

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
June 13, 2005

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, June 13, 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
Bo Ferguson, Assistant Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Jerry Atkins, Zoning Administrator
David Ballard, Golf Pro
Gary Bartlett, Director of Public Safety
Casey Conner, Interim Recreation & Parks Director
Elizabeth Teague, Planning Director
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 Pastor Steve Morrison, Grace Fellowship Church of God, 116 North Fork Road, 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 minutes of May 5, 2005 - Agenda Workshop, May 9, 2005 – Regular Session, and May 9, 2005 – Closed Session. The agenda was amended at the Agenda Meeting on June 9, 2005 with the following changes:

Under VI, Communications from the Town Manager, add item “4”, Health Initiative Meeting – June 20, 2005.

Under IX, New Business, “A”, changed to read “a license agreement” instead of “an agreement”.

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 presented a Resolution Supporting the Community Foundation of Western North Carolina and asked for approval by the Board. He said the Community Foundation has been of great benefit to the community and has distributed \$180,000 in five years in our community. *Alderman Brown made a motion to accept the Resolution Supporting the Community Foundation of Western North Carolina. The motion passed unanimously.*

B. Mayor Begley thanked Alderman Sobol and all the volunteers who worked so hard to repair the deck at the pool. Alderman Sobol also thanked the group as a whole.

C. Mayor Begley announced that there is an effort by the Community Endowment Fund to have a balloon flying over Black Mountain prior to the 4th of July weekend.

IV. COMMUNICATIONS FROM TOWN ATTORNEY – None.

V. CONSENT AGENDA

With the adoption of the agenda for the June 13, 2005 Regular Session Meeting, the following actions were approved:

A. Adoption of the Minutes

Motion: To adopt the minutes of May 5, 2005 –Agenda Workshop, May 9, 2005 – Regular Session, and May 9, 2005 – Closed Session

B. Adoption of Budget Amendment #14

Motion: To adopt budget amendment #14 as submitted

C. Declare eight (8) hand-held radios and seven (7) mobile radios surplus as described below: Black Mountain Inventory Numbers: 673, 843, 845, 818, 628, 820, 824, 610, 568, 86, 536, 607, 802 and two items without inventory numbers that were purchased by individual members

Motion: Declare the above-referenced equipment surplus and to sell the items to the American Red Cross for one dollar for use in their Disaster Response Teams.

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

B. Projects Update

1. Fourth of July Fireworks – Mr. Caudle reported that plans for the Fourth of July celebration are underway. The festivities will begin at 6:00 p.m. on Richardson Boulevard to include a street dance and food vendors. The fireworks will begin at dusk.

2. Award of FEMA Mitigation Grant – Mr. Caudle reported the Town applied for and received a FEMA grant in the amount of \$214,000. These funds will be used to help bury creek crossings and relocate the 10” water line that comes under the Richard Petty bridge.

3. Awards from the North Carolina Rural Water Association – Mr. Watts reported that the Town received two awards from the North Carolina Rural Water Association: (1) – “Spirit Award” for excellence in managing the water system; and (2) – “Good Samaritan Award” for the excellent assistance given to an employee of the Rural Water Association who became ill when visiting Black Mountain.

4. Health Initiative Meeting – June 20, 2005 – Mr. Caudle reported that the Health Initiative Task Force has scheduled a meeting on June 20, 2005 at 2:30 p.m. to review results of the Needs Assessment Survey. He said a public meeting is scheduled for 7:00 p.m. that evening for the citizens to review the results.

5. Public Safety Report – Mr. Caudle noted that the public safety report has been revised to show more information. He asked that the Board give feedback to the staff of any changes.

6. Elizabeth Teague – Planning Director; Bo Ferguson – Assistant Town Manager – Mr. Caudle introduced two new staff members.
Ms. Elizabeth Teague – Planning Director and Bo Ferguson – Assistant Town Manager.

VII. COMMITTEE/BOARD REPORTS

A. Appointments to Fill Vacancies on Boards and Commissions

Mayor Begley reviewed the vacancies on the various committees. The Board agreed that all applicants would be placed into nomination and the Board would vote on each applicant. The following people were elected to fill the open positions.

ABC Board – (1) opening – John “Woody” Sobol appointed.

Historic Preservation Commission – (1) opening – Jane Reeves reappointed.

Housing Commission – (2) openings – Irene White appointed. There is still one opening to fill.

Recreation Commission – (3) openings - Clay Hile – reappointed; Fran Roberts and Carlos Showers appointed.

Urban Forestry Commission – (2) openings – Connie “Susie” Smith appointed. There is still one opening to fill.

Zoning Board of Adjustment – (2) openings – John Ellery appointed. Doug Brock moved up to regular member from alternate. There is an alternate position to fill.

Mayor Begley noted that there are still vacancies on the Housing Commission, Urban Forestry Commission, and the Zoning Board of Adjustment. He said if anyone knows of someone who would like to serve on a committee, they should stop by Town Hall and complete an application or download a copy from the web. Mayor Begley thanked all the volunteers for their willingness to offer their time and talents for serving on these committees.

Alderman Brown reported that the Asheville Transit Service is offering students a pass for the summer season. The cost is \$40.00 and is good for all routes throughout the transit system.

VIII. OLD BUSINESS

A. PUBLIC HEARING on proposed Fiscal Year 2005-2006 Annual Budget for the Town of Black Mountain

Mayor Begley opened the public hearing.

Tony Caudle, Town Manager, explained that the proposed budget remains in the three-year financial plan format. He said the purpose of the budget document is not only to provide a proposed budget but also to present a general plan for the accomplishment of goals together with a record of daily departmental activities. He said only the first year’s revenues and expenditures will be included in the forthcoming budget ordinance; the final two years are only projections. The budget format places emphasis on the goals and action items set within each department. Many of these action items are directly tied to the accomplishment of plans, programs, or objectives that are outlined in various Town-sponsored planning documents. The goal is to produce a document that not only provides for policy direction and funding, but also allows for the assessment of success and the level of work that is being undertaken in our efforts to accomplish specified goals. Mr. Caudle then presented an overview of the budget with a powerpoint presentation. In summary Mr. Caudle reported that the following amounts are hereby appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2005 and ending June 30, 2006. A copy of the approved budget for FY 2005-06 will be available for inspection at Town Hall.

General Fund	\$6,101,630
Water Fund	\$1,035,345
Golf Fund	\$ 676,350

Mayor Begley then asked for public comments.

Phil Bisesi, 15 Hy View Drive, stated that he could not run his business with the overhead the Town has. He thinks the Town does very little in terms of money for operations and maintenance to keep our infrastructure intact, and even less in capital improvements to improve the infrastructure. The overall result looks like in terms of putting buildings, roads, water, and other devices in our infrastructure and maintaining them, we have a lot of personnel expenses that are way more than what we are actually putting in as added value to our Town. He would like someone to address this.

Harry Hamil, 15 John Myra Avenue, understands that there was a reorganization in staff. He would like to see the changes itemized, because we have only heard about supervisory positions and not the people who are out there providing the services.

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

Alderman Garrison made a motion to adopt the FY 2005-06 budget as presented by the Town Manager and to include any changes made.

Vice Mayor Kennedy had several comments. He noted that \$4,000 was carried over in the budget for the Health Initiative which allowed the committee to hire an intern, Ms. Charlotte Litjens. She will help us to coordinate the development of the health initiative. A total of \$10,000 was allocated and will make it possible to bridge into the new year. Vice Mayor Kennedy asked how replacement cars are purchased. Mr. Caudle explained that the State allows towns to piggy back with other towns which gives the opportunity to purchase at a fleet price. He said we also compare prices with vendors. Vice Mayor Kennedy asked Mr. Caudle to explain the change in health insurance. Mr. Caudle said the Town has chosen to go to a partially self-insured program. He explained that the increases for the last several years has ranged from 15-20%. The increase from our current carrier for the coming fiscal year was projected at 29%. Mr. Caudle said with the new carrier, the increase will be 8%. He noted a wellness program will be started for the employees in the near future. Vice Mayor Kennedy said last year's budget included \$200,000 from the county under the water agreement. He would like to know where are we on this agreement and how will this affect the budget in Black Mountain? Mr. Caudle explained there is no resolution with the City-County water agreement. The agreement deals with everything except water. The County has been paying us for services that they do not have to provide in the county in the Sheriff's Department - their patrol and investigation services. The County makes a payment to the Town of Black Mountain for what the taxpayers pay in to the Sheriff's Department for services not provided. We anticipated that we would receive 75% in the coming year of what we received in the current fiscal year. We budgeted \$150,000. Our payment this year was just under \$205,000. Mr. Caudle said it is his understanding that the County has not budgeted for patrol and investigative service reimbursement to municipalities. If this is so, we will have to rely on our savings account for the \$150,000. He said we will have to wait and see what happens with the City and County.

Alderman Sobol said we have increased our expenditures over last year. How do we anticipate to fund the increases and what about adding employees to this mix?

Mr. Caudle responded that we always anticipate that the revenues and expenditures are going to correspondingly rise. He said there is a possibility that will not happen. At that point we will have to decide if we are going to increase the tax rate or consider service reduction. Mr. Caudle said the proposed budget adds one person in the Planning and Zoning Department and fees have been increased in order to offset that cost. The Board has approved a FEMA grant application for an additional fire person to help meet safety standards in the Fire Department. The grant is on a declining scale where the percentage of local participation increases over a five-year commitment and allows the Town to ease into the financial responsibilities. From that point depending on services required, the number of personnel should be minimal in the coming years. Mr. Caudle said he sees issues associated with building maintenance and computer technology assistance. He said we are trying to combine some responsibilities across departments. Alderman Sobol said we have very good people working for the Town. Overall, we need to look at the personnel study very closely as the report shows adding 4-7 people in the future. This means we have to find revenue streams to fund these. Alderman Sobol said we need to move towards maximum efficiency.

Alderman Brown said two people have questioned the personnel budget and Alderman Sobol has also mentioned the number of employees. We have a responsibility to honor our mission statement. She said she does not have a problem with having enough employees to get the work accomplished. Alderman Sobol responded to Alderman Brown and said he has the right to question the manager on issues regarding personnel and budget. He supports the Town in paying employees a fair wage. Alderman White said the Board was concerned about personnel and pay scales for employees and that is why the study was conducted. She said the Board wants to be sure the wages are comparable to other towns, and we will continue to look at the personnel study. *With no further discussion, the motion passed with a vote of 4-1 with Alderman Sobol opposed.*

- B. **PUBLIC HEARING** on the Resolution of Intent to Close a Portion of the Ten Foot Alleyway that Extends Northwest from West Cotton Avenue to West Keesler Street; and the Street Right-of-Way Known as McKnitt Parkway as Recommended by the Planning Board

Mayor Begley opened the public hearing.

Jerry Atkins said that residents adjoining the alleyway between West Cotton Avenue and West Keesler Street and the street right-of-way known as McKnitt Parkway have requested that these properties be closed. The Planning Board reviewed this request and recommends closure of said properties.

With no public comments, Mayor Begley asked for Board discussion.

Alderman Brown made a motion to close the southwesterly portion of the alleyway that runs between West Cotton Avenue and West Keesler Street and, to Close the Street Right-of-Way Known as McKnitt Parkway as Recommended by the Planning Board. The motion passed with a vote of 5-0.

IX. NEW BUSINESS

A. Request to Use Public Property Behind Cherry Street Restrooms for Location of Dumpster

Alderman Garrison made a motion to allow the Town Attorney to draft and the Town Manager to execute on the behalf of the Town, a license agreement that allows John Ewing to use the grassy area behind the public bathrooms on Cherry Street as a dumpster location.

There was some discussion about putting certain restrictions in the agreement. Alderman Garrison noted that the Town Attorney should prepare the agreement following the guidelines for the dumpster as set forth in the “Frith Agreement” on the property behind the Center for the Arts.

After discussion, Alderman White made a motion to amend the original motion to include: adding a padlock to the dumpster, pest control service, extra pickup when full. The motion failed with a vote of 2-3, with Aldermen Brown, Garrison, and Sobol opposed.

The original motion passed with a vote of 5-0.

X. CITIZEN COMMENTS - At 8:25 p.m. Mayor Begley asked for Citizen Comments.

Philip Bisesi, 15 Hy View Drive, said he would like to see more transparency in the budget. He would like to see more emphasis on production workers as compared to administrative workers. There should be a greater emphasis on whatever we do adding value to the Town. He does not know what we are doing for the citizens. He said the cost of all the people we have making decisions compared to the money spent on the decisions itself is out of scale.

Ruth Brandon, 722 Laurel Avenue, said she is extremely pleased with the level of professionalism with the Town employees. She feels the money should not have been spent for furniture and a pool cover as these are not pool repairs. The cover will probably not fit the new pool; why can't the people bring their own chairs. Ms. Brandon said left-over money is spent and not returned to the general fund. She asked the Board to keep the scissors sharp.

IX. NEW BUSINESS (cont.)

B. Consideration of Request from North Carolina Department of Transportation Rail Division to Support Plan for Improvements to Rail Crossings in Black Mountain

Alderman Brown made a motion to delay action on the request of Gannett Fleming, Inc. to endorse their proposed rail crossing improvement plan until the Town of Black Mountain completes the forthcoming U.S. 70 – Interstate 40 corridor study and until the results of the forthcoming feasibility study regarding the possible location of an interstate interchange at Lytle Cove are forwarded to the Black Mountain Board of Aldermen.

Alderman Sobol asked Mr. Caudle what did he anticipate as a debate and time frame to look at the corridor study, the rail study, and the feasibility study? Mr. Caudle said ideally the feasibility study and the corridor study would come together at the same time. He said the rail study has already come into play as the engineer is ready to make his recommendation to the Rail Division of the Department of Transportation. Mr. Caudle said he checked with Beverly Williams with NCDOT about a time frame for completion of the feasibility study at Lytle Cove. She would like to have that completed by the time the 2007 Transportation Improvement Program (TIP) with the state gets ready to go to press which would be around July. Mr. Caudle said he anticipates the Corridor Study would be completed within the year because it was funded for the fiscal year. Elizabeth Teague, Planning Director, said the French Broad River Metropolitan Planning Organization (FBR MPO) actually has funded a portion of a proposed corridor study to take place in the coming year. She thinks the process would be a formation of a committee and choose a consultant to work with DOT. She said key issues would be chosen that are to be addressed in the study, and move forward through the year to try and develop recommendations, funding opportunities, and new opportunities to bring some additional stakeholders throughout the process. Ms. Teague said by the end of the fiscal year a draft study with specific recommendations and some new funding opportunities from DOT and other sources to improve that corridor, along with goals and objectives that are compatible with the Comprehensive Plan, should be ready for Board review.

Alderman Sobol asked how is the rail corridor study funded? Ms. Teague said the rail study was funded by the state passenger rail study and the state rail division. A portion of federal funds will be used, but a lot depends on reauthorization of the federal highway bill that is under consideration. Alderman Sobol said this proposal seems outrageous and wants to know why we are not voting on the recommendation. Why do we need to keep it on the table? Mr. Caudle replied that he thinks the reason for the recommendation to delay action was in hopes of being able to develop alternatives in association with what we wanted in terms of improved interstate access and corridor improvements. The Board has the right to say we do not want to endorse the proposal. Alderman Garrison said he is in favor of deferring action if it helps to keep the door open to get cooperation and accomplish some of our goals. *After further discussion, the motion passed with a vote of 4-1 with Alderman Sobol opposed.* Mr. Caudle said he would send a letter to the Engineering Firm, Gannett Fleming, and express to them we have two ongoing issues to be resolved before we endorse or do not endorse their railway proposal based on how it fits into our plans, and that we prefer to reserve comment until such time that is completed.

XI. CLOSED SESSION – With no further business Mayor Begley asked for a motion to go into Closed Session. *Alderman Brown made a motion to go into Closed Session at 8:45 p.m. to discuss Property Acquisition - as permitted in NCGS 143-318.11(a)(5). Approved unanimously.*

XII. ADJOURNMENT - *With no further business, Alderman Garrison made a motion to adjourn the meeting at 9:15 p.m. The motion passed unanimously.*

Wm. Michael Begley, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk