

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**May 08, 2006**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, May 08, 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 Will 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 Caudle, Town Manager  
Bo Ferguson, Assistant Town Manager  
Shirley Raines, Town Clerk  
Ron Sneed, Town Attorney  
Rosa Hilbert, Administrative Assistant  
Gary Bartlett, Public Safety Director  
LuAnn Bryan, Recreation & Parks Director  
Elizabeth Teague, Planning Director  
Bob Watts, Public Works Director

Representing the media:

Gary & Sally Biggers, Black Mountain Video Productions  
Andy Grabel, Black Mountain News  
Jim Genaro, Asheville Daily Planet

Mayor Kennedy led the Pledge of Allegiance, followed with prayer led by Rev. Craig Bulkeley, Pastor of Friendship Presbyterian Church, Black Mountain, NC.

Mayor Kennedy noted that this is the 1,347<sup>th</sup> regularly scheduled meeting of the Black Mountain Board of Aldermen.

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.

## **II. CITIZEN COMMENTS**

Ruth Brandon, 722 Laurel Avenue, asked the Board to not accept the resignation of Gary Bartlett, Public Safety Director because of his invaluable and irreplaceable experience.

Harry Hamil, 15 John Myra Avenue, commented about New Business Item 10, A. Mr. Hamil asked the audience to consider the last time any member of the Board, other than the Mayor, was elected by a majority. He said the present system used in our town allows for a focus minority to use single shot voting to get a single person elected because we have multiple people and no run-offs. He said the North Carolina options include the run-off. He said the run-off would be a way that would be expensive and tends to have a low turn out; so the same problem exists with a relatively small number of people electing the people who speak for us. Mr. Hamil explained another technique which he said is not currently permitted in North Carolina. He asks that the Board consider advocating to the State of North Carolina the instant run-off. He said the instant run-off is a requirement that a person vote for every single candidate in order of preference. That method would address the past cases where there were 7, 8 or 9 people running at the same time. He said this method would help citizens become more interested in voting because they would see the power of their vote in a more meaningful way.

## **III. ADOPTION OF THE AGENDA**

Mayor Kennedy requested the Board to add Closed Session at the end of the regular meeting for the Board to discuss Property Acquisition, as permitted in NCGS 143-318.11(a)(5) and Personnel, as permitted in NCGS 143-318.11(a)(6). *Alderman White made a motion to adopt the agenda. Approved unanimously.*

## **IV. COMMUNICATIONS FROM THE MAYOR**

### **A. Oath of Office**

Mayor Kennedy said that the Oath of Office would be administered to Carole McNutt, member of the Black Mountain Housing Commission and Dennis Gibson, member of the Black Mountain Zoning Board of Adjustment. Mr. Gibson was sworn in at this time. Carole McNutt was not present.

**B. Proclamation - “Century Club Celebration”** – Mayor Kennedy read a proclamation designating May 26, 2006 as a day to honor all centenarians.

**C. “Litter Sweep 2006”** – Alderman White recognized Boy Scout Troop #57 and the work crew from the Black Mountain Correctional Center for Women for their help during the “Litter Sweep Cleanup”.

Mayor Kennedy introduced and welcomed Andy Grabel, a new staff reporter with the Black Mountain News. He also recognized the staff of Black Mountain Video Productions who record the Board of Aldermen meetings for the television viewers.

**V. COMMUNICATIONS FROM THE TOWN ATTORNEY – None**

**VI. CONSENT AGENDA**

**A. Adoption of the Minutes**

*Motion: To adopt the minutes of April 3, 2006 – Special Workshop, April 5, 2006 – Joint Meeting with Recreation Commission, April 6, 2006 - Agenda Workshop, April 10, 2006 – Regular Session, April 10, 2006 - Closed Session*

**B. Adoption of Budget Amendment #23**

*Motion: To adopt Budget Amendment #23 as submitted*

**C. CALL FOR PUBLIC HEARING on Proposed Fiscal Year 2006-2007 Annual Budget for the Town of Black Mountain**

*Motion: To call for a public hearing on the Recommended Budget for Fiscal Year 2006-2007 on Monday, June 12, 2006 at 6:00 p.m., or as soon thereafter as possible, to be held in the meeting room of the Public Safety Building at 106 Montreat Road in Black Mountain, NC*

**D. Consideration of Contract to Provide Auditing Services for Fiscal Year 2005-2006**

*Motion: To approve the attached contract and to authorize the Town Manager, in his capacity as Finance Officer, to enter into the contract on 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.*

**VII. COMMUNICATIONS FROM THE TOWN MANAGER**

**A. Review of Consent Agenda**

**B. Projects Update**

**1. Dogwood Lane Bridge** – Mr. Caudle stated that Bob Watts, Public Works Director, reported that Dogwood Lane Bridge is now open to traffic.

**2. Entrance to the Center for the Arts** - Mr. Caudle reported that the Town has a request from the Center for the Arts to replace the front doors of the building. The doors have been ordered and should arrive within the next few weeks.

**3. Fourth of July Fireworks Display** – Mr. Caudle reported that the Town has signed the contract for the Fourth of July Fireworks Display. He said that the street dance location has been moved to Sutton Avenue to continue with the holiday celebration.

**C. Resignation of Public Safety Director** – Mr. Caudle reported that Public Safety Director, Gary Bartlett, has tendered his retirement notification effective August 1, 2006. He expressed appreciation to Mr. Bartlett for over 34 years of service with the Town of Black Mountain. Mayor Kennedy also thanked Mr. Bartlett for his years of service.

## **VIII. COMMITTEE/BOARD REPORTS**

### **A. Review of Proposed Modifications to the Pottery Studio at the Black Mountain Center for the Arts.**

Ken Pittman presented a report on behalf of the Arts Center. He said the Arts Center received two grants to renovate the garage building and equip it with pottery materials. He said that the plans have been approved by the Historic Preservation Commission. Mr. Caudle said that the plans would be prepared so that the Arts Center works with the staff to ensure that the bathrooms are located where they do not affect the operation of the nearby well. *Alderman Brown made a motion to accept the proposed improvements to the garage building and to authorize the Black Mountain Center for the Arts to proceed with those improvements with the condition that staff work together on the location of the bathrooms. The motion passed with a vote of 5-0.*

### **B. Proposal to Establish Greenways Task Force as a Standing Advisory Committee and to Appoint Members to that Committee in the same Fashion as Other Town Advisory Committees.**

Alderman Brown said since the Town is giving financial support and the Greenways Task Force is applying for grants, she feels the Task Force should be an official Board. *Alderman Brown made a motion to establish the Greenways Task Force as a standing Town Advisory Committee; to determine an appropriate number for membership on the committee; and, to appoint members to terms of service on the committee. The motion passed with a vote of 5-0.*

### **C. Suggested Name for Indoor Athletic Facility Located on White Pine Drive**

Terry McElrath, Chair of the Recreation Commission, addressed the Board saying that the Commission has proposed that the new facility be named the “Grey Eagle Arena”. Ms. McElrath said the name exemplifies the Town’s heritage. *Alderman Brown made a motion to approve naming the Indoor Athletic Facility the “Grey Eagle Arena”. The motion passed with a vote of 5-0.*

### **D. Greenways Committee Report**

Ann Lutz and Julia White gave a powerpoint presentation from the Greenways Committee showing the progress and future plans for greenways in Black Mountain. The presentation outlined the history, benefits, and feasibility of greenways in Black Mountain.

### **E. Announcement of Committee Vacancies**

Mr. Caudle announced that there are openings on several Town Boards/Commissions. He said if citizens have an interest in being members of these boards and commissions, they may obtain an application from the Town Clerk, Shirley Raines, or download an application

from the Town website. The deadline for applications to be considered at the June Board of Aldermen meeting is May 26, 2006.

## **IX. OLD BUSINESS**

- A. PUBLIC HEARING** on the Annexation of a Portion of the Property known as The Settings, as described in Plat Book 102, Page 131 of the office of the Register of Deeds for Buncombe County.

Mayor Kennedy opened the public hearing.

Mr. Caudle said that the proposed annexation is for Phase II-A of The Settings. This section has approximately 6 acres, 21 lots, lies immediately between Old Lakey Gap Road and the property that has already been annexed into the Town. The Town has already annexed Phase I and Phase II under the NCGS as satellite annexations, not contiguous to the Town. Mr. Caudle said that with the annexation of the proposal for Phase II-A, the development would then be contiguous to the Town. He noted two things of importance:

- the road dead ends in a cul-de-sac; the developers have agreed to leave a right-of-way in the development as an emergency access point;
- installation of a water line that will go from proposed road out to Highway #9; a fire hydrant will be placed at the end of that water line which will serve a larger area of the rural fire district.

Mayor Kennedy asked if there were comments from the audience concerning the Public Hearing. There were no comments at this time. Mayor Kennedy closed the Public Hearing.

*Alderman Brown made a motion to approve the annexation of Phase II-A of the property known as The Settings, as described in Plat Book 102, Page 131 of the office of The Register of Deeds for Buncombe County. The motion passed with a vote of 5-0.*

## **X. NEW BUSINESS**

- A. Consideration of Proposed Legislative Agenda for Transmission to Local Representatives of the General Assembly**

*Alderman White made a motion to send a Resolution regarding legislative priorities to the State legislative delegation immediately and to establish as soon as possible a date or dates on which to meet for discussion of these items.*

### **Protect local government video franchising authority -**

- a. To ensure the right of a municipality to be compensated for the use of local Rights-of-ways.
- b. To ensure fairness and opportunity for local programming.

### **Support the return of Passenger Rail service to Black Mountain –**

- a. To encourage economic growth and increased job opportunities.
- b. To provide an alternate means of transportation for a predicted population increase.

**Support the Black Mountain Correctional Center for Women request for funds for the expansion of facilities for improved rehabilitation programs –**

- a. To provide classroom space for job skills instruction.
- b. To provide a larger kitchen for food preparation and for instruction in food service skills.

**Reduce property taxes for low-income senior citizens who live in their own homes by increasing the minimum income level to \$30,000 and by indexing the minimum income level to the annual rate of inflation.**

- a. To protect long-term residents from the results of dramatically rising property values.
- b. To prevent the loss to Black Mountain of long-term residents who can no longer afford to live here.

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

**B. Policy to Permit Staff to Write Off Uncollectible Water Accounts that Meet Certain Criteria**

Assistant Town Manager, Bo Ferguson, addressed the Board and said that the Request is for the Board to approve a policy that will permit staff to write off uncollectible water accounts that meet certain criteria. He said that currently there is no policy in place and bad debts will remain on the books until action is taken. *Alderman Brown made a motion to approve the proposed policy to permit staff to write off uncollectible water accounts. The motion passed with a vote of 5-0.*

**C. Proposed Revisions to the Boards and Commissions Manual**

Mr. Caudle reported that a comprehensive revision to the boards and commissions manual was made in December; however, the proposed revisions will coincide with state statutes allowing the Board of Aldermen to appoint the chair of the ABC Commission, and allow the rate of compensation for any ABC board member be established by the Board of Aldermen.

Mr. Caudle requested guidance from the Board with regard to general guidelines for membership addressing the individual boards and commissions to require residency either in the corporate limits of the Town or the fire tax district that surrounds the Town or no limit requirement at all.

*Following inquiries regarding special residency requirements for individual boards, Alderman Brown made a motion to defer this item until the June Board of Aldermen meeting. Approved unanimously.*

Mr. Caudle added that the Urban Forestry Commission has changed its meeting date to the second Wednesday of each month and requested authority to change the manual to reflect the new date. The Board agreed.

**D. Adoption of Budget Amendment #24**

*Alderman Brown made a motion to adopt Budget Amendment #24 to authorize the expenditure in the amount of \$51,111.00 for the purchase of the following items: two 2006 Ford Crown Victorias at an amount complete with the emergency equipment installed at an amount of \$49,030; North Carolina Sales and Use tax in the amount of \$981.00; and, \$1,100.00 for the decal and striping package. The motion passed with a vote of 3-2 with Vice Mayor Sobol and Alderman McKeown opposed.*

**XI. CITIZEN COMMENTS**

Julia Capps and Bill Walker with the public school system addressed the Board to share information and awareness about what the Swannanoa Valley Christian Ministry is doing. Ms. Capps summarized the Ministry's mission work as follows:

- the Ministry is staffed with 58 volunteers who work 3 hours every week;
- the Board of Directors and Meals-on-Wheels volunteers started their service in the valley out of the ministry building making a total of 130 volunteers who work there;
- in 2001 the SVCM served 1800 clients;
- in 2005 the SVCM served on an average of 160 households with food help each month; 111 clients received clothing help;
- \$32,000 given for fuel assistance from November to March.

Ms. Capps said that a Feasibility Study was conducted a few years ago resulting in the recommendation for more workspace for clients, employees and for storage. She said that the SVCM is launching a campaign to raise \$900,000 with \$200,000 already pledged.

Mr. Walker said there would be a campaign kick-off at Lake Tomahawk on Saturday, June 17<sup>th</sup> from 11:00 a.m. to 1:00 p.m. Mr. Walker requested a letter of support from the Town of Black Mountain Board of Aldermen for the campaign and construction of the new facility.

**XII. CLOSED SESSION**

*Alderman McKeown made a motion to go into Closed Session at 8:05 p.m. to discuss Property Acquisition as permitted in NCGS 143-318.11(a)(5) and Personnel as permitted in NCGS 143-318.11(a)(6).*

**XIII. ADJOURNMENT**

*With no further business Alderman McKeown made a motion to adjourn at 8:51 p.m.*

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Will Kennedy, Mayor

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Anthony N. Caudle, Town Manager

ATTEST

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Rosa Hilbert, Administrative Assistant

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Shirley J. Raines, CMC, Town Clerk