

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**November 8, 2004**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, November 8, 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  
Chad Jonsson, Recreation and Parks Director  
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 prayer, led by Rev. Kevin Frederick, Associate Pastor, Black Mountain Presbyterian Church.

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 23, 2004 – Workshop Session, October 7, 2004 - Agenda Workshop, October 11, 2004 – Regular Session, October 19, 2004 - Joint Meeting with Board of Aldermen and Chairs of Voluntary Boards/Commissions were reviewed. Alderman Sobol requested an amendment to the minutes of October 11, 2004. Mayor Begley asked Alderman Sobol to make the amendment later in the meeting. The minutes for September 23, 2004, October 7, 2004 and October 19, 2004 were approved as written.

The agenda was amended at the Agenda Meeting on November 4, 2004 with the following changes:

Under VI, Communications from the Town Manager, added the following items:

7. Organizational Study Update
8. Town Manager will be on vacation November 11-21, 2004
9. Assisted Leaf Pickup

Mayor Begley reported that the following items have been requested to be added to the agenda:

Under VII, Committee/Board Reports, add items “E” – Health Fair and “F” – MSD Report

Under IX, New Business, add item “A”, Request from Town of Montreat to Extend Building Inspector Contract

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

*At this time Alderman Sobol made a motion to amend the minutes of October 11, 2004 as follows:*

Under IX, New Business, Item “B” – Greenways Report – change the next to last sentence to read: “Alderman Sobol asked if the Board would approve adding the Swannanoa Connector, the Owen Spur, and a segment going from the primary school to the elementary school on Village Way to the Greenway Master Plan.” The new wording adds “a segment going from the primary school to the elementary school on Village Way to the Greenway Master Plan.” *The motion passed unanimously.*

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

A. Mayor Begley read a Proclamation proclaiming November as “National Family Caregivers” Month.

B. Mayor Begley thanked the citizens in the community for the high voter turnout on Election Day.

#### IV. COMMUNICATIONS FROM TOWN ATTORNEY

Town Attorney, Ron Sneed, reported he has filed suit for taxes paid on the Public Safety Building when the bank held title under the financing arrangement. He feels that a recent court ruling indicates that the property should have been tax exempt and will continue to pursue recovery of those taxes.

#### V. CONSENT AGENDA

With the adoption of the agenda for the November 8, 2004 Regular Session Meeting, the following actions were approved:

- A. Adoption of the Minutes  
*Motion: To adopt the minutes of September 23, 2004 – Workshop Session, October 7, 2004 - Agenda Workshop, October 11, 2004 – Regular Session, (with correction as noted above), October 19, 2004 - Joint Meeting with Board of Aldermen and Chairs of Voluntary Boards/Commissions*
- B. Adoption of Budget Amendment #06  
*Motion: To adopt budget amendment #06 as submitted*
- C. Adoption of Budget Amendment #07  
*Motion: To adopt budget amendment #07 as submitted*

#### VI. COMMUNICATIONS FROM THE TOWN MANAGER

##### A. Review of Consent Agenda

##### B. Projects Update

##### 1. Storm Debris Removal Update – John O’Neal, GDS Inc. –

Mr. John O’Neal with GDS, Inc. gave an update on the storm debris removal. He said removal began on October 12. The first pickup was completed on October 30 with thirty loads of debris picked up. Mr. O’Neal said after starting the second pickup, a lot of debris is still behind houses. The debris needs to be brought to the street and to the right of way. He said the third pickup may only take two to three days. Mr. O’Neal said the estimated completion date is November 24, 2004.

2. **Storm Repairs** – Mr. Caudle said as of last Thursday, November 4, 2004, the Town has filed and received approval for \$177,700 for repair work with FEMA. He said this does not include street costs or water costs. Mr. Caudle noted that the total costs will probably exceed \$250,000.

3. **Water Improvements Project** – Mr. Caudle reported the water tank on the north side of town is under construction. He said all the grant funding has been used. The Town made the first draw of loan funds and will begin to pay interest on the loan until the project is completed. Mr. Caudle said the ladies from the Women’s Correctional Center have planted trees and shrubs at the south tank site.

**4. Filling of Planning Director's Position** – Mr. Caudle reported the Town has been without a Planning Director for some months. We have been attempting to fill that position with no success. After interviewing several candidates, we have chosen to readvertise the position.

**5. Annual Audit** – Mr. Caudle noted that a draft of the annual audit is anticipated in January for fiscal year 2003-04.

**6. Sewer Line Installation** – Mr. Caudle reported that MSD has completed a contract installation on Blue Ridge Road. The Town contracted with MSD to extend lines on Wolf Creek Drive and up Blue Ridge Road. Mr. Caudle said that installation of sewer lines is required as a part of the annexation several years ago. Mr. Caudle complimented MSD for the great job they did.

**7. Organizational Study** – Mr. Caudle reported that the contract for the organizational study has been approved. Mr. John Maxwell, contracted by the North Carolina League of Municipalities, has conducted his first interviews. The study should be completed in February 2005.

**8.** Mr. Caudle noted that Thursday, November 11 is Veteran's Day and Town Hall will be closed. He reported that he would be on vacation the week of November 15, 2004.

**9. Leaf Pickup** – Mr. Caudle reminded the public of the Assisted Leaf Pickup program. He said this program allows the Town to bag leaves for individuals who are over the age of 70 and have a property tax valuation under \$150,000 or who are disabled and have a property tax valuation under \$150,000. After the leaves are brought to the curb, the Town will bag and arrange for pickup. The citizen must call Town Hall for this service.

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

### **A. Recreation Commission – Recommendations on Pool Rehabilitation**

Harry Nanney with the Recreation Commission reviewed five options which include approximate prices and information on repairing the pool.

1. Construction of New Pool with Cover. We would apply in January to the Parks and Recreation Trust Fund for a grant that would cover about half of the approximate \$1,000,000 anticipated construction cost.
2. Construction of New Pool Facility. We would apply in January to the Parks and Recreation Trust Fund for a grant that would cover half of the approximate \$500,000 - \$750,000 anticipated construction cost.
3. Refurbish Entire Shell and Deck of Existing Pool. We would fill 12 foot in depth section of the pool up to a depth of 8 feet; sandblast and reconstruct the shell; rebuild the pool deck; and, tile around the pool. Approximate cost to accomplish this goal is \$120,000.
4. Rebuild Pool Deck of Existing Pool. We would take out and replace pool decking at an approximate cost of \$9.50 per square feet.
5. Do Nothing with the Pool Facility.

Mr. Nanney said the long-range recommendation in conjunction with the master plan from the Recreation Commission is to construct a covered pool in partnership with the Health Initiative. He said the funding for the study would not be complete until June of 2005. We would then know what their needs are. Construction of a new pool would be started in 2006 and possibly not be complete until 2007.

Chip Craig with the Health Initiative said the committee is looking at doing a needs assessment. The pool will be a part of that study. The time frame is April 2005.

Mayor Begley informed the public that the cost of a covered pool is estimated to be \$1,000,000 and the Town has the opportunity of applying for grants for one half of that cost. The other half that the Town would have to put in, the committee thinks there may be some grant funding opportunities through the Health Initiative.

Alderman Sobol feels we should move forward with the grant and decide what to do with the existing pool. He said the biggest repair to the pool is the deck. He thinks the deck could be scraped, patched, and outdoor carpet put down. This would keep the cost down to \$10,000-\$15,000.

Mr. Caudle said the location and plans have to be in place before we can apply for a grant in January.

After further discussion, the Board requested that Mr. Caudle bring back to the December meeting information on the possibility of patching the existing surface of the pool and a preliminary design timeline for a covered pool.

Alderman Sobol said he had asked the Recreation Commission to review the possibility of constructing an indoor soccer field in the Clevenger Mill building. Alderman Garrison said on the surface it is a great idea, but thinks it is overly optimistic. There is a 10-year Recreation Master Plan and indoor soccer is not in the plan nor in the Town's Comprehensive Plan. Alderman Garrison said it needs to come back into the priority list. There are a lot of things to be thought out. After discussion, Mr. Nanney said the Recreation Commission would discuss this request and report to the Board of Aldermen at the December Board meeting.

**B. Planning Board – Request to Map Recent Flooding – Phyllis Genetti, Chair, Planning Board**

Ms. Genetti said the recent flooding demonstrates the need for re-mapping of flood areas in Black Mountain. She said on behalf of the Planning Board, they are requesting approval to do a quick approximated mapping of the flooding so that (1) we can capture this data for use during North Carolina's Floodplain Mapping Program expected to begin in western North Carolina in 2006; (2) we can reevaluate provisions of the ordinance that require structures to be elevated "one to two feet" above the base flood elevation for possible revisions in the near future.

Harry Hamil, a member of the Planning Board, said he has spoken with Mike Sonnenberg of Montreat College regarding the information that we would gather. He said that Montreat College has software that comes within one meter of mapping by using a geographic positioning device. Mr. Hamil said that Montreat College is interested in being active in the community and

could use students and volunteers to map where the flooding actually occurred. Alderman White said that at the Land-of-Sky Regional Council meeting in October, mapping of the flooding was discussed. She said RiverLink has also talked about doing this. Alderman White said the Governor is calling a special session in December on flooding and setting up a special office for flood recovery. Mr. Gordon Myers has been appointed the chair of a task force to look into flood recovery issues. Mr. Joe McKinney with Land-of-Sky Regional Council suggested that the Board of Aldermen write a letter to the Governor and Gordon Myers urging the committee to broaden its thrust and include mapping in the flood recovery plans. Alderman White said she would make a motion after further discussion.

Mr. Hamil said it is important to remember that we did not have a 100-year flood. He said if the state is delayed in starting their mapping, the data does not age. It is useful.

Mr. Caudle said Harry is proposing that we use Montreat College to conduct the study. Mr. Hamil said RiverLink and Land-of-Sky Regional Council would also be good sources. Alderman Garrison said he is concerned that it might not be useful to FEMA in 2006. Mr. Hamil said he asked Mr. Sonnenberg specifically if the data would be useful and he said yes. He also said the information could be used in conjunction with stormwater runoff and other projects. Alderman Garrison asked if Harry knows how much money this would cost. Harry said no. Alderman White said the proposal that the letter makes does not involve Town funding. We are asking the State to pay for this information gathering and mapping. Alderman Garrison said this would be the ideal solution. Mr. Hamil asked if there could be a volunteer committee that would work on looking for answers to the questions raised. Alderman Brown asked for comments from Mr. Caudle. Mr. Caudle said if Alderman White's motion is approved, that is the best solution. He applauds what Harry is trying to do. He is concerned with the staff time that would be required. Mr. Caudle said he is in agreement with the project if we can devise a system whereby the cost is acceptable to the Board and the staff time is kept at an absolute minimum.

*Alderman White made a motion to send a letter to Gordon Myers, Chair of the Flood Recovery Task Force, with a copy to Governor Michael Easley from the Board of Aldermen and the Planning and Zoning Department of the Town of Black Mountain to express support for a special called session of the North Carolina Legislature to deal with WNC flood relief; support for establishing an Office of Flood Relief in WNC; request for funds for the assessment and mapping of flood patterns and flood damage from Hurricanes Frances and Ivan, and information be made available to municipalities and counties for planning; and request for early funding and early action on the update of WNC FEMA maps.*

Vice Mayor Kennedy said he feels it would be good for this possibility of partnership to be in the letter also. The danger would be they would say go ahead and do it. Alderman Brown thinks Alderman White's motion is adequate at the present time. Mr. Hamil said Mr. Sonnenberg had many meetings with Jerry Wood on this subject. He hopes the Town will take advantage of the opportunities offered by Montreat College.

*With no further discussion the motion passed with a vote of 5-0.*

*Alderman Sobol made a motion to allow a sub-committee to proceed with Montreat College in pursuit of the mapping of the flood area and report back to the Board. Vice Mayor*

Kennedy asked if some members of the Planning Board could pursue the mapping informally with Montreat College. Ms. Genetti said yes that is basically what we were asking of the Board. After discussion, Alderman Sobol withdrew his motion and asked that the Planning Board report back to the Board at the appropriate time.

**X. CITIZEN COMMENTS** - At 8:00 p.m. Mayor Begley asked for Citizen Comments.

Ron Collins, 400 Blue Ridge Road, asked if the Town has plans to clean up the river and take out trees that fell during the floods. Mr. Caudle explained that the Town does not have the authority to go into the river. He said there is a state-wide initiative underway for stream restoration.

Mr. Collins said the MPO promised a new draft of the Transportation Plan but he has not seen it. Mr. Caudle said it has not been done. He said the Town requested modeling of four alternatives for inter-state access. The MPO will not complete the draft until the modeling is complete. Mr. Caudle said he contacted Beverly Williams with the Department of Transportation about conducting the modeling and is awaiting a reply. Mr. Collins asked what were the four alternatives requested. Mr. Caudle said the Town requested (1) improvements to the existing interchange, (2) interchange at Blue Ridge Road, (3) interchange at Lytle Cove, and (4) do nothing alternative.

Mr. Collins said the wording was changed in the Comprehensive Plan to include these alternatives and asked why has the wording not been changed on the DOT Priority Needs List?

Mr. Caudle said the local transportation plan posted on the MPO's web site was the original draft proposed and reviewed by the public. He thought he had communicated that we wanted that information off the web site but it has not been done. Mr. Caudle said he has e-mailed the staff today and asked for this to be corrected.

Mr. Caudle said the Priority Needs List follows another project process through the TCC and TAC, which are the two advisory boards under the Metropolitan Planning Organization (MPO). He said a sub committee has been formed to look at the Priority Needs List and thinks they will be working on this in January or February.

Chuck McKeown, 66 Blue Ridge Assembly Drive, said he read an article about the Honeycutt property advertising city water and sewer. He has not heard anyone discuss annexation and wants to know how they are allowed to advertise having water and sewer if not annexed. When will this be discussed? He thinks the people on Blue Ridge Road are being put in jeopardy because of potential building and thinks we could slow down the building if we did not annex. Mayor Begley said the owner has not asked to be annexed and the information was advertised in error. Mr. McKeown said he doesn't think the people on Blue Ridge Road should be treated like this. Mr. Collins said there is an MPO meeting scheduled for November 18 regarding the 6 or 8 lanes to be added to I-26 and would like to know how the Mayor will vote.

Belinda Box, 107 3<sup>rd</sup> Street, said when looking at pool and attendance, we need to look at weather patterns. Maybe this is one of the reasons the pool is running at a loss. We should not expect to make a profit at the pool. Ms. Box said the parents would not be happy having to bus

children to the Owen pool for 3-4 years while a new pool is built. She thinks patching and repairing the existing pool is a good choice.

Joe Friddle, 221 Pine Grove Road, said he is grateful to hear that the DOT information will reflect what the Board's intention is in the Comprehensive Plan. He is concerned that it is not reflected on the MPO web site. It still lists I-40 interchange at Blue Ridge Road among its six top priorities. The language has not been changed to reflect what the Board changed on the Comprehensive Plan regarding the I-40 interchange.

Mayor Begley said the question was asked how he intends to vote on the proposed 6-8 lane I-26 project. He said based on information he has seen so far, he anticipates that he would vote for the 8-lane option.

## **VII. COMMITTEE/BOARD REPORTS (continued at 8:25 p.m.)**

**C. Bus Report** – Alderman Brown reported that bus ridership is steadily increasing. She said discussion is underway with Mountain Mobility regarding busing from Black Mountain to Owen pool if the Black Mountain pool is closed until a new pool is built.

**D. Chamber of Commerce** – Alderman Brown announced that the Town Christmas Parade is scheduled for Saturday, December 4. She said the Public Works Department has been selected to be the grand marshal for this year's parade.

Alderman Brown reported on the following:

- A new initiative by the Chamber of Commerce "Value Our Valley" has been undertaken to encourage the public to shop here in the valley and support the local merchants.
- The Black Mountain/Mt. Mitchell Challenge and Marathon is scheduled for February 26, 2005.
- The Chamber of Commerce, Business to Business, and Montreat College are planning a business expo to allow businesses to highlight their products in our community in early 2005.
- Upcoming Events:
  - Friday, November 26 – Thanks Evening – Stores open late
  - Friday, December 3 – Holly Jolly – Stores open late
  - Saturday, December 4 – Christmas Parade at 4:00 p.m. followed by  
Circle of Lights at Lake Tomahawk
  - Saturday, December 11 – Holiday Gala presented by the Swannanoa Valley  
Museum

**E. Health Fair Report** – Vice Mayor Kennedy reported that the Health Fair was held on November 6 at the Bi-Lo Store on Hwy. 9. He said Genny Pugh, Director of the Black Mountain Center, brought her staff and set up all the equipment. He said assessment forms were filled out and those will be reviewed. Vice Mayor Kennedy said the Health Initiative Task Force is working on several other projects.

**F. Metropolitan Sewerage District (MSD)** – Alderman Sobol reported that MSD can accomplish its Capital Improvement Projects (installing new lines, redoing lines in Black

Mountain and across the district) by two methods of funding: (1) pay by each project from fees paid by users and (2) use of bonds. Normally all bonds previously have been at fixed rates. The last bonds of 24 million dollars were at a variable rate. Alderman Sobol explained the risks involved in choosing a variable rate. He said there is a meeting on Wednesday, November 10 to discuss refinancing some of these bonds. Alderman Sobol said the public is invited to attend if anyone is interested.

## **VIII. OLD BUSINESS**

### **A. PUBLIC HEARING – An Ordinance to Amend Chapter 74, Schedule II (Speed Limits) of the Code of Ordinances of the Town of Black Mountain – Speed Limit Reduction**

Mayor Begley opened the public hearing. Mr. Caudle explained that residents of Genesis Circle had approached the Town several years ago about lowering the speed limit on their street. The Police Department investigated their request and recommended that due to the limited accessibility of the neighborhood, the narrowness of the streets, the lack of sidewalks, and the presence of children playing in the area, that the speed limit be reduced to 15 miles per hour. He said due to staff oversights, the matter was not brought forward. The staff recommends the reduction of the speed limit on this street to 15 miles per hour.

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

*Alderman Brown made a motion to approve the adoption of an ordinance to amend Chapter 74, Schedule II (Speed Limits) of the Code of Ordinances for the town of Black Mountain to reduce the speed limit on Genesis Circle to 15 miles per hour. The motion passed unanimously.*

### **B. Consideration of Request from Greenways Task Force to add Swannanoa Connector and Owen Spur to Greenways Master Plan**

*Alderman Sobol made a motion to approve the addition of the Swannanoa Connector, the Owen Spur, and a segment connecting the primary school to the elementary school on Village Way to the Greenways Master Plan. The motion passed unanimously.*

## **IX. NEW BUSINESS**

### **A. Contract with Montreat for Building Inspection Services**

Mr. Caudle reported that the Town of Montreat has been unable to find someone to fill the position of building inspector and, therefore, would like the Town of Black Mountain to extend the existing contract which ends on November 30, 2004. Mr. Caudle also explained that our building inspector is looking for secondary employment and would the Board consider paying Mr. Cordell overtime and Montreat pay for this service on a contract basis. *After discussion, Alderman Sobol made a motion to extend the contract through the end of the year. The motion passed unanimously.*

**XI. CLOSED SESSION** - *With no further business, Alderman White made a motion to go into closed session at 9:00 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)

**XII. ADJOURNMENT** - *On a motion by Alderman Garrison the Board returned to open session at 9:31 p.m. With no further business, Alderman Garrison made a motion to adjourn the meeting at 9:32 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, Town Clerk