

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
March 14, 2005

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, March 14, 2005 at 5:00 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
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. Stratton Peacock, Stated Supply at the First Presbyterian Church, Swannanoa, 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. He noted that the March meeting would not be aired on Saturday due to a scheduling conflict. 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 *February 10, 2005 - Agenda Workshop, February 10, 2005 - Closed Session, February 14, 2005 - Regular Session, February 14, 2005 - Closed Session* were reviewed and approved as written.

The agenda was amended at the Agenda Meeting on March 10, 2005 with the following changes:

Under V, Consent Agenda, add item “G”, “Call for Public Hearing”.

Under IX, New Business:

Item “A”, “Consideration of Audit Services” – remove from agenda.

Item “B”, “Amend Speed Limit” – move to Consent Agenda.

Item “D”, “Animal Control Services” – remove from agenda.

Item “E”, “Building Inspection Services Contract” – move to Consent Agenda.

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

III. COMMUNICATIONS FROM THE MAYOR

A. Mayor Begley reported that the eighth annual Mt. Mitchell Marathon held on February 26, 2005 was well attended with over 100 entries.

B. Mayor Begley reported that he is the Town’s representative on the Transportation Advisory Committee. He said the TAC approved the corridor study for Highway 70 from Ridgecrest to Asheville.

IV. COMMUNICATIONS FROM TOWN ATTORNEY - None

V. CONSENT AGENDA

With the adoption of the agenda for the March 14, 2005 Regular Session Meeting, the following actions were approved:

A. Adoption of the Minutes

Motion: To adopt the minutes of February 10, 2005 - Agenda Workshop, February 10, 2005 - Closed Session, February 14, 2005 - Regular Session, February 14, 2005 – Closed Session

B. Adoption of Budget Amendment #11

Motion: To adopt budget amendment #11 as submitted

C. Approval of Contract for Solid Waste Collection and Disposal Service with GDS Beginning July 1, 2005

Motion: To approve the contract entitled “Service for Garbage Removal” with Republic Service of North Carolina, LLC, a North Carolina Limited Liability Company d.b.a. GDS for the provision of solid waste collection, disposal, and recycling service from July 1, 2005 through June 20, 2008, and to authorize the Mayor to sign the contract on behalf of the Town

D. Approval of Job Description for Public Safety Director and Placement within the Pay Classification System

Motion: To approve the job description for the position of Director of Public Safety and to authorize the placement of the position on Pay Grade 25

- E. **CALL FOR PUBLIC HEARING** on the Annexation by petition of a Portion of the Property Known as The Settings, a.k.a. Buncombe County Property Identification Number 0618.00-45-4735 as Described in Plat Book 0021, Page 0012
Motion: To call for a public hearing on the proposed annexation by petition of a portion of the property known as The Settings, a.k.a. Buncombe County Property Identification Number 0618.00-45-4735 as described in Plat Book 0021, page 0012
- F. Consideration of Proposal to Amend Section 151.44(H) of the Flood Damage Prevention Ordinance Removing the Appeal Procedure from the Board of Aldermen to the Zoning Board of Adjustment
Motion: To approve “An Ordinance to Amend the Code of Ordinances of the Town of Black Mountain, North Carolina, to Change the Flood Damage Prevention Ordinance Appeal Procedure”
- G. **CALL FOR PUBLIC HEARING** on a request for a zoning change by Endre Pasztor for property located at 1194 Old US Hwy 70 West
Motion: To call for a public hearing to be held in the meeting room of the Pubic Safety Building, located at 106 Montreat Road, on Monday, April 11, 2005, at 6:00 p.m., or as soon thereafter as possible, for the purpose of hearing a request to rezone the property located at 1194 Old US 70 W, further described as PIN #0609.16-84-5103, from O-I to C-2 as recommended by the Planning Board at their meeting on March 7, 2005
- H. An Ordinance to Amend Chapter 74, Schedule II (Speed Limits) of the Code of Ordinances of the Town of Black Mountain – Speed Limit Reduction
Motion for Consideration: To Approve the Adoption of An Ordinance to Amend Chapter 74, Schedule II (Speed Limits) of the Code of Ordinances of the Town of Black Mountain to Reduce Speed Limit on Byrd Road to 25 mph
- I. Approval of Contract for Provision of Building Inspection Services to the Town of Montreat
Motion for Consideration: To approve the agreement for the provision of building inspection services to the Town of Montreat by the Town of Black Mountain and to authorize the Town Manager to sign said agreement on the behalf of the Town of Black Mountain

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. Filling of Open Positions – Mr. Caudle reported that Chief Allen Willet has advised that his retirement will be effective May 1, 2005. Mr. Caudle said we currently have four open positions – Planning Director, Assistant Town Manager, Recreation Director, and Police Chief. He said we had an exceptional response for the Assistant Town Manager’s position and have five interviews scheduled for next week. Mr. Caudle said he is following up with two applicants for the Planning Director position.

2. Development of Annual Budget for FY 2005-2006 – Mr. Caudle reported that the budget process for FY 2005-2006 will begin soon with a draft to be submitted to the Board by the first week in May. After discussion, the Board scheduled a meeting for Tuesday, March 29, 2005 at 8:30 a.m.-12:00 noon for preliminary budget discussion.

3. Street/Sidewalk Maintenance – Bob Watts, Public Works Director, reported that two paving contractors will be in Town to begin patching potholes within the next two weeks. He said we will also be starting some sidewalk projects. Mr. Watts reported that the Federal government is in disagreement with the State on permits to clean up the creeks and rivers from the 2004 floods. He said as far as he knows, everything is on track.

4. Zoning Ordinance Revision Update – Mr. Caudle reported that two proposals have been received from firms for the Zoning Ordinance Revision Update. He said he would present a report to the Board at the April meeting.

VII. COMMITTEE/BOARD REPORTS

A. Historic Preservation Commission – Susan Robinson, Chair, gave an update on the work of the Historic Preservation Commission. She reported the Commission is in process of applying for “Certified Local Government” status. Ms. Robinson said after becoming a “Certified Local Government”, the Town would be eligible for state historic preservation grants. Other projects the Commission is working on include a survey of historic properties throughout the Town and to develop a preservation plan for the Town; review properties that should be designated as “Local Historic Landmarks”.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

A. Request for Donation to Fund a Memorial to Honor Veterans in Western North Carolina to be Placed in Asheville, NC

Mr. Walter M. Plaue with the WNC Veterans’ Memorial Committee gave a presentation regarding a public project to honor all American veterans who have served their country from the western North Carolina region. The inclusive time frame is from the beginning of the Revolutionary War to the present and into the future. He explained that anyone who gives a minimum contribution of \$500.00, their name will be inscribed on the memorial. *After discussion, Alderman Brown made a motion for Black Mountain to approve \$500 and delay until*

a later time to determine if a greater amount will be given to help fund a public project to honor veterans of all past, present and future conflicts in western North Carolina with a memorial to be placed in Asheville, NC. The motion passed with a vote of 5-0.

X. CITIZEN COMMENTS - At 7:00 p.m. Mayor Begley asked for Citizen Comments.

Harry Hamil, 15 John Myra Avenue, stated that at the February Board meeting, Citizen Comments came before “The Settings” presentation and citizens did not have an opportunity to comment. Mr. Hamil said he would like to thank Alderman White and Vice Mayor Kennedy for agreeing that more information was needed regarding “The Settings”. Mr. Hamil said he has not heard anything that says we have a water main that would be capable of providing the amount of water needed. He said when we make a commitment, we need to make that commitment knowing that we are able to fulfill it. He said at the last meeting, a statement was made that we do not have the water. We promised to give water that we will have to buy from the City of Asheville. He said the Capital Improvements Program does not include any money for drilling to acquire greater water assets for our community. He feels we should not commit to supplying water that would have to be bought from the City of Asheville.

XI. ADJOURNMENT - *With no further business, Alderman Garrison made a motion to adjourn the meeting at 7:10 p.m. The motion passed unanimously.*

Wm. Michael Begley, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, Town Clerk