

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
September 13, 2004

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, September 13, 2004 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
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
Bob Watts, Public Works Director
Allen Willet, Police Chief

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 the Lord's 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 August 5, 2004 – Agenda Workshop, August 9, 2004 – Regular Session, August 9, 2004 - Closed Session, August 23, 2004 – Joint Meeting with Board of Aldermen and Recreation Commission were approved.

The agenda was amended at the Agenda Meeting on September 9, 2004 with the following changes:

Under III, Consent Agenda, move item “E” to VIII, Old Business, item “A”

Under IX, New Business, delete item “C”

Under XI, Closed Session, add item “C”

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

III. CONSENT AGENDA

With the adoption of the agenda for the September 13, 2004 Regular Session Meeting, the following actions were approved:

A. Adoption of the Minutes

Motion: To adopt the minutes of August 5, 2004 – Agenda Workshop, August 9, 2004 – Regular Session, August 9, 2004 - Closed Session, August 23, 2004 – Joint Meeting with Board of Aldermen and Recreation Commission

B. Adoption of Budget Amendments #03

Motion: To adopt budget amendment #03 as submitted

C. Adoption of Budget Amendments #04

Motion: To adopt budget amendment #04 as submitted

D. Approval of Three Year Copier Lease Agreement

Motion: To approve the three-year copier lease agreement with McRae Office Solutions in the amount of \$175.19 per month.

E. Surplus Equipment in Recreation and Parks Department

Motion for Consideration: To Declare Equipment as Listed from the Recreation and Parks Department as Surplus

F. Proposal for Services with Equinox Environmental Consultation and Design

Motion for Consideration: To Approve the Proposal for Services with Equinox Environmental Consultation and Design

IV. COMMUNICATIONS FROM THE MAYOR

A. **Proclamation** - The Mayor read a proclamation declaring September 18 through October 3, 2004 as Fall 2004 “Litter Sweep” in Black Mountain. He said a town-wide cleanup day is scheduled for September 25, 2004 beginning at 8:00 a.m.

B. Mayor Begley reported that the remnants of Hurricane “Frances” caused cancellation of the events scheduled for September 11, including the health fair and the 9-11 memorial service.

C. Mayor Begley said he sincerely appreciates the effort of our staff in the time of emergency during Hurricane “Frances”. He thanked the community for the outpouring of volunteerism during this time and said it was a very proud moment for him as Mayor.

V. COMMUNICATIONS FROM TOWN ATTORNEY

Ron Sneed, Town Attorney, reported that at the August meeting, the Board had authorized him to pursue recovery of property taxes the Town had to pay on the Public Safety building since the bank held title under the financing arrangement. He said a recent court of appeals ruling arguably says that the property should have been tax exempt. Mr. Sneed said that after filing for the refund on the property taxes, Michael Frue, attorney for the Board of County Commissioners, disagrees. *After discussion, Alderman Sobol made a motion that the Town Attorney continue to pursue recovery of those taxes. The motion passed unanimously.*

VI. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Water Improvements Project – Mr. Caudle reported that the new water storage tank at Christmount will be repainted a darker color in order to camouflage the tank from the property owners.

2. Local Transportation Plan – Mr. Caudle noted that we are still taking comment on the Local Transportation Plan. He said the Department of Transportation has been asked to include information associated with the improved access to I-40.

3. Traffic Signals at State Street and Montreat Road – Mr. Caudle reported the new traffic signals are now in operation at the intersection of Broadway and Montreat Road. He said it is the Town’s responsibility for repaving the intersection, which has been delayed due to the weather.

4. Filling of Planning Director’s Position – Mr. Caudle said (29) applications have been received for the Planning Director’s position. He said a questionnaire has been sent out to the applicants. Those will be evaluated and the top applicants will be interviewed.

5. Montreat Building Inspections Contract – Mr. Caudle reported the contract for building inspection services has been approved by the Town of Montreat. This will extend those services with the Town of Black Mountain for an additional 90 days.

6. Urban Trail Construction on Highway 9 – Mr. Caudle said that the Department of Transportation has denied the request to allow an urban trail by Cheshire and

back down to the curb on Hwy. 9. He said that DOT cited safety concerns for the denial of the permit.

7. Workshop with Planning Board – September 14, 2004 – Mr. Caudle reported a joint meeting with the Board of Aldermen and Planning Board has been scheduled for September 20, 2004 at 7:00 p.m. He said the Board of Aldermen has scheduled a workshop for September 23, 2004 from 8:30 a.m.- 4:30 p.m.

8. Mr. Caudle reported he has been summoned for jury duty on September 24, 2004.

9. Hurricane Update – Mr. Caudle gave an update on the effects of the recent hurricane. He said FEMA has established a hot line, 1-800-621-FEMA and for hearing impaired, 1-800-462-7585. People who have property damage should contact the FEMA organization. Mr. Caudle said there has been a tremendous outpouring from volunteers willing to help with the emergency. Mr. Caudle expressed gratitude to the staff who have performed extremely well.

VII. COMMITTEE/BOARD REPORTS

A. Health Initiative Task Force – Dr. Olson Huff - Mike Mayer
- Health Fair Held on September 11, 2004 Report – Mr. Mayer reported the Health Fair was canceled due to the hurricane but will be rescheduled in early November. He gave an update on the activities of the Health Initiative Task Force. Mr. Mayer said we are now ready to seek funding sources.

- Request Approval for Contract for Consulting Services from Carol Lawrence – Mr. Mayer said the Health Initiative needs to identify funding sources and gain financial support. *After discussion, Alderman White made a motion to approve the Contract for Consulting Services from Carol Lawrence in the amount of \$1,500 to help secure grant funding from private foundations and government agencies. The motion passed with a vote of 5-0.*

B. Recreation and Parks Department Master Plan – Chad Jonsson – Terry McElrath, a member of the Recreation and Parks Department, gave an overview of the Master Plan. Mayor Begley thanked Ms. McElrath and noted that the Board had met with the Recreation Commission on August 23, 2004 and approved the Master Plan.

C. Bus Service – Alderman Brown reported that the bus ridership increases each month.

VIII. OLD BUSINESS

A. PUBLIC HEARING - Assisted Bagged Leaf Collection Program and White Goods Disposal Fee

Mayor Begley noted to add “and to establish the Assisted Bagged Leaf Collection Program” to the Motion for Consideration.

Mayor Begley opened the public hearing and asked Ron Nalley, Assistant Town Manager, to give a summary of the proposed ordinance revision. Mr. Nalley explained the proposed ordinance change amends Title V to: (1) charge a fee of five dollars (\$5.00) for the collection of each white good and (2) to establish an Assisted Bagged Leaf Collection Program for individuals over the age of 70 or are disabled and who have a property tax valuation under \$150,000.

Mayor Begley then asked for comments from the public.

Ullyses Wagner, 102 Hillcrest Street, said most people want the fee to be lower for white good pickup.

Rochele Daniels, asked what has brought about the need to start charging for white good pickup? Alderman Sobol said the Board is looking at ways to help offset expenses.

Connie Pruitt, 107 Scotland, feels people will leave the white goods outside and will not pay the fee.

Horace Wells, 108 Cragmont Road, said he does not agree with charging a fee for white good pickup.

Harry Hamil, 15 John Myra Avenue, said he applauds the Board's action to try and help the elderly, but disagrees with the way it is combined with the white goods. He thinks if the Board separates the two items, they may choose to act differently.

Ruth Brandon, 722 Laurel Avenue, said she thinks she would qualify for assisted bagged leaf pickup.

Chuck McKeown, 66 Blue Ridge Assembly Drive, does not think the Board should charge for appliance pickup.

Harry Hamil, 15 John Myra Avenue, said if the proposed change to charge for white good pickup is approved, the Board should make it effective November 1 to be fair to people who have damage from the hurricane.

Chris Wren, 267 Flat Creek Road, said he does not have a problem with the fee.

Wayne Carter, 522 Brandon Road, said the Board should not charge for this service. He said people will not pay the \$5 and the items will be dumped down the mountain.

Mikkel Hansen, 112 Hilltop Road, does not think the fee makes any sense because it will cost double to process the fees.

Bob Gunn, 109 Pleasant Drive, hopes the Board will reconsider this fee, which will impact the people who can least afford it.

With no further comments, Mayor Begley closed the public hearing.

Alderman White made a motion to amend Title V of the Code of Ordinances of the Town of Black Mountain to establish the Assisted Bagged Leaf Collection Program and delete the language to charge a fee for the removal of white goods. 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)

Sherman Bynum, 123-B East Street, said he appreciates the Town staff and Town officials. He said his community needs help to divert the flow of water out of the African-American community back into its banks. He is concerned about Lake Susan in Montreat. He asked if they can get someone to bring some equipment in without interfering with FEMA? They need protection from the next storm. Mr. Caudle explained that the property Mr. Bynam is referring to is all private property and does not know if the Town has the authority to resolve the problem if it is private property. Mayor Begley asked staff to work with the residents.

Ulyses Wagoner, 102 Hillcrest, said the Board voted at the last meeting to tear down some buildings in the floodway. He said the buildings are dry.

Chris Wren, 267 Flat Creek Road, said the culvert is stopped up with silt from the new sub-division and asks that the ditches be cleaned.

James Lytle, 305A Flat Creek Road, said this area is private property. She said she heard the Town wants the property. Mayor Begley replied there is no truth to the rumor.

Rochele Daniels, said she is speaking on behalf of her mother, Betty Lane, 278 Cragmont Road. She said her mother has had problems from water runoff for a number of years. She thinks if the Town would fix Weaver Lane, this would fix her mother's drive. Mayor Begley said he knows that staff has looked at the problem and that this has been an ongoing problem. He said there is some disagreement as to whose responsibility it is. Mayor Begley said we are relying on staff to make the determination.

Betty Lane, 278 Cragmont Road, said the water runoff to her property comes from Weaver Lane.

Wayne Carver, 522 Brandon Road, said he has a problem with water running onto his property because the ditches are not kept cleaned. If the Town would clean the ditch, he would not have this problem. He gave pictures to Ron Nalley showing the problems. Mayor Begley asked staff to communicate with Mr. Carver.

Betty Becker, member of the Beautification Committee, reminded the citizens that September 25, 2004 is Black Mountain Cleanup Day. She said any garbage, trash, appliances, etc. will be accepted except toxic waste. Garbage bins will be set up at the old Eddie's Antique building on Montreat Road.

Ron Collins, 400 Blue Ridge Road, said the Town should consider a recycling center. Mr. Collins said the Town should talk with the City of Asheville and open the gates at the North Fork Reservoir when bad weather is predicted.

Louise Jones, 656 Padgettown Road, also has property on Flat Creek. She is concerned about Lake Susan. She said the gutters on Flat Creek and Padgettown need to be cleaned out.

Harry Hamil, 15 John Myra Avenue, said we need to get the notice out more efficiently about evacuating. He said we have a unique opportunity to map the flood marks.

Carlos Bynum, 656 Padgettown Road, is concerned about Lake Susan and asked who is responsible for the damage caused by Lake Susan? He said he was born and raised in Black Mountain, in the Flat Creek Road area. He said the people living there need help; they have no where to go and asked if the Town can assist them.

Ruth Brandon, 722 Laurel Avenue, said she also would like to echo the remarks about the cooperation of the community and commended the Town personnel. Ms. Brandon also commended the Town Manager, the Assistant Town Manager, and others involved for getting the traffic signals installed at the intersection downtown.

Sherman Bynum said Lake Susan is not fixed. Mayor Begley said the dam at Lake Susan was scheduled for repair this fall. Mr. Bynum said the dam is coming apart. Vice Mayor Kennedy said the Montreat Conference Center owns the lake.

IX. NEW BUSINESS

A. Request from the Rotary Club of Black Mountain to Construct Segment of Urban Trail on the North/West Side of Vance Avenue from Terry Estate Drive to In the Oaks Trail

Dave Alexander, Director, Community Services said the Rotary Club of Black Mountain is interested in performing a community project in commemoration of Rotary International's centennial celebration. He said they have selected to construct a segment of the urban trail on the north/west side of Vance Avenue from Terry Estates Drive to In the Oaks Trail. Mr. Alexander explained that the Rotary Club will contribute both cash (\$7,000) and volunteer time to the project. *After discussion, Alderman Brown made a motion to accept the proposed donation of money and voluntary labor from the Rotary Club of Black Mountain to construct a segment of Urban Trail on the north/west side of Vance Avenue from Terry Estate Drive to In the Oaks Trail. The motion passed with a vote of 5-0.*

B. Resolution Supporting the Passage of Amendment One in the Upcoming November Election

Alderman Brown said that in the November General Election the public will be asked to vote on Amendment One, which is a proposed Constitutional Amendment that would allow for local governments in North Carolina to take advantage of a new financing tool. This tool would allow local governments to designate a development district within their community and then issue bonds for development within that district. The bonded indebtedness would be secured by the increased property tax generated from the proposed development within the designated zone. Alderman Brown noted that this financing tool is currently available to local governments in all

but two states. *Alderman Brown made a motion to pass the Resolution in support of amendment One: Self-Financing Bonds. The motion passed with a vote of 5-0.*

XI. CLOSED SESSION - *With no further business, Alderman Sobol made a motion to go into closed session at 9:45 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)
- C. To consult with attorney in order to preserve the attorney-client privilege – as permitted in NCGS-143-318.11((a)(3)

The motion passed with a vote of 5-0.

XII. ADJOURNMENT - *On a motion by Alderman Garrison the Board returned to open session at 10:20 p.m. With no further business, Alderman Garrison made a motion to adjourn the meeting at 10:21 p.m. The motion passed unanimously.*

Wm. Michael Begley, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, Town Clerk