

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**October 10, 2005**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, October 10, 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 – Absent – out of town  
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  
Gary Bartlett, Director of Public Safety  
Elizabeth Teague, Planning Director  
Bob Watts, Public Works Director  
Randy Wilson, Recreation & Parks Director

Representing the media:

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

Mayor Begley led the Pledge of Allegiance, followed by prayer.

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 September 8, 2005 – Agenda Workshop, September 12, 2005 - Regular Session, and September 12, 2005 – Closed Session were approved.

The agenda was amended at the Agenda Meeting on October 6, 2005 with the following changes:

Under V, Consent Agenda, amended item “D”, grant amount requested is \$134,765.00

Under VII, Committee/Board Reports, added “Housing Commission Vacancy”

Under VII, Old Business, delete item “B” – Report from Recreation Commission” and replace with new item “B” – Consideration of Proposed Revisions to Contract with Town of Montreat for the Provision of Commercial Fire Inspection Services”.

Under IX, New Business, amend item B to read “Authorize the Town Attorney to draft a license agreement that may be entered into by the Town Manager, which will allow property owners adjoining the eastern border of the Clevenger property access to the Swannanoa River for agricultural and horticultural purposes.

Under IX, New Business, add new item “C” – Request Staff to Implement Energy-Saving Measures throughout the Town.

*With these changes the agenda was approved with a 4-0 vote on a motion by Vice Mayor Kennedy.*

### **III. COMMUNICATIONS FROM THE MAYOR**

Mayor Begley noted that Tuesday, November 8, 2005 is election day and urged everyone to vote.

Mayor Begley reported that the Fire Department Open House held on October 9 was well attended. He thanked the staff for putting this together each year.

Mayor Begley reported that a special called meeting will be held on Friday, October 14, 2005. He explained that “The Settings” development has invited the Board of Aldermen and Department Head staff to lunch on the property of “The Settings”. The purpose of the meeting is to bring the Board up to date on the progress of the development.

### **IV. COMMUNICATIONS FROM TOWN ATTORNEY – None.**

### **V. CONSENT AGENDA**

#### **A. Adoption of the Minutes**

*Motion: To adopt the minutes of September 8, 2005 - Agenda Workshop, September 12, 2005 - Regular Session, and September 12, 2005 – Closed Session*

#### **B. Adoption of Budget Amendment #04**

*Motion: To adopt Budget Amendment #04 as submitted*

#### **C. Adoption of Budget Amendment #05**

*Motion: To adopt Budget Amendment #05 as submitted*

#### **D. Department of Homeland Security Fire Prevention and Safety Grant**

*Motion: To authorize the Fire Department to apply for the Fire Prevention and Safety Grant in the amount of \$134,765.00*

## **VI. COMMUNICATIONS FROM THE TOWN MANAGER**

### **A. Review of Consent Agenda**

### **B. Projects Update**

**1. Animal Control Services** – Mr. Caudle said at the September meeting, a public comment was received regarding animal control services. Mr. Caudle explained that Buncombe County is handling animal control for the Town. However, during off hours including weekends, the Police Department still answers calls regarding animal control. If there is an emergency, Buncombe County will respond.

**2. Downtown Pedestrian Crossings** – Mr. Caudle reported that a meeting is scheduled with the NC Department of Transportation to discuss what improvements can be made to the downtown pedestrian crossings.

**3. Dogwood Lane Bridge Replacement** – Mr. Caudle reported that bids are out for reconstruction of the Dogwood Lane Bridge. The bid should be awarded by the end of this week.

**4. Environmental Testing of Property Located at 102 East State Street** – The Board of Aldermen voted to purchase an option for the acquisition of property located at 102 East State Street. This will be contingent on the results of the environmental testing of the property.

### **5. Report from Technical Coordinating Committee of the French Broad River Metropolitan Planning Organization**

Mr. Caudle reported that the MPO has presented for public comment for 30 days two major documents. The Long Range Transportation Plan is a document that feeds into the federal planning system and was adopted by the Technical Advisory Committee. The other document, the Priority Needs List, goes into the State planning process. Mr. Caudle said this document was also approved by the Transportation Advisory Committee. Mr. Caudle also mentioned that the revised language requested by the Board of Aldermen regarding the interchange in Black Mountain in these two documents reflect the following: In the Long Range Transportation Plan the wording is “I-40 Black Mountain Interchange”. In the Priority Needs List the wording is “New I-40 Interchange in the vicinity of Black Mountain and Swannanoa. Preferred location under study.”

**6. Fire Department Open House** – Mr. Caudle thanked the Fire Department for all their efforts in coordinating the Open House this past Sunday. He also thanked the members of the Skyland Fire Department for bringing the clowns and presenting the skit. Mr. Caudle said the Open House is an event that people look forward to each year.

**7. Bids for Asbestos Abatement for Clevenger Building** – Mr. Caudle reported that bids have been received for the removal of asbestos at the Clevenger Building. Alderman Sobol noted that in order to get the permit to remodel the building, the asbestos has to be removed. Two bids were received: Luke Green - \$10,140 and NEO Corporation - \$8,480. *After discussion, Alderman Sobol made a motion to accept the bid from NEO Corporation in the amount of \$8,480.* Alderman Garrison asked where would this expenditure be charged? Mr. Caudle said it would be taken from fund balance to be replaced with anticipated donations from interested parties in the future. *The motion passed with a vote of 4-0.*

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

### **A. Recommendation from Planning Board on Yard Sale Sign Regulations/Alternatives**

Stephan Stackhouse, Chair of the Planning Board, reported that the Planning Board discussed the issue of yard sale signs. He said the Planning Board agrees that yard sales add to the local economy and provide a service to our citizens and there should be effective options to advertise these sales. Mr. Stackhouse said the Planning Board discussed several suggestions for the Board's consideration: (1) The Town could underwrite or seek sponsorships to cover the costs to advertise in the Black Mountain News; (2) Create a number of community bulletin boards or kiosks in high traffic areas; and (3) Continue posting yard sale signs on private property. He said the Planning Board does not recommend a change to the sign ordinance at this time.

### **B. Board of Adjustment Vacancy and Housing Commission Vacancy**

Mayor Begley reported that there are three alternate positions open on the Zoning Board of Adjustment and one position open on the Housing Commission. Mayor Begley said if anyone is interested in serving on these boards, they should pick up an application at Town Hall or download the form from the web site.

## **VIII. OLD BUSINESS**

### **IX.**

### **A. PUBLIC HEARING - To Solicit Input on Proposed Projects for the FY 2006-2011 Capital Improvement Program**

Assistant Manager, Bo Ferguson, gave an overview of the Capital Improvement Program. These comments are attached.

Mayor Begley opened the public hearing at 6:55 p.m.

Betty Becker, 104 9<sup>th</sup> Street, co-chair of the Beautification Committee, is requesting a total of \$5,000 to beautify the signs at the East Gateway on Route 70 near the Olympic Flame and at the West Gateway on Route 70 near Blue Ridge Road intersection. She thanked the Board for the allocation of funds for the South Gateway in the 2008-09 CIP.

Harry Hamil, 15 John Myra Avenue, said when staff is replacing bridges, they should make sure there is enough space capacity under the bridge to prevent flooding. Mr. Hamil said he wants to speak in favor of a continuing project to develop water resources. He said our water resources are over utilized and would like the staff to consider putting together a water plan for expansion of our water resources.

Mayor Begley closed the public hearing at 7:05 p.m.

Alderman White noted that money has been allocated in the current CIP for the Sutton Street project to include provisions for stormwater runoff, etc. but that she would like to see money placed in the forthcoming CIP for construction of that project. Alderman White said some funds should also be allocated for traffic calming devices.

Alderman Sobol said that he wanted to ensure that the Board will continue to fund the sidewalk on US 70 until the needs of those citizens have been met. Bob Watts, Public Works Director, reported that the Town has entered into a contract with McGill & Associates to construct the sidewalk from Cragmont to West College. *With no further discussion, Vice Mayor Kennedy made a motion to accept the input on proposed projects for the FY 2006-2011 Capital Improvement Program. The motion passed with a vote of 4-0.*

**B. Consideration of Proposed Revisions to Contract with Town of Montreat for the Provision of Commercial Fire Inspection Services**

*Alderman Garrison made a motion to approve the revised contract that reduces the annual cost for the provision of commercial fire inspection services to the Town of Montreat to \$3,200 annually. The motion passed with a vote of 4-0.*

**IX. NEW BUSINESS**

**A. Submission of Revised Boards and Commissions Manual**

*Vice Mayor Kennedy made a motion to adopt the revisions to the Boards and Commissions Manual as drafted by the staff.*

Vice Mayor Kennedy reviewed some sections in the manual.

Elaine Loutzenheiser requested that the manual show how members of the boards/commissions vote on issues.

After discussion, Vice Mayor Kennedy asked to withdraw his original motion. *At this time Vice Mayor Kennedy made a motion that the draft manual be referred to the chairs of all boards and commissions listed in the manual for their reaction and any comments be brought back for changes at the December meeting of the Board of Aldermen. The motion passed with a vote of 4-0.*

**B. Request to Access Town-Owned Property on the East side of the Swannanoa River South of Interstate 40**

Mr. Caudle reported that Ron Nalley and other property owners bordering the Clevenger property have requested access across Town property on the East side of the Swannanoa River South of Interstate 40 for agricultural and horticultural purposes. *After discussion, Alderman Garrison made a motion to authorize the Town Attorney to draft a license agreement that may be entered into by the Town Manager, which will allow property owners adjoining the eastern border of the Clevenger property access to the Swannanoa River for agricultural and horticultural purposes. The motion passed with a vote of 4-0.*

**C. Request Staff to Implement Energy-Saving Measures Throughout the Town**

Mr. Caudle reported that Aldermen White and Sobol met with David Wallace, State office of Energy and Matt Segal, from Healthy Builders, to discuss energy-saving measures. Alderman White said they were given some good ideas that will be helpful as a Town and for citizens to help make us aware of energy-saving measures. Alderman White requested that the Planning Board, during the review of the ordinances, include encouragement to green and energy-efficient building.

*Alderman Sobol made the motion that the Board of Aldermen requests that the staff: (1) research and implement energy-saving measures in Town buildings and vehicle maintenance and acquisition; (2) change local regulations to encourage green and energy efficient building; (3) research and implement strategies to assist towns-people to achieve greater energy efficiency in their own home and vehicle maintenance through education and the provision of information regarding financial assistance.*

Alderman Sobol noted that this is the framework to help guide staff and citizens to become more aware of energy conservation. We want to try to help get the information out to citizens. *The motion passed with a vote of 4-0.*

**X. CITIZEN COMMENTS - At 7:45 p.m. Mayor Begley asked for Citizen Comments.**

Elaine Loutzenheiser, 410 Avena Road, reported that the trees along Highway 70 by the railroad track need to be trimmed back.

Harry Hamil, 15 John Myra Avenue, reported that there was not enough interest among Business to Business to schedule a “Meet the Candidates” night. Mr. Hamil thanked Vice Mayor Kennedy for circulating the Boards/Commissions manual to the various committees. Mr. Hamil suggested that the owners requesting access to the river across Town property should contact Warren Wilson College about the program they have in place for protecting the river.

Betty Becker, 104 9<sup>th</sup> Street, thanked the Board for taking steps to save energy. She reminded everyone that the League of Women Voters and the Black Mountain News is holding a “Meet the Candidates” night on October 27, 2005 at 7:00 p.m. at the Black Mountain Center for the Arts.

The Board took a brief recess at 7:50 p.m.

**XI. CLOSED SESSION** - With no further business Mayor Begley asked for a motion to go into Closed Session. *Alderman Garrison made a motion to go into Closed Session at 7:55 p.m. to discuss:*

A. Pending Litigation - as permitted in NCGS 143-318.11(a)(3)

*The motion passed unanimously.*

The Board resumed the regular meeting at 8:03 p.m.

**XII. ADJOURNMENT** - *With no further business, Alderman Garrison made a motion to adjourn the meeting at 8:05 p.m. The motion passed 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, CMC, Town Clerk

Good evening.

The purpose of this hearing is to solicit input for FY06-11 Capital Improvements Program, or CIP.

The CIP is a document that outlines major public investment and/or improvements that the Town intends to complete in the next five years.

CIP projects are generally tangible things, like a vehicle, sidewalk or water tank.

Different communities have different thresholds for the types of projects they include in their CIPs. Our thresholds require that a project have a value greater than \$5,000 and a lifespan of more than one year.

The CIP is a planning tool. Projects that are included in this document reflect the intent of the governing body to follow through with each project, but changing financial circumstances demand that the plan be flexible. Therefore, inclusion of a project in the CIP does not guarantee that it will be funded or completed, but it is an important first step.

The CIP document places proposed projects into one of the next five years. Projects placed in the first year (FY06-07) will be included in the upcoming FY06-07 budget if funds allow.

Depending on the nature of the project, it will be paid for from one of three Town funds.

1. The water fund pays for vehicles, construction and improvements necessary for the maintenance and improvement of the town's water system, and revenue can come from grants, intergovernmental transfers and fees paid by water customers.
2. The golf fund pays for vehicles, construction and improvements necessary to maintain and improve the Black Mountain Golf Course, and is funded primarily from memberships and fees paid by customers of the course.
3. The general fund encompasses the widest variety and number of projects, funding maintenance and improvement of all the Town's general infrastructure and fleet vehicles, and is funded by tax revenue, intergovernmental aid, and grants.

Any new projects that are suggested this evening will be analyzed by staff and a report will be given to the Board on all suggestions prior to their consideration of the proposed CIP. Citizens who have any questions about the process may contact me at Town Hall.

Suggested projects will be analyzed in October and the Town Manager will prepare a draft CIP for the Board's consideration in early November.

By: Bo Ferguson – 10-10-05