

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
August 11, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, August 11, 2008 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 Bartlett called the meeting to order at 6:00 p.m. with the following members present:

Mayor Carl R. Bartlett – absent – out of town
Vice Mayor C. Michael Sobol
Alderman Ruth D. Brandon
Alderman Joan Brown
Alderman Chuck McKeown
Alderman Rosalie Phillips

The following staff members were present:

Marcia D. Onieal, Interim Town Manager
Ron Sneed, Town Attorney
Shirley Raines, Town Clerk
Steve Jones, Fire Chief
Jim Orr, Recreation Director
Steve Padgett, Police Lieutenant
Kevin Pressley, Police Chief
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

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

Vice Mayor Sobol led the Pledge of Allegiance, followed by prayer led by Rev. Linda Briggs, Black Mountain United Methodist Church, Black Mountain, NC.

Vice Mayor Sobol thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. He said that the monthly meeting is shown on Government Channel 2 at 8:00 p.m. on Thursday following the monthly meeting and at 9:00 a.m. on Saturday and Sunday following the monthly meeting.

Citizens can also go to the Town website and click on “Town Board Video Stream” at any time and view the current Board meeting.

II. CITIZEN COMMENTS –

Harry Hamil, 15 John Myra Avenue and 151 S. Ridgeway Avenue, said he has tried to get the Board to listen to him about the flood maps. He wants the Board to understand that they need to listen to citizens’ concerns and take action. Mr. Hamil said there is no time allotted for input tonight regarding the flood maps. He hopes the consultants will be at the meeting scheduled for Tuesday morning so that citizens will have a chance to speak and be heard.

Bob Welsh, 137 Center Avenue, Swannanoa Valley Friends Meeting, would like the consultant to explain why the level raised more than 2’ at this property? He said the building cannot be expanded if the maps are approved.

Rick Watson, 7 Watson Road, said he does not understand why the town can allow building projects that might adversely affect adjoining property owners. He said the property in question is on the west side of U.S. 70, Ingle’s property, which has been approved. He has notified them they do not have the right to come across his property to get to Highway 70. He said if they do so, the road they build will be an emergency spillway and when the Swannanoa River backs up, it will spill over into Highway 70.

Peter Dawes, 49 Sunset Drive, is concerned that someone is going to get hurt due to lack of striping on streets (Sunset Drive and Sutton Street). He also asked why does the cleaning of streets stop at 400 E. State Street. Vice Mayor Sobol asked that staff meet with Mr. Dawes on these issues.

III. ADOPTION OF THE AGENDA

The minutes of July 10, 2008 – Agenda Workshop, July 14, 2008 - Regular Session; Special Meetings: July 8, July 10, July 17, July 22, July 25, 2008; Closed Session Minutes: July 10, July 14, July 17, July 18, July 25, 2008 were approved.

The agenda was amended with the following changes:

Under VI, Old Business, item “B” – changed motion to read “At the Board’s discretion”.

Under VII, New Business, moved items “A” & “B” to VIII, Consent Agenda.

Under VIII, Consent Agenda, deleted item “F”.

Under IX, Communications from Town Manager, Projects Update – added “Goodson Cove – Special Planning Board Meeting – 8-18-08”; under Departmental Reports, added “Planning”.

With these changes the agenda was approved unanimously on a motion by Alderman Brown.

IV. COMMUNICATIONS FROM THE MAYOR

A. Update on Mountain Housing Opportunities Subdivision on Central Avenue

Mr. Joe Quinlan with Mountain Housing Opportunities gave an update on the subdivision project on Central Avenue. He said the project will include five houses and will be for first-time home buyers. Mr. Quinlan said the buyers will work together until all the houses are built. He said the sizes range from 1,000 to 1,430 square feet. He said the funding is through the U.S. Department of Agriculture. Mr. Quinlan thanked staff, the Housing Commission, and Alderman Brown and others who have helped with this process.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

A. Update on Flood Insurance Rate Maps (FIRMs)

Jonathan Heald, Engineer with McGill Associates, gave a brief update on the appeal to the state regarding the revisions to the Preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM). He said there are two issues that need to be resolved: (1) How was the 2004 flood event used in this process? (2) There appears to be an accounting error in the discharge rates. Mr. Heald said if the state does not address these issues, there are some options. He believes the state will be cooperative and work with the town. Vice Mayor Sobol said a meeting with McGill Associates is scheduled for Tuesday morning, August 12, 2008 beginning at 8:30 a.m. and is open to the public.

B. US 70 Corridor Study Report and Recommendations

Elizabeth Teague, Planning Director, said the French Broad River Metropolitan Planning Organization (MPO) with the assistance of the Renaissance Planning Group and Martin, Alexiou and Bryson has completed the US 70 Corridor Study. She said the report reflects input from a local steering committee and public meetings. Mr. Don Bryson, Consultant with the Renaissance Planning Group, presented a summary of findings and recommendations. *After discussion, Alderman Brown made a motion to direct staff to come back to the Board with a plan for implementation of the study or parts of the study based on direction from the Board at a later date.*

VII. NEW BUSINESS - None

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of July 10, 2008 – Agenda Workshop, July 14, 2008 - Regular Session; Special Meetings: July 8, July 10, July 17, July 22, July 25, 2008; Closed Session Minutes: July 10, July 14, July 17, July 18, July 25, 2008

- B. **CALL FOR PUBLIC HEARING** and Consideration of a Resolution of Intent to Close an Unopened Right-of-Way on Private Property at 40 Taft Street
Motion: To adopt the Resolution of Intent to close a right-of-way and to call for a public hearing on a closure petition at 40 Taft Street to be held on Monday, September 8, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road
- C. **CALL FOR PUBLIC HEARING** on Voluntary Annexation of a Property Known as Buncombe County Property Identification Number 0609.11-55-0849 as Described in Plat Book 95, Page 120 and Plat Book 40, Page 92
Motion: To call for a public hearing for consideration of Ruth Wheeler's request for voluntary annexation of property known as Buncombe County Property Identification Number 0609.11-55-0849 as described in Plat Book 95, Page 120 and Plat Book 40, Page 92 to be held on Monday, September 8, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road
- D. **CALL FOR PUBLIC HEARING** on the Clevenger Master Plan
Motion: To call for a public hearing on a proposed master plan for the Fire Substation/Grey Eagle Property (also known as the Clevenger site), to be held on Monday, September 8, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road
- E. Declaration of Official Intent to Reimburse
Motion: To adopt the Declaration of Official Intent to Reimburse expenditures incurred for the Lake Tomahawk Park PARTF Grant Project with debt proceeds
- F. NCDOT Request to Pave Watershed Road up to Town Property
Motion: To execute the NCDOT encroachment agreement to allow pavement of Watershed Road up to the Town's gate
Item "F" deleted from agenda.
- G. Purchase of Two (2) Bikes for Bike Patrol for Police Department
Motion: To authorize the budget amendment #03 and expenditure in the amount of \$1,837.00 for two (2) bikes to include equipment and uniforms for bike patrol
- H. Purchase of Two (2) Pro-1000 Radar Units for Police Department
Motion: To authorize the budget amendment #04 and expenditure in the amount of \$2,966 for two (2) Pro-1000 Dual Antenna Radars

IX. COMMUNICATIONS FROM THE TOWN MANAGER

- A. **Review of the Consent Agenda**

B. Projects Update

1. Marcy Onieal, Interim Town Manager, reported that the approved budget for 2008-09 is now available on line.

2. Ms. Onieal said that as discussed at the agenda meeting, a request has been sent to North Carolina Department of Transportation (DOT) to do a traffic study count at Blue Ridge Road and Hwy. #9 for the purpose of considering a traffic light.

3. **Water Conservation** – Ms. Onieal said the Board has also requested that staff prepare some suggestions for the possibility of going into a voluntary or involuntary situation with water restrictions due to the ongoing drought. Ms. Onieal presented a summary of suggestions for the Board's consideration. She said staff is prepared to move forward at the Board's direction.

4. **Town Hall Development** – Ms. Onieal gave an update of the renovation of the new town hall building. She said bid documents are being prepared and will be released soon. Ms. Onieal thanked the Public Works Department for all their work in the building.

5. **Other – Goodson Cove** – Ms. Onieal reported that a Special Planning Board Meeting has been scheduled for 8-18-08 with Goodson Cove representatives to consider alternate design plans for the property.

C. Departmental Reports

- **Water** – Bob Watts, Public Works Director, reported that 342 meters were installed during July. He said the average residential usage for June was 3,282 gallons per household; for July the usage was 4,531 gallons per household, which shows that the public is using an unbelievable amount of water. The citizens have been asked to go to voluntary water conservation in an effort to conserve water during the drought. Mr. Watts said the City of Asheville is in good shape. He said the town purchased 8 million gallons of water from Asheville in June and 8 ½ million gallons in July.

- **Fire** – Steve Jones, Fire Chief, presented the July 2008 report for the Fire Department. Chief Jones demonstrated the new Scott air pack that is now in service in the Fire Department. He said we were able to buy these through a grant we received from FEMA (Assistance to Fire Fighter Grant) of \$174,000 with a town match of \$9,000. He said the new air packs have many new features and weigh only 10 pounds as opposed to the older models that weigh 65 pounds.

- **Police** – Kevin Pressley, Police Chief, presented the July 2008 report for the Police Department.

- **Recreation** – Jim Orr, Recreation Director, reported that operating hours for the pool have been extended to allow for more swim time in the afternoons and weekends through Labor Day and possibly longer if the weather permits. Mr. Orr reported that the Park Rhythms Concerts this summer have been very successful. He thanked everyone for supporting the summer concerts. Mr. Orr said a cleanup day for all the parks is scheduled for August 22 with the students from Warren Wilson College.

X. COMMITTEE/BOARD REPORTS

A. Appointments to Fill Vacancies on Boards and Commissions

1. Recreation Commission - (2) openings – one applicant

Alderman Brown made a motion to appoint Dr. John DeWitt as a member of the Recreation Commission. The motion passed with a vote of 4-0.

2. Planning Board – (1) opening – two applicants

Alderman McKeown made a motion to appoint Ron Collins as a member of the Planning Board. The motion tied with a vote of 2-2. Alderman Brown made a motion to appoint Elaine Loutzenheiser as a member of the Planning Board. The motion tied with a vote of 2-2. Because of a tie vote, Vice Mayor Sobol cast his vote for Ron Collins, bringing the vote to 3-2 with Aldermen Brandon and Brown opposed. Ron Collins will be the new member of the Planning Board.

Alderman Brandon noted that she is disappointed that the Board voted to appoint a less qualified applicant to the Planning Board.

XI. CITIZEN COMMENTS – (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)

Harry Hamil, 15 John Myra Avenue, said he is surprised that the recommendations on the flood maps from McGill Associates were not available for the meeting tonight so people could have had a chance to review before the Tuesday meeting.

Philip Bisesi, said he has submitted proposals for engineering services to the Town on various projects but has not been awarded any contracts. Ms. Onieal, Interim Town Manager, stated that Mr. Bisesi had asked to submit a proposal on an energy audit, and the town has not determined if an energy audit is necessary.

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 7:45 p.m. The motion passed with a vote of 5-0.

Carl R. Bartlett, Mayor

ATTEST

Marcia D. Onieal, Interim Town Manager

Shirley J. Raines, CMC, Town Clerk