESS (cont.)

C. PUBLIC HEARING to Consider Options for the Replacement of the Black Mountain Pool

Mr. Caudle reported that the Board of Aldermen directed the Recreation & Parks Department to look at options for the provision of Town pool facilities. He said the options, with estimated costs, are as follows:

1. Refurbish entire shell and partial deck of existing pool – Cost: \$304,000
2. Construction of New Pool at Existing Location – Cost: \$800,000
3. Construction of New Pool & Bathhouse with Cover - \$1.2 million

4. Partner with Montreat College at the Black Mountain Campus – (2) pools – both indoor. The Town would lease the facility for a minimum of 25 years – monthly ground lease rate: maximum of \$4,945; monthly facility lease rate: maximum of \$60,112.

Mr. Caudle reported that the Board had authorized an engineering firm to conduct a soil study on property at Cragmont Park (Option #3). Mr. Caudle said early reports indicate that the soil is not suitable for a Wellness Center Building/Pool on that property.

Vice Mayor Sobol made a motion to delete option #4. The motion passed with a vote of 5-0.

Mayor Bartlett opened the public hearing at 9:30 p.m.

Mary Soyenova, 661 Old Toll Road, thinks the pool should be left at existing location due to walkability. She would like a public hearing to include parents and children.

Mikkel Hansen, 112 Hilltop Road, hopes the Board will make the right decision – refurbish or rebuild in existing location.

Mayor Bartlett closed the public hearing at 9:40 p.m.

Mayor Bartlett asked that staff come up with the dollar amount that it will cost to open the pool this summer and bring forth necessary budget amendments.

After discussion, the Board agreed to pursue option #1 - refurbish entire shell and partial deck of existing pools. Staff needs to also include cost for renovation of bathhouse, show cost to add bubble to pool, and show net operating costs during winter months (including heat, staff, etc.).

D. Review of Various Projects in the Capital Improvement Program – Removed this item from the agenda.

E. Contract with Benchmark, CMR, Inc. for Technical Assistance with Extra-territorial Jurisdiction and Land Use Planning up to \$20,000

Vice Mayor Sobol made a motion to approve the Contract and Scope of Services with Benchmark, CMR, Inc. for Technical Assistance with Extra-territorial Jurisdiction and Land Use Planning up to \$20,000. The motion passed with a vote of 5-0.

X. NEW BUSINESS

A. Proposed Reorganization of the Black Mountain Police Department

Kevin Pressley, Police Chief, presented a restructuring of the Police Department which requires changing the current eight-hour shifts to twelve-hour shifts for the officers. He believes this change will allow better use of existing personnel, and it will also allow personnel more time

to devote to their personal/family needs outside the workplace. Chief Pressley is requesting the return of the Police Officer position that was eliminated at the time that the position of Public Safety Director was established. Chief Pressley also asked that an adjustment in hourly rates of pay for police officers be made in order to remain within budgetary guidelines.

After discussion, Vice Mayor Sobol made a motion to amend Budget Amendment #11 to approve up to \$59,000 for reorganization of the Police Department which will include an additional officer and money to cover additional shift hours so that officers will remain at the same hourly rate. The motion passed with a vote of 5-0.

XII. ADJOURNMENT - *With no further business, Alderman McKeown made a motion to adjourn the meeting at 10:05 p.m. The motion passed with a 5-0 vote.*

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk