

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
March 13, 2006

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, March 13, 2006 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 Kennedy called the meeting to order at 6:00 p.m. with the following members present:

Mayor Will Kennedy
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
Gary Bartlett, Public Works Director
LuAnn Bryan, Recreation & Parks Director
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Elizabeth Teague, Planning Director

Representing the media:

John P. Kennedy, Black Mountain News
Jim Genaro, Asheville Daily Planet
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Kennedy led the Pledge of Allegiance, followed by prayer led by Father Frank Seabo, St. Margaret Mary's Catholic Church, Black Mountain, NC.

Mayor Kennedy 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. Mayor Kennedy noted that this is the 1,345th regularly scheduled meeting of the Board of Aldermen.

II. CITIZEN COMMENTS - None

III. ADOPTION OF THE AGENDA

The minutes of February 9, 2006 - Agenda Workshop, February 13, 2006 – Regular Session, February 20, 2006 - Closed Session, February 28, 2006 – Special Workshop were approved.

The agenda was amended with the following changes:

Under VI, Consent Agenda, added new item “C”, Budget Amendment #19.

Under VII, Communications from Town Manager, added new items 4, 5, & 6.

Under VIII, Committee/Board Reports, added new items “C” & “D”.

Under IX, Old Business, removed item “B”, Reconsideration of Pay Classification Implementation Strategies.

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

IV. COMMUNICATIONS FROM THE MAYOR - None

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of February 9, 2006 - Agenda Workshop, February 13, 2006 – Regular Session, February 20, 2006 - Closed Session, February 28, 2006 – Special Workshop

B. Adoption of Budget Amendment #18

Motion: To adopt Budget Amendment #18 as submitted

C. Adoption of Budget Amendment #19

Motion: To adopt Budget Amendment #19 as submitted

VII. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Budget Preparation – Mr. Caudle reported that at the February 28, 2006 Board of Aldermen workshop, the Board developed some draft priorities for the FY 2006-07 budget. He said these priorities will be included in the budget not only for purposes of work plan but also for proper allocation for resources.

2. U.S. Highway 70 Sidewalk – Mr. Caudle reported that plans for the U.S. 70 sidewalk have been delivered to the North Carolina Department of Transportation. He said that staff will work through a permit process with DOT that will allow us to encroach on the right of way.

3. Health Initiative Grant – Mr. Caudle reported that the Health Initiative has received a multi-year grant from Mission Hospitals. He said the purpose is for devoting a full-time staff person to the Health Initiative and for the work that is being done by that group. Mr. Caudle said this is a wonderful opportunity to be able to work that position into a full-time position with the Town and have it subsidized by this grant for two to three years.

4. Riverwalk Dog Park Update – Mr. Caudle reported that the Riverwalk Dog Park behind Bi-Lo is complete. He thanked Stephanie Wilds and all the volunteers who helped make this a reality.

5. Water Impact Fee – Affordable Housing – Mr. Caudle thanked the Housing Commission and Elizabeth Teague, Planning Director, for bringing forward several suggestions to offset the water impact fee for affordable housing.

6. Clevenger Indoor Athletic Facility – Vice Mayor Sobol reported that the Indoor Athletic Facility is close to completion. He said the only other indoor athletic facility of this type is in Greensboro. He said that various groups will be using the facility. Vice Mayor Sobol thanked the Town and departments for getting the facility ready.

7. Progress Energy – Mr. Caudle reported that Progress Energy will be in the community in the coming weeks installing new electronic meters to replace the existing meters.

VIII. COMMITTEE/BOARD REPORTS

A. Committee Appointments

1. Housing Commission – *Alderman Brown made a motion to accept the nomination of Carole McNutt as a member on the Housing Commission. The motion passed unanimously.*

2. Zoning Board of Adjustment - *Alderman Brown made a motion to accept the nomination of Dennis Gibson as an alternate member on the Zoning Board of Adjustment. The motion passed unanimously.*

B. Mr. Caudle asked to go to item “C” until the Recreation Commission representative arrives. The Board agreed.

C. MSD – Vice Mayor Sobol

Vice Mayor Sobol, representative on the MSD Board from Black Mountain, reported on the following:

1. The MSD Board adopted a policy on ethics with the assistance of David Gantt.
2. Most of the work on the Lake Tomahawk drainage basin is complete. He said there is still some work to be done on Oconeechee, Hiawassee, and Cragmont, and construction will start this summer.

3. Development and growth – Vice Mayor Sobol stated there is no zoning in the county, and asked who is responsible for land use planning. He said some criteria need to be developed for land use planning. When you start digging for sewer lines, it is the most expensive part of the infrastructure for a developer. Vice Mayor Sobol said he is concerned about the unbridled growth throughout the county in relation to constructing sewer lines. He feels the developer of large tracts of land should be responsible for putting in the lines and not the taxpayers.

4. Vice Mayor Sobol referred to House of Representative Bill HR4560 – Clean Water Trust Fund. He will ask for letters of support in the near future to help get the bill passed.

D. Mayor Kennedy announced that the Board of Aldermen will hold a joint meeting with the Recreation Commission on April 5, 2006 at 7:00 p.m. in the Public Safety Building.

B. Consideration of Options Concerning the Operation and Replacement/Renovation of the Black Mountain Pool

Mr. Caudle said that last year we made some decisions with regard to the preliminary operation of the pool for the forthcoming summer. He said that staff now needs some decisions made by the Board of Aldermen with regard to immediate measures that need to be taken if we are going to open the pool this summer. He said there is some information that has come before the Recreation Commission that could have some bearing on the way in which we view the renovation of the pool versus construction of a new pool. Mr. Caudle then introduced Mr. Clay Hile, a member of the Recreation Commission, who would present recommendations from the Recreation Commission regarding the pool. Mr. Hile said that the Recreation & Parks Department has been through several changes in leadership over the past three years. During this time the Recreation Commission has always been consistent in recommending as a Board that we do not use the present pool. That has not changed.

He said the first question we have to answer is, “Do we want to provide pool facilities for Town residents?” He said if the answer is “yes”, the Recreation Commission still recommends that the present pool not be utilized. He addressed the following issues:

- The pool is leaking 5,000 gallons of water every other day when in operation.
- Where is the chemically treated water going? It is either filtering down through the ground under the pool or leaching out into Lake Tomahawk.
- The deep end of the pool is sinking. The water level must be kept high in the deep end to allow the skimmers to work in the shallow end.
- For \$142,000 we can redo the pool decking, resurface the pool, and add a second drain in the baby pool (this is required by state law to open the baby pool). The fear is that this money will not fix some of the major problems.
- Resurfacing the pool might fix the leaking issue, but it is also likely that the leak is coming from the skimmer piping and resurfacing will not fix this. Resurfacing the pool will also not stop the deep end from sinking further.
- There is a serious health liability on chemical fumes in the pump house. Ventilation to this area as well as removing electrical services from the pump house must be addressed.
- The bathrooms and dressing area need major renovation.
- There is an environmental concern about the discharge of the present backwash system.

Mr. Hile said the pool is not pretty, but that is not why the Recreation Commission is continuing to recommend that this facility not be used. The Commission feels that saving the \$40,000 to \$60,000 that it would take to open and operate the present pool this summer and applying this money, along with grant money, towards the construction of a new pool, is the most responsible action to take.

Alderman McKeown asked how long would it take to get \$1.2 million to build a new pool. Mr. Caudle replied that the Town would apply for a \$500,000 grant and the remainder of the money would be financed.

Alderman McKeown asked if the Recreation Commission would partner with the Health Initiative. Mr. Hile said the two Commissions have talked.

Alderman Brown reviewed the costs incurred last year to get the pool open. She feels the Board should support the recommendation of the Recreation Commission and not open the pool.

Alderman Brown asked if the Recreation Commission would make the decision as to location of the pool? Mr. Hile said we need money to do a feasibility study.

Alderman White asked if the Recreation Commission is still considering the covered pool? Mr. Hile said yes. Alderman Phillips asked what would happen to the existing pool? Mr. Hile said he could not answer.

Vice Mayor Sobol said there are two issues being discussed. (1) A new pool, and (2) What to do with the pool this summer. Mr. Hile said we also have to determine if we want to offer the pool as a service to the community.

Vice Mayor Sobol said he wanted to address some of the comments made.

- The expenses to open the pool last year were minimal.
- The safety and health of the pool water – The pool has always passed inspection by the Health Department.
- Dumping the water into the lake – There is a man hole by the pump house where the water can be pumped.
- The Town has always provided a pool as a service to the community. He said without this pool, the children will have to find other entertainment. This is a tremendous service to a lot of children.

Vice Mayor Sobol said he will vote to keep the pool open.

Harry Hamil, 15 John Myra Avenue, asked how do we know it is 5,000 gallons of leakage and not 5,000 gallons of loss? What are you taking into account for loss of evaporation?

Mr. Hile said the evaporation has stayed fairly consistent over the years. He said generally if you are not leaking water out of the pool, a lot of times you get enough moisture from the rain that you do not add any water unless you are backwashing.

Alderman White made a motion that the Board of Aldermen direct the Recreation Director to prepare the pool at Lake Tomahawk to open this summer season, to take measures to assure the safety of the pool, and be authorized to spend up to \$20,000 in preparation of the opening. This would include the baby pool and the pump house. Alderman White said she wants the Recreation Commission to know that she fully and enthusiastically endorses the indoor pool and fitness center we have been talking about for so many years. She said that the Recreation & Parks Master Plan, the Comprehensive Plan, the Health Initiative have all indicated that this community wants an indoor pool and fitness center. Alderman White thinks this is a separate issue from opening the pool this summer. She thinks the pool should be opened for the children this year. Mr. Caudle asked the Mayor to call for an amendment to the motion to “direct the Town Manager” instead of the “Recreation Director”. Alderman White agreed.

Alderman Phillips asked where would the money come from? Mr. Caudle said from fund balance.

Alderman White restated the motion. *The motion failed with a vote of 2-3, with Vice Mayor Sobol and Alderman White voting in favor.*

Vice Mayor Sobol made a motion to appropriate money, up to \$10,000, to utilize option #6 (transport citizens to Owen Pool via Asheville Transit from the Black Mountain Depot), as recommended by the Recreation Commission. After discussion, Vice Mayor Sobol withdrew his motion and asked that this item be discussed at the joint meeting on April 5 with the Recreation Commission.

Mayor Kennedy thanked Mr. Hile for his presentation.

IX. OLD BUSINESS

A. Presentation from Beverly Williams with the North Carolina Department of Transportation

Mr. Caudle introduced Beverly Williams with the North Carolina Department of Transportation, Western Liaison for the state-wide Planning Branch, Raleigh, NC. Ms. Williams will discuss processes and where the Town stands with the Lytle Cove interchange feasibility study with up-to-date information and any other pertinent information.

Ms. Williams expressed her pleasure to address the Town of Black Mountain Board of Aldermen meeting. She said there were many issues concerning the feasibility study request for the Lytle Cove location for a possible interchange and whether the Feasibility Study Unit within the Department of Transportation (DOT) would be willing to conduct such a study. She addressed a letter from DOT concerning the study and said that the interpretation may have been construed that DOT does not think a feasibility study should be done. She said that perception is not what the letter intended. The first step in the DOT process of recognizing projects is to identify the need. The identification of the need comes from the Transportation Planning Branch. The programming of funds is the next step.

The director of the Program Development Branch, who conducts feasibility studies, researched the documents for the Lytle Cove suggestion in the plan document. Ms. Williams said that a plan document was not submitted and the director asked the Transportation Planning Branch to advise whether or not this was an idea to pursue with a feasibility study.

Ms. Williams referred to a later correspondence from DOT about the feasibility study for Lytle Cove. She clarified that the branches within DOT have agreed to study an alternate location other than the Blue Ridge Road area but it would be done within the Transportation Planning Process. She said the Program Development Branch of DOT would be asked to provide their portion of the study so there would be a comparison of information from both locations.

Ms. Williams said that for future reference the study will be called an alternative review. She began explaining the process and said that the things needed for the process are:

- traffic study;
- some level of environmental screening;
- evaluation of cost and impact;
- design considerations

She said that the above requirements can be accomplished if DOT initiates the traffic study and environmental screening. Program Development would provide the cost analysis and design considerations. She said this information is documented with maps. The Thoroughfare Plan has been replaced by a document called the (CTP) Comprehensive Transportation Plan which is the new planning document or a set of maps that will be developed in this area. She said the goal is to complete the process by the end of the year 2006. Ms. Williams said that the process is adopted jointly by the MPO (Metropolitan Planning Organization) and the State of North Carolina Board of Transportation.

Ms. Williams went on to explain that a Regional Travel Demand Model is needed prior to the Comprehensive Transportation Plan. She said that from the facts learned in that model the DOT will gather information about future year traffic volume in 2030. She said that the schedule for completion of the Regional Travel Demand Model is the end of June/July 2006 time frame. Upon completion, DOT will test the alternatives for comparisons - Blue Ridge Road alternative and the Lytle Cove Road alternative. She said this information would be recorded in a document linked with a map that is more detailed than the Thoroughfare Plan. She assured the Board that this information will include the locally preferred alternative and will be shown on the CTP map.

Ms. Williams said that language explaining the process and the results will be included in the documentation to explain to others in the future that a number of alternatives were examined. She said the reason for that documentation is related to when the project is funded because the NEPA (National Environmental Policy Act) rules are specific about what has to be considered when the project is funded for the project development process. She said that NEPA will evaluate environmental considerations that will not be evaluated in systems planning.

Ms. Williams cautioned that, at the systems level planning, it does not mean that the Town will get the project at the location it chooses. She said that by choosing a locally preferred alternative does not mean the location of the interchange is pre-determined. Ms. Williams said

that the CTP document will provide purpose and need. She reiterated that the first step in the process is purpose and need. She said that prior feasibility reports requested by the community have addressed the *need* for an interchange at the Blue Ridge Road location; the *need* at that time was to get the trucks out of Black Mountain. Ms. Williams said that the community will be asked to establish what the *need* is other than removing trucks. She discussed other considerations but emphasized that *purpose* and *need* should be included in the CTP. In terms of schedule, she hopes that the regional model would be available late this summer to test alternatives to allow DOT to report back to the Town by the end of the summer.

Vice Mayor Sobol asked for more detail about the traffic study criteria in the alternative review process.

Ms. Williams said that the traffic counters in this area are counting at this time and this year. The information is used to develop the AADT (Average Annual Daily Traffic) map that the state issues each year. The counters are out for a short period of time to count traffic during the weekdays, not weekends. The information is then included in factoring and formulas to provide a representative average daily count for the base year. She said that the actual traffic is traffic volume that is anticipated on the same roads in the year 2030.

Vice Mayor Sobol inquired about the purpose and need study when talking about the truck traffic in Black Mountain. He said that the origination of most truck traffic within the community occurs away from the downtown.

Ms. Williams clarified that Systems Planning, not DOT, uses the Travel Demand Model and at the systems level with just looking at model volumes, the traffic counter does not give an accurate account of how much is actual truck traffic; however, they do a very good job of counting trucks. She said the counters provide classification information to tell what type of vehicle is crossing the counter. She said the change of the interchange location from one place to another is a refinement of the truck trade-off that may not be quantifiable very well. Ms. Williams advised that detailed traffic counts and discussions to find out about truck traffic through downtown Black Mountain are necessary to reduce the truck traffic further. She commented that perhaps the truck traffic, by itself, is not the whole issue.

Vice Mayor Sobol asked about the criteria in the traffic development model indicating that a site other than the locally preferred location may be chosen.

Ms. Williams clarified that the Travel Demand Model is where information is obtained to project the current traffic out to the future. She said the process that locates the interchange is called the Project Development process, which is a team of people in the MPO area and Black Mountain is in the MPO area. The Town has a member on the Merger Team and that is the decision making body that decides issues about permitting, licensing, and environmental concerns. She said the representation on the Merger Team includes agencies such as ETJ (Extra Territorial Jurisdiction), Division of Air Quality, Division of Water Quality, Army Corp of Engineers, DOT, and any other group that has an interest in what is occurring in the area. She said the Merger Team explores all the benefits and obstacles of each of the alternatives that are placed before them including the traffic. She said that environmental screening information would be presented to the team to help in making decisions.

Ms. Williams said that when the process is project specific, it is the exact corridor and the buffer zone around it where the project will be placed.

Vice Mayor Sobol asked how the regional demand model is tested. He said that site-specific to the Black Mountain area may be different from other counties.

Ms. Williams said the development of the Travel Demand Model is based on the traffic counts that are done through the entire area, and any additional requested counts are to make sure that the projections for the future are accurate by calibrating or comparing the year volume with the traffic count. She went on to explain that the base year is 2005, and they are using traffic counting information from 2005 all over the region on every road that has been considered within the network. When the model is built, the 2005 data allows the model to recreate the traffic volumes that are experienced on the roads now. She said that means that the model can be validated or acting appropriately because it is reproducing known values. If it does not reproduce what we have today, then it probably will not project well in the future. Ms. Williams explained that once it has been established that it is projecting accurately in the base year (2005), the same framework is used to produce travel traffic volumes in 2030. She said that what goes into making the 2030 information correct is growth, as anticipated from the staff and planners.

Vice Mayor Sobol asked what other entities other than Town staff and planners are privy to influencing the numbers.

Ms. Williams said they use Chamber of Commerce data for the base year to establish employment types and locations. She said in the case of the Black Mountain Travel Demand Model, they used a nationally recognized economist who calculated the growth anticipated in the nation and the state level to the five-county region level, and then into sub areas in each county. She said the information was compiled and given to staff asking for verification that what they anticipated is the same as theirs for the future. Ms. Williams said they do not ask the community to project 2030 figures; however, community involvement happens when they begin gathering information for the model. They come back to the community with the results recorded in a deficiency analysis which tells what roads may have problems with regard to safety, capacity or other issues in the future for input.

Alderman McKeown asked how does the rail crossing fit into the study.

Ms. Williams explained that the two branches of DOT, Rail Division and the Highway, will have an opportunity to speak about the study. She said she cannot speak about the Rail Division findings but in the multi-member planning process, the rail location and potential problems will be considered. She said that the railroad extends through the entire corridor so any place where the interchange is located will have rail issues. Ms. Williams said that examining how the different areas work together where the railroad crosses will be an important factor. She recalled that suggestions were made to the Board about which closing should be considered and no decision was made to support a specific location. She said that aspect could be reviewed again in the systems planning process of the CTP.

Alderman McKeown inquired whether expense is a huge part of this study.

Ms. Williams said that projects that are funded sometimes have delays in scheduling and when the schedule is delayed, things get more expensive. She said that the Transportation Improvement Plan (TIP) is published every two years and the same projects listed have a different cost. She said that within DOT there are accommodations for increased project costs. Some of the ways to lower costs she discussed were:

- The Town can lobby with its board member and division engineer to request favorable consideration of the additional costs because of the importance of the project in the community.
- The Town can actively purchase property along the proposed corridor so that the right-of-way costs are reduced.
- Costs can also be reduced through controlling development. The Town can develop a plan to protect the preferred location from development which will significantly decrease the costs.
- When the Town reaches an appropriate size in the MPO that is above the 200,000 level, it is referred to the Transportation Management Area and allows access to a monetary program within DOT called the STPDA (Surface Transportation Plan – Directly Attributable). The Town can request from DOT that the funds they have in the STPDA be spent in a specific manner. She cited Durham as an example and said they have money set aside for sidewalks in their community.

Mayor Kennedy called for a brief recess at 8:10 p.m. The Board resumed the meeting at 8:20 p.m. with Citizen Comments.

XI. CITIZEN COMMENTS - At 8:20 p.m. Mayor Kennedy asked for Citizen Comments.

Cornelia Cutshall, 530 Brandon Road, said her neighbors, the Carters, own property adjacent to hers. She said they have too many junk cars, their dogs came under her fence and bit her, and she had to pay \$70 to repair the fence. Ms. Cutshall also thinks Mr. Carter dug ditches causing the water to flow into her yard. Mayor Kennedy requested that staff meet with Mrs. Cutshall.

Harry Hamil, 15 John Myra Avenue, made several comments. He asked for clarification on the assumptions and calibration of the model referenced in Beverly Williams' presentation. Mayor Kennedy requested Ms. Williams to address this issue later in the meeting.

He stated that the request by the Chamber regarding the multi-modal transportation center has not been discussed with Business to Business or the public.

He said the location of an interchange is a key part of the transportation plan, but the transportation plan has not come through its process. A lack of a transportation plan is hindering the zoning work by the Planning Board.

He asked what the donation to the Chamber is used for.

He stated that a recommendation is coming out of the Chamber without having input from the business community.

He said the Board of Aldermen needs to clarify its goals for grants, require all businesses to be able to participate in the visitors' center.

Elaine Loutzenheiser, 410 Avena Road, commended the Board for not spending more money on the pool. She feels the Town can be without a pool for two years until a new one is built.

IX. OLD BUSINESS – “A” continued

Ms. Williams responded to the comments by Harry Hamil regarding assumptions and calibration. Alderman Brown said as the studies are performed on Blue Ridge Road and Lytle Cove, if DOT sees another option that they think might be a better place, would DOT come back to us or are we committed to these two locations? Ms. Williams said no. When we do our deficiency analysis and look at where problem areas are, we will also be looking for fixes to those problem areas. We will be looking at what we recommend as a preferred location and would come back to you for input on a different location.

Mr. Caudle said there is a Corridor Study pending. He said it is anticipated that there may be alternatives to come out of that process that may be identified as other possible interchange locations. He asked if those could be included in the alternative review? Ms. Williams said she does not have a schedule for that effort and it is a very important product. She said she would like to fold that into the CTP. Mr. Caudle said in anticipation of the Corridor Study and all the work that is being done, somewhere between Blue Ridge Road and Lytle Cove, if we offered three alternative locations, would that present a problem? Ms. Williams said the number or location is not the problem. She said the most important thing is that you record in your planning document if there is an option that you wish different than Blue Ridge Road because that is how you get your option recognized. In the project process, you will have the opportunity to look at different options that may not yet have been identified. In the MPO area there is also the opportunity that every five years we update the Long Range Transportation Plan, which is a federal requirement, and there is another opportunity for you to place something in alternative review.

Mr. Caudle said part of the Resolution passed by the Board of Aldermen when we asked to look at the Lytle Cove Road alternative were possible improvements to exit 64 which would alleviate the potential problems. We were told by Mr. Bryson of DOT that model could not evaluate improvements to exit 64. Ms. Williams said if she remembers correctly, the feasibility study as it stands now did recommend some improvements to exit 64. She said those improvements can be carried forward as recommendations in your planning document.

Alderman White commented that we do not have a Land Use Plan nor does the county. How can we let you know we have a development need if we don't have a land use plan? Ms. Williams said the general statutes for planning in North Carolina have been revised to include a requirement for a land development plan in an area that we are developing a Comprehensive Transportation Plan with. She said the Corridor Study will give us the best sense of information to develop a Land Use Plan. Ms. Williams said the Town would need to adopt a Land Use Plan.

Alderman McKeown asked if economic development can be a reason for supporting an interchange? Ms. Williams said it requires a lot of substantiation. She cautioned that staff should be careful in using economic development when wording the purpose and need.

Mayor Kennedy thanked Ms. Williams for her presentation in clarifying the many questions surrounding the proposed location of another interchange in Black Mountain.

B. Reconsideration of Pay Classification Implementation Strategies

This item removed from agenda.

X. NEW BUSINESS

A. Request from the Black Mountain/Swannanoa Chamber of Commerce to Develop a Visitors/Multi-Modal Transportation Center on Town-Owned Property

Mr. Jim Buckner, 16 Woodlands Drive, Project Chair, Black Mountain/Swannanoa Chamber of Commerce, presented plans for the construction of a combined visitors/multi-modal center on the public parking lot located on N.C. Highway 9 south of the railroad tracks. Mayor Kennedy said the Board will take the proposal into consideration during the budget process and will look for ways to partner with the Chamber.

B. Consideration of Proposed Ordinance Amendment to Section 111.01 of the Black Mountain Code of Ordinances to Allow for the Tasting of Malt Beverages and Unfortified Wine on Public Property

Vice Mayor Sobol made a motion to pass an ordinance to amend Section 111.01 of the Code of Ordinances of the Town of Black Mountain to allow for the tasting of malt beverages and unfortified wine on public property. The motion passed unanimously.

C. Request for endorsement to submit a joint application with the Towns of Montreat and Old Fort to the Rivers Trails and Conservation Assistance Program (RTCA) of the National Park Service

Vice Mayor Sobol made a motion to adopt the Resolution of Support for submittal of a proposal to the Rivers, Trails and Conservation Assistance Program of the National Park Service. The motion passed unanimously.

XII. CLOSED SESSION - With no further business, Alderman Brown made a motion to go into closed session at 9:15 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)

The motion passed unanimously.

XII. ADJOURNMENT - *With no further business, Alderman Phillips made a motion to adjourn the meeting at 10:16 p.m. The motion passed with a 5-0 vote.*

Will Kennedy, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk