

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**March 8, 2004**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, March 8, 2004 at 6:00 p.m. in the meeting room of the Public Safety Building, 106 Montreat Road.

**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  
David Ballard, Golf Pro/Manager  
Gary Bartlett, Fire Chief  
Chad Jonsson, Recreation and Parks Director  
Bob Watts, Public Works Director  
Allen Willet, Police Chief  
Jerry Wood, Planning Director

Representing the media:

Dan Hesse, Valley Record  
Matt Mittan, Valley Record  
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. Richard Stennett, Consulting Minister of the Unitarian Universalist Congregation of the Swannanoa Valley.

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 January 29, 2004 - Special Meeting, February 9, 2004 – Agenda Meeting and Regular Session and February 9, 2004 – Closed Session were approved.

The agenda was amended at the Agenda meeting on March 4, 2004 with the following changes:

Under III, Consent Agenda, moved item “C” from VIII, Old Business

Under III, Consent Agenda, added item “D”

Under VII, Committee/Board Reports, added item “F” – Appoint Representative to Montreat Board “In the Oaks”

Under VIII, Old Business, deleted item “B”

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

## III. CONSENT AGENDA

With the adoption of the agenda for the March 8, 2004 Regular Session Meeting, the following actions were approved:

A. Adoption of the Minutes

*Motion: To adopt the minutes of January 29, 2004 - Special Meeting, February 9, 2004 – Agenda Meeting and Regular Session and February 9, 2004 – Closed Session*

B. Adoption of Budget Amendment #08

*Motion: To adopt budget amendment #08 as submitted*

C. Consideration of Lease with Mr. Harry Hamil to Operate a Vegetable Garden on a Portion of the Clevenger-Sox Property

*Motion for Consideration: To approve the terms of the proposed agreement to lease a portion of the Town-owned property on White Pine Drive to Mr. Harry Hamil for the purpose of growing vegetables*

D. Approval of Offer to Waive Fine on Clark Property in Exchange for Expenditures Made Towards Property Clean-up

*Motion for Consideration: To waive the fines assessed against Ed Clark for failure to abate the nuisance located on Mr. Clark’s property at the intersection of Blue Ridge Road and U.S. Highway 70 upon demonstration to Town staff that Mr. Clark has spent an amount on clean-up of said property that is equal to or exceeds the amount of fines that would otherwise be owed to the Town upon the completion of the clean-up operation*

**IV. COMMUNICATIONS FROM THE MAYOR**

- A. Mayor Begley recognized and expressed appreciation to the winners of Land-of-Sky Regional Council Awards:  
Elizabeth “Lib” Harper – “Kathleen Godwin Cole” Award – Outstanding Older Adult Volunteer Award  
Johnny Raines – “Special Award” for managing and organizing the Police Department’s Christmas Cheer Program

**V. COMMUNICATIONS FROM TOWN ATTORNEY – No report.**

**VI. COMMUNICATIONS FROM THE TOWN MANAGER**

**A. Review of Consent Agenda**

**B. Projects Update**

**1. Fourth of July Fireworks Display** – Mr. Caudle reported that the Board agreed by consensus in the Agenda meeting on March 4 that a fireworks display would be held this year. He said since the 4<sup>th</sup> of July falls on Sunday, the Board agreed to move the fireworks show to Saturday, July 3<sup>rd</sup>. Mr. Caudle said the place will be determined at a later date.

**2. Installation of Traffic Signals at State Street, Montreat Road, and Broadway** – Mr. Caudle reported that some issues have come up regarding structural integrity along the sidewalk on State Street by Town Hardware. He has spoken with the Department of Transportation and has been advised that a structural specialist from Raleigh will be coming to Black Mountain to review these issues.

**3. Fire Department Substation Development (#2)** – Mr. Caudle reported that work on substation #2 is approximately 50% complete.

**4. Letter to North Carolina Department of Transportation Requesting Funding for Highway 70 Sidewalk** – Mr. Caudle reported that the Board of Aldermen was approached by a number of wheelchair-bound individuals regarding the trouble they have accessing the Black Mountain primary business district from the Blue Ridge Apartments on North Blue Ridge Road. He said the Board voted unanimously to endorse this project several months ago. Mr. Caudle reported that a letter is being sent to the North Carolina Department of Transportation requesting funding and construction of a sidewalk along U.S. Highway 70 from Cragmont Road westward to Blue Ridge Road.

**5. Lighting Ordinance Development** – Mr. Caudle reported that the Planning Board will be reviewing the lighting ordinance at their March meeting and will be forwarded to the Board of Aldermen at the April meeting for consideration

**6. Budget Calendar for Development of FY 2004-2005 Annual Budget** – Mr. Caudle reviewed the time schedule for the development of the FY 2004-2005 Budget.

**7. Rail Corridor Committee Meeting** – Mr. Caudle reported that a Rail Corridor Committee meeting is scheduled for March 17 at the Campfire Restaurant.

**8. Board of Aldermen Retreat** – Mr. Caudle reported the Board of Aldermen has scheduled a retreat on March 15, 2004 at Mountain Laurel Inn at Ridgecrest Conference Center.

**9. Cherry Street Sewer and Phone Lines** – Mr. Caudle reported problems with sewer lines and phone lines were reported on Friday evening at the corner of Cherry and State Streets. MSD and BellSouth responded and the repairs were made on Saturday.

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

### **A. Presentation of Proposed Town of Black Mountain Comprehensive Plan**

Mr. Craig Lindberg, member of the Comprehensive Plan Steering Committee, gave an update and powerpoint presentation on the Comprehensive Plan. He said the final document would be an ongoing process. Mr. Lindberg said the Committee has requested that the Board of Aldermen establish an Oversight Committee to monitor the implementation of the plan. A joint meeting with the Board of Aldermen and Steering Committee is scheduled for March 22, 2004 at the Lakeview Center at 5:30 p.m. to present the plan to the public and celebrate its completion. Mayor Begley thanked Mr. Lindberg and the Comprehensive Plan Steering Committee for all the work they have put forth on this plan. *Vice Mayor Kennedy made an amended motion to call for a public hearing on March 22, 2004 at 5:30 p.m. to hear the Comprehensive Steering Committee report and to invite public input, and to defer action on the report to the next regular meeting of the Board of Aldermen on Monday, April 12, 2004. The motion passed with a vote of 5-0.* Mayor Begley noted that he would like the public to have another chance for input and approve the document at the April meeting.

### **B. Selection of Individuals to Serve on Health Initiative Task Force**

Alderman White explained that the Board of Aldermen established a Health Initiative Task Force to study feasibility and develop a comprehensive framework for a multi-purpose recreational and health program and center, to include construction of a new pool. She said fifteen (15) applicants are to be elected from over 30 applications which were received. Alderman White said this committee is to explore the possibility to see if we can have a broad town-wide initiative to make us all healthy and fit. Mayor Begley explained that the applicants were rated by category and the Board would vote on each category in this order: Health, Business, Education, Faith, Parks and Recreation, and At Large. He said the Board agreed that two would be elected from each category and then five from at large. Mayor Begley said any applicant not selected from the assigned category is eligible to be considered from another category. Mayor Begley explained that he would ask for a motion that the process as outlined is the process by which we will conduct the selection of members as there may be some relatively small technical ways that is a deviation from our rules. *Alderman Sobol made a motion to adopt the procedure as stated by Mayor Begley. The motion passed with a vote of 5-0.* After voting on each applicant, the following members were elected:

Health – Nancy Righi, Genny Pugh, Business – Carl Bartlett, Mike Mayer, Education – Jerry Bobilya,, Charles Wright, Faith – Rev. Dr. Kevin Frederick, Roger Hibbard, Parks/Recreation – Chip Craig, Don McMahill, At Large – Robyn Bailey, Mike Blaine, Gay Fox, Olson Huff, O. L. Sherrill.

Mayor Begley asked for a motion to approve Vice Mayor Kennedy as liaison and Mayor Begley as ex-officio of the group. The ex-officio will not vote but have full participation. The liaison will participate where there is particular type of background of town activity or town potential that can be fed in. Vice Mayor Kennedy would also like to nominate Alderman White as alternate liaison when he is unable to attend the meetings. *Alderman Brown made a motion to approve Mayor Begley as ex-officio, Vice Mayor Kennedy as liaison, and Alderman White as alternate liaison of the Task Force. The motion passed unanimously.*

### **C. Housing Commission Vacancies**

Mayor Begley reported that there are two openings on the Housing Commission. He said only one application was received. *Alderman Brown made a motion to accept the application of Nada Barnett to fill the unexpired term of Tom Jones, which expires July, 2006. The motion passed with a vote of 5-0. Alderman Sobol made a motion that Vice Mayor Kennedy be appointed as liaison to the Housing Commission. The motion passed with a vote of 5-0.* Mayor Begley noted there is still one vacancy to fill and asked that staff re-advertise for this position for possible appointment at the April meeting.

**D. Chamber of Commerce Report – Alderman Brown** – Alderman Brown reported on the following upcoming events:

1. “Taste of Black Mountain” – May 14, 2004
2. “Sourwood Festival” – August 13, 14, 15, 2004

**E. Bus Report – Alderman Brown** – Alderman Brown reported that the Mountain Mobility bus everyone sees around Town is not being utilized to the maximum and encourages citizens to use this bus to connect to the Asheville Transit bus at the depot. Alderman Brown reported that the week of May 8-15 has been proclaimed as “Strive Not to Drive Week” and May 12 has been proclaimed “Ride with Joan Day” by Land-of-Sky Regional Council.

**F. Appoint Representative to Montreat Board “In the Oaks”** – Mayor Begley reported that Montreat College has requested that the Board of Aldermen appoint a representative to the Montreat College Board “In the Oaks”. *Alderman Sobol made a motion to appoint Alderman Brown to fill this position. The motion passed unanimously.*

## **VIII. OLD BUSINESS**

### **A. PUBLIC HEARING – Designation of a Local Downtown Historic District and Conservation District and Adoption of the Black Mountain Historic District Design Guidelines**

Mayor Begley opened the public hearing on the adoption of an Ordinance to amend Sections 31.70-72 of Title III: Administration and Establish Sections 153.085-086 and Sections

153.200-217 of the Zoning Ordinance of the Town of Black Mountain to Designate a Local Downtown Historic District and Conservation District and to adopt the Black Mountain Historic District Design Guidelines. At this time Ms. Susan Robinson, Chair of the Historic Preservation Commission, gave a presentation explaining the process for designation of a local downtown Historic District and Conservation District. She also reviewed the Design Guidelines. Mayor Begley asked for public comments. With no public comments, Mayor Begley closed the public hearing. *Alderman White made a motion to adopt the Ordinance to amend Sections 31.70-72 of Title III: Administration and Establish Sections 153.085-086 and Sections 153.200-217 of the Zoning Ordinance of the Town of Black Mountain to Designate a Local Downtown Historic District and Conservation District and to adopt the Black Mountain Historic District Design Guidelines.* Alderman Brown commended the Historic Preservation Commission for their effort and hard work that has gone into this project. *The motion passed with a vote of 5-0.*

- 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 8:10 p.m.  
No comments received.

**IX. NEW BUSINESS**

- A. Consideration of Resolution opposing the State of North Carolina's participation in an Electronic Law Enforcement Data Gathering Network known as the Multi-State Anti-Terrorism Information Exchange**

*Alderman Sobol made a motion to approve the Resolution opposing North Carolina's participation in the Multi-State Anti-Terrorism Information Exchange and send copies to the State legislators. After discussion, the motion passed with a vote of 3-2, with Aldermen Brown and Garrison opposed.*

- XI. ADJOURNMENT** - *With no further business, Alderman Garrison made a motion to adjourn the meeting at 8:30 p.m. Approved 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