

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION**  
**November 14, 2005**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, November 14, 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  
Alderman Phil Garrison – Absent  
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

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, led by Rev. Bob Blaylock, Pastor, Ridgecrest Baptist Church, Ridgecrest, NC. 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 October 6, 2005 - Agenda Workshop, October 10, 2005 - Regular Session, October 10, 2005 – Closed Session, and October 14, 2005 – Special Meeting.

The agenda was amended at the Agenda Meeting on November 10, 2005 with the following changes:

Under VII, Committee/Board Reports, added new item “B”, Bus Report by Alderman Brown, added new item “C”, Land-of-Sky Regional Council Report by Alderman White, and added new item “D”, Mission Hospitals Care Van Visit Report by Mike Mayer.

Under IX, New Business, moved item “A” to Consent Agenda.

Under IX, New Business, added new item “B”, and new item “C”.

Town Manager, Tony Caudle requested the Board to allow Mike Mayer to present his report as soon as he arrived. *Alderman Brown made a motion that Mr. Mayer be allowed to address the Board as soon as he arrives. The motion passed with a vote of 4-0. With these changes the agenda was approved with a 4-0 vote on a motion by Alderman Brown.*

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

#### **A. Resolution of Appreciation – Mayor Begley**

At this time Mayor-elect Kennedy presented a Resolution of Appreciation to Mayor Begley expressing thanks and appreciation from the Board and citizens of Black Mountain. *Mayor-elect Kennedy made a motion to accept the Resolution. The motion passed with a vote of 4-0. Mayor-elect Kennedy also made a motion to grant Michael Begley a life-long golfing membership to the Black Mountain Golf Club. The motion passed with a vote of 4-0.*

**B. “National Family Caregivers” Month** – Mayor Begley read a Proclamation which acknowledged November as “National Family Caregivers” month. Alderman Brown urged everyone to take time to honor those persons who act as a caregiver in their family.

#### **C. Mayor Begley announced the following upcoming events:**

1. Thursday, November 17, 2005 – A combined breakfast meeting with the Chamber of Commerce and Business to Business at Highland Farms
2. Friday, November 25, 2005 – “Thankseve” (Stores open late)
3. Friday, December 2, 2005 – “Holly Jolly” (Stores open late)
4. Saturday, December 3, 2005 – Christmas Parade at 4:00 p.m. “Circle of Lights” at Lake Tomahawk after parade

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

### **V. CONSENT AGENDA**

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

*Motion: To adopt the minutes of October 6, 2005 - Agenda Workshop, October 10, 2005 - Regular Session, October 10, 2005 – Closed Session, and October 14, 2005 – Special Meeting*

#### **B. Adoption of Budget Amendment #07**

*Motion: To adopt Budget Amendment #07 as submitted*

C. Resolution Declaring Certain Equipment Surplus and Authorizing Sale by Public Auction

*Motion:* To amend the action at the August 8, 2005 meeting to dispose of surplus vehicles by sealed bid by changing the method of sale to public auction

D. Sale of Surplus Town Property Via Internet Auction

*Motion:* To authorize the use of GovDeals, Inc. auction service for the disposition of town property, in accordance with North Carolina Statute 160A-270

E. Approval of Lease of Municipally Owned Space to Carver Youth Center

*Motion:* To approve the proposed lease with Carver Youth Center to lease space within the Carver center for a period of up to three years and to authorize the Town Manager to enter into the lease on the behalf of the Town

F. **CALL FOR PUBLIC HEARING** - Consideration of Resolution of Intent to Close a Portion of a Platted Right-of-Way that Runs in a Northeast Direction from Carver Avenue towards Chicago Avenue and Dead Ends into Undeveloped Property

*Motion:* To approve the Resolution of Intent to close the portion of the alleyway that runs northeast from Carver Avenue into undeveloped property in the direction of Chicago Avenue and to hold a Public Hearing on the matter at the December 12, 2005 Regular Meeting at 6:00 p.m. or as soon thereafter as possible

G. Request to Amend the Budget to Allocate an Additional \$13,661.00 from Fund Balance Reserve for Powell Bill Expenditures in Order to Award the Bid for the Replacement of the Dogwood Lane Bridge

*Motion for Consideration:* To approve Budget Amendment #06 to allocate \$13,661.00 from Fund Balance Reserved for Powell Bill into the capital line item of the Powell Bill departmental budget for the purpose of replacing the Dogwood Lane bridge

**VI. COMMUNICATIONS FROM THE TOWN MANAGER**

**A. Review of Consent Agenda**

At this time Mike Mayer, Chair, Health Initiative Task Force gave a report on the Mission Hospitals Care Van Visit to Black Mountain. He noted that 64 people visited the van and participated in the health screenings that were offered. Mr. Mayer said the committee is working with Mission Hospitals to schedule quarterly visits for the community.

Mr. Mayer requested approval for the Health Initiative Task Force to apply to the Mission Hospitals Community Health Enhancement program for a grant to fund a new staff position, Health Initiative Program Administrator. He said a Program Administrator will coordinate community efforts and resources for supporting healthy living in the Town of Black Mountain. Mr. Mayer said the grant proposes that the Town will assume full funding of the position after a three-year period. *Alderman Brown made a motion to authorize the Health Initiative Task Force to apply to the Mission Hospitals Community Health Enhancement*

*program for a grant to fund a new staff position, Health Initiative Program Administrator. The motion passed with a 4-0 vote.*

## **B. Projects Update**

**1. Authorization for Additional \$5.00 Motor Vehicle Tax** – Mr. Caudle reported that for two consecutive years the Board of Aldermen has requested legislators for authority to levy a second \$5 fee on vehicles for the purpose of subsidizing mass transit. He said there are two fees that can be charged. One is a \$5 fee which goes into the general fund and can be used for any purpose. The second one is generally reserved for those municipalities which operate a transit authority. The legislature ratified the action that was requested, and the Town now has the authority to levy the second \$5 fee of which the proceeds would have to go for mass transit purposes. The Town pays for a portion of the cost to provide the bus routes to and from Asheville, and we do not currently subsidize the Mountain Mobility routes. Mr. Caudle said this only gives the Board authority to levy the \$5 tax; it would take a vote by the Board of Aldermen in order to implement this.

**2. Bond rating change** – Mr. Caudle reported that periodically surveys are sent to municipalities who have not recently updated their bond rating. This is to determine if they are better, worse or the same as they were when they were last rated. Bond ratings are given to municipalities in a number of ways, i.e., a letter format, such as a B, BB, AAA, and in this case the Municipal Council of North Carolina does a numerical rating, and the Town's rating was increased from 75 to 77, which is in the lower mid grades of the grades for bond ratings. He said it is a relatively higher rating because we do not have the ability to diversify our economic base in order to satisfy some of their criteria. Mr. Caudle said he does not know when bonds were issued. He said the Town does not have any intention of passing bonds.

**3. Resignation of Recreation and Parks Director** – Mr. Caudle reported that Randy Wilson, Recreation and Parks Director, has resigned his position with the Town. He has been called back to active duty in the Coast Guard and has made the decision to stay in the military until retirement. Mr. Caudle said Randy would be missed and wishes him good luck.

**4. Police Department Drug Arrests** – Mr. Caudle thanked the Police Department employees who worked so diligently during the recent drug arrest. He said they are working very hard to make sure all the paper work is accurate. Mr. Caudle said a portion of the money will come back to the Police Department.

**5. Arts Center Parking Lot Paving** – Mr. Caudle thanked Alderman White, the Beautification Committee, the Public Works department, and Gayle Jackson, Director of the Center for the Arts for all their work regarding the project behind the Center for the Arts building. The parking lot has been paved, the area landscaped and provided for stormwater retention and treatment processes on the property, which will hopefully take care of the runoff problems.

**6. Energy Conservation Initiative** – Mr. Caudle reported that at the last meeting, the Board authorized the staff to continue with some conservation efforts that were ongoing and to initiate some additional ones. Elizabeth Teague, Planning Director, presented a fact sheet on ways to cut energy and heating costs. She reported that the Housing Commission, Mountain Housing Opportunities, and the Clean Air Community Trust are presenting a homeownership workshop on December 1, 2005 at 5:30 -7:00 p.m. at the Carver Center. The workshop is open to the public.

Ms. Teague noted that the Building, Zoning and Inspection Department is hosting a green building workshop on January 24, 2006 at the Monte Vista Hotel from 11:30 – 3:00 p.m. She said the purpose of the workshop is to provide basic information to building contractors and developers about what green building is and to encourage and promote environmental construction and design in Black Mountain.

Bo Ferguson, Assistant Town Manager, reviewed ways to invest in environmentally friendly technologies. He said staff is looking at the Town fleet to possibly upgrade in the future to bio-fuels. Any replacement vehicles will have diesel engines. He said some preliminary research has been done in establishing a fuel facility for town vehicles which the Town would operate and would allow us to purchase bio-diesel fuel.

**7.** Mr. Caudle reported a woods fire occurred in the watershed during the weekend, burning approximately seven acres. He thanked the Fire Department for their good work in containing the fire.

**8.** Mr. Caudle reported that the Public Works department has started treating the hemlock trees in the Town for the woolly adelgid infestation.

**9.** Mr. Caudle reported the Community Foundation of western North Carolina has given a \$15,000 grant to the Carver Youth Center effort.

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

**A. Board/Committee Appointments** – Mayor Begley reported there are (3) vacancies on the Board of Adjustment and (1) vacancy on the Housing Commission. Alderman Brown noted that the application by Dawn Wilson indicated she would serve on the Board of Adjustment or the Housing Commission.

**2. Housing Commission – (1) vacancy** - *Alderman Brown made a motion to appoint Dawn Wilson to serve on the Housing Commission. The motion passed with a vote of 4-0 by acclamation.*

**1. Board of Adjustment - (3) vacancies** – *Alderman Brown made a motion to appoint Dot Jones to serve on the Board of Adjustment to fill one of the alternate positions. The motion passed with a vote of 4-0. Mayor Begley asked that Ms. Wilson be given the opportunity to serve on both boards. Staff will contact Ms. Wilson.*

**B. Bus Report** – Alderman Brown reported the number of riders on both the Asheville Transit and the Mountain Mobility continues to increase. She said if the Board should decide to approve the additional \$5 vehicle tax, it could possibly add two more routes on the bus that goes to Asheville. The tax can also be used for any transportation needs, including parking lots. Alderman Brown said that Land-of-Sky Regional Council used our initiative in Black Mountain to start the route to Weaverville.

**C. Land-of-Sky Regional Council Report** – Alderman White presented some information relating to the Medicare Drug Plan and noted that representatives would be available at the Black Mountain Library on November 16, 20, & 30 from 10:00 – 1:00 p.m. to explain the plans that are being offered.

**D. Mission Hospitals Care Van Visit Report – Mike Mayer**  
This item discussed after Consent Agenda on page 3.

### **VIII. OLD BUSINESS**

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

Mayor Begley opened the public hearing.

Assistant Manager, Bo Ferguson, gave an overview of the Capital Improvement Program for FY 2006-2011.

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

*Alderman White made a motion to accept the Capital Improvement Program as presented.*

The Board reviewed several items in the CIP. *With no further discussion, the motion passed with a vote of 4-0.*

### **IX. NEW BUSINESS**

#### **A. Submittal of Proposal to the North Carolina Department of Transportation Bicycle and Pedestrian Planning Grant Initiative**

*Mayor-elect Kennedy made a motion to approve the Resolution of Support for submittal of a proposal to develop a Comprehensive Pedestrian Master Plan for the Town of Black Mountain. The motion passed with a vote of 4-0.*

**B. Authorize Health Initiative Grant Application to Mission Hospitals  
Community Health Enhancement program**

*Motion for Consideration: To authorize the Health Initiative Task Force to apply to the Mission Hospitals Community Health Enhancement program for a grant to fund a new staff position, Health Initiative Program Administrator*

This item discussed after Consent Agenda on page 3.

**C. Request for Additional Funding for Clevenger Indoor Athletic Facility**

*Alderman White made a motion to authorize a budget amendment allocating an additional \$20,000 for construction costs at the Clevenger Indoor Athletic Facility. Alderman Sobol said the Town received \$40,000 from The Settings development to be used to construct an indoor soccer field at the Clevenger property. He explained that repair costs to the building are in excess of the \$40,000 and he is requesting \$20,000 to complete the project. Alderman Sobol noted that the building will be a multi-use facility. The motion passed with a vote of 4-0.*

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

**Ruth Brandon**, 722 Laurel Avenue, said she is asking for a recount in the recent election. Ms. Brandon congratulated the winners and asked that the new board and the old board listen to the people who voted for her. She urged the Board to retain the Town employees. Ms. Brandon thanked Mayor Begley and Alderman Garrison for their service to the Town.

**XI. CLOSED SESSION** - With no further business Mayor Begley asked for a motion to go into Closed Session. Town Manager, Tony Caudle, requested to add discussion of pending litigation in Closed Session. *Mayor-elect Kennedy made a motion to discuss Pending Litigation as permitted in NCGS 143-318.11(a)(3) in Closed Session. The motion passed unanimously. Mayor-elect Kennedy made a motion to go into Closed Session at 8:05 p.m. to discuss:*  
(A) *Personnel - as permitted in NCGS 143-318.11(a)(6) and (B) Pending Litigation as permitted in NCGS 143-318.11(a)(3). The motion passed unanimously.*

The Board resumed the regular meeting at 8:40 p.m.

*After discussion in Closed Session, Alderman White made a motion to fill positions by employment or contract. The motion passed with a vote of 4-0.*

**XII. ADJOURNMENT** - *With no further business, Alderman White made a motion to adjourn the meeting at 8:42 p.m. The motion passed with a 4-0 vote.*

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Will Kennedy, Mayor

ATTEST

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Anthony N. Caudle, Town Manager

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Shirley J. Raines, CMC, Town Clerk