MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
July 13, 2009

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, July 13, 2009 at 6:00 p.m. in the meeting room of Town Hall, 160 Midland Avenue, 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
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, Town Manager
Ron Sneed, Town Attorney
Shirley Raines, Town Clerk
Pam Hoen, Customer Service Representative
Steve Jones, Fire Chief
Jim Orr, Recreation and Parks Director
Steve Padgett, Police Lieutenant
Rick Shreve, Finance Director
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

Jennifer Fitzgerald, Black Mountain News
Mark Vanderhoff, Black Mountain News
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Bartlett led the Pledge of Allegiance, followed by prayer also led by Mayor Bartlett.

Mayor Bartlett 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 weekly viewing times of monthly Board meetings are shown on Government Channel 2 at 8:00 p.m. on Friday, at 2:00 p.m. on Saturday, and at 8:00 p.m. on Sunday. The current meeting is shown

weekly throughout the month. Citizens can also go to the Town website and click on "Town Board Video Stream" at any time and view the current Board meeting. Mayor Bartlett noted that beginning in the month of July, the Board of Aldermen Regular Session meeting will be held on the second Monday of each month with the Agenda meeting held the Thursday prior to the second Monday.

II. CITIZEN COMMENTS

Bob Gunn, 109 Pleasant Drive, thanked the Board of Aldermen for their time and effort spent during the budget process. Mr. Gunn stated that he believes the democratic processes function best with a conscious attitude of civility, and that the Board of Aldermen showed the compromise needed to complete the budget process. Mr. Gunn asked the Board of Aldermen to respect each other's opinions and comments and leave personalities and personal issues aside, and hopes the Board of Aldermen will adopt an attitude of civility for all deliberations in the future. He also requested that this conscious attitude of civility be extended to all dealings and communications with Town employees.

Mike Baldwin, 300 New Bern Avenue, thanked the Town for the process followed by the Planning Board and town staff in revising the Land Use Code to date. Mr. Baldwin stated there have been many meetings and he has attended most of them, but to this point has been unable to see what changes have been incorporated into the drafts. He said there has been much interest in the minimum housing code, and as a developer, he is also following these changes. Mr. Baldwin expressed concern that the August 10th date for the first public hearing is not enough time for citizens to gather information and would like the meeting to be postponed for 30 days to allow enough time for the public to review the document. Mr. Baldwin stated there appears to be some changes to the zoning map and the conditional use process. He stated there does not appear to be a requirement for educational facilities to meet the minimum North Carolina Public School standards and stated that the Monte Vista Hotel has been a perfect example of how the conditional use process has worked properly as intended to allow citizens to show either opposition or support and also to require the applicant to provide adequate information to meet the conditional use. He said without this requirement in the new zoning revision, the proposed plan for the Monte Vista would be an activity permitted outright, and the town citizens would lose their ability to speak to the effectiveness of the facilities.

Kimberly Schroeder, Black Mountain Cab Company, expressed interest in a public/ private partnership with the Town of Black Mountain to provide transit services for the citizens of Black Mountain if Asheville Transit loses funding for this service. Ms. Schroeder stated some citizens have to walk a long distance to the current bus stops.

Alderman Brown requested to speak as a citizen. She complimented the Recreation & Parks Department, Public Works Department, along with the Board of Aldermen, and department heads for their effort and support in getting the pool project completed.

III. COMMUNICATIONS FROM THE MAYOR

Mayor Bartlett thanked town staff and the Board of Aldermen for all their input during the budget sessions. Mayor Bartlett stated the pool opening has been fantastic. He commended the Recreation & Parks Department for the outstanding groups that are performing this year at Park Rhythms. He said the crowds seem larger each year.

Mayor Bartlett commended the Swannanoa Valley Christian Ministries on their efforts in raising money and completing their new facility within budget. He said this really shows a team effort of everyone working together.

A. Mayor Bartlett presented the following Certificates of Appreciation for outgoing Committee members:

1. Greenways Commission – Julia Weatherford, O'Neil Tate
2. Historic Preservation Commission – Martha Cummins
3. Housing Commission – Ronald Krantz – not present
4. Planning Board – Bill Millwood
5. Recreation Commission – Carolyn Lambert – not present

B. Mayor Bartlett administered the Oath of Office for newly appointed members of the Town Boards/Commissions:

1. ABC Board – Rick Spaulding
2. Board of Adjustment – Terry McCall
3. Greenways Commission – Julie White, Jack Williams, Megan Gibney
4. Historic Preservation Commission – Bill Munn, Roger Rio
5. Housing Commission – Jessie Sherrill, Jeff Hunter, Peter Vazquez
6. Planning Board – Ames Tryon, Jesse Gardner
7. Recreation Commission – Harry Nanney, Rosie Spencer-Palmisano, and Al DeGaetano

Reappointed members Bill Munn, Historic Preservation Commission and Ames Tryon, Planning Board were not present and will be sworn in at a later date.

IV. COMMUNICATIONS FROM THE TOWN ATTORNEY - None

V. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of June 1, 8, 22, 29, 2009 – Budget Workshops, June 8, 2009 – Agenda Session, June 15, 2009 - Regular Session, June 15, 2009 - Closed Session

B. Budget Amendment #1

Motion: To authorize the Town Manager to sign grant contract and related documents for the nomination of two residential historical districts as required by the NC Office of Archives and History and budget amendment #1 as submitted

C. Request for Endorsement to Submit a Joint Application with the Town of Montreat and Buncombe County to the Rivers Trails and Conservation Assistance Program (RTCA) of the National Park Service to Continue Efforts to Forge Regional Trail Connections

Motion: To adopt the attached resolution

D. Resolution Encouraging Use of House Markers within the Community

Motion: To support the resolution encouraging use of house markers identifying residences and businesses within the community

Steve Jones, Fire Chief, stated that several months ago the Fire Department responded to a fire in the community and there was no house number to identify the property. He said the homeowner had to lead the firefighters to his house. Chief Jones noted that some of the volunteer firefighters feel each home should have an identifying number, and the volunteers would like to have a fund raiser to sell house markers at a cost of $20.00 each. He stated the profit from these signs would be used to purchase dress uniforms for volunteers. Chief Jones said applications for the signs are available on the town website.

E. New Municipal Records Retention and Disposition Schedule

Motion: To approve the revised Municipal Records Retention and Disposition Schedule as submitted by the North Carolina Department of Cultural Resources

F. Resolution with BB&T Authorizing Refinancing of a Fire Truck and Telephone System

Motion: To adopt the resolution for financing as submitted

G. **CALL FOR PUBLIC HEARING** on the Proposed Updates to Land Use Codes

Motion: To call for a public hearing on zoning map and text amendments as presented in the revised Land Use Code (Title XV of the Town Code of Ordinances), to be held on Monday, August 10, 2009 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Town Hall located at 160 Midland Avenue

The Board agreed to call for a public hearing in September also.

At the request of the Town of Montreat, the Board agreed to table Item "A" under "Old Business", "Water Exchange Agreement between the Towns of Montreat and Black Mountain" to give Montreat's board more time to consider proposed changes.

Alderman Brandon asked Ms. Onieal to address the new telephone system. Ms. Onieal stated the town had previously financed the telephone system that was in the old Town Hall. She explained this system serves the new Town Hall as well as the Public Safety Building. The original payoff was in 2010 at 8% interest. This is now included in the refinancing package to extend the financing to 2019 with a much lower interest rate. Ms. Onieal stated by refinancing now, this will reduce the debt burden over the next ten years in the operating budget.

Alderman Brandon stated she had received a telephone call from a citizen with concerns with the numbers and losing the personal touch with various departments. Ms. Onieal explained this was part of what the Board of Aldermen had approved when moving into the new Town Hall

as both a cost-saving measure and improvement in customer service in light of the necessity to expand the phone system. Ms. Onieal explained this will reduce the operating cost, long distance charges, and will allow more flexibility in how the system operates. She said from a customer service standpoint, it will allow anyone to call a single number and reach any office in the Town of Black Mountain. She stated the telephone will have an initial automated response but then will allow people to be transferred to any department in the Town. The main number, 419-9300, will access any town department but each office will also have direct dial numbers which will be at the discretion of each department to distribute. Ms. Brandon asked how this change in the telephone number will be made public. Ms. Onieal stated the newspaper will publish the number, it will also be published on the utility bills, and on all the town's printed material. Alderman Brandon stated she does not want the telephone system to be so complicated that it causes a burden for the citizens. Ms. Onieal stated this will be something new and will take some getting used to and if it is something that does not ultimately provide better service, it can certainly be changed at that point.

Mayor Bartlett asked Elizabeth Teague, Planning Director, to address the concerns that Mr. Baldwin has regarding the Town Land Use Code. Ms. Teague stated that the consent agenda includes a call for a public hearing. She said after all notifications have been made and a public hearing has been held, the Board could adopt the new zoning map and text amendments in the Land Use Code. She said she believes Mr. Baldwin is correct that the Town will be providing a very short time frame to have the latest updates to the revisions of the Land Use Code available to the public. Ms. Teague said the Board could consider having the public hearing and allow for public comment but not take immediate action.

Mayor Bartlett asked if there is a printed copy of the changes. Ms. Teague stated changes have been made from the joint meetings; the draft is not ready to post on the internet, but staff is working toward this. Ms. Teague stated staff hopes to have a draft copy ready for the Planning Board at their July 27th meeting.

Vice Mayor Sobol asked if there will be a copy of all the changes. Ms. Teague stated there will be a summary of changes included as an addendum to the final draft. Ms. Teague stated there will be two documents: the final draft of the proposed code and a listing of the changes that have been made as an addendum, and that staff can provide additional summary, if desired.

Mayor Bartlett addressed Mr. Baldwin and stated the Board of Aldermen will not vote on the Land Use Code at the public hearing in August. He said this will be a public hearing for public comments. Ms. Teague suggested the possibility of taking public comment in September also.

Vice Mayor Sobol referred to item "A" under Consent agenda, "Adoption of the Minutes", and asked that the minutes of June 22, 2009, budget workshop, reflect that the Board agreed that the Chamber of Commerce is to have an audit conducted before requesting a contribution from the Town next year.

Alderman Brown also referred to the minutes of June 22, 2009 reflecting allocation of $10,000 for merit for all employees. She stated she thought this would not be earmarked for merit. She said the discussion was that the $10,000 would be used for a bonus for all employees, and not merit. Alderman Brown requested that the word "merit" be taken out because the discussion involved giving a bonus across the board. Ms. Onieal stated in the meeting it was called merit but the money has been put in salary contingency. Alderman Phillips stated that the minutes of June 29, 2009 do show that the $10,000 is to be moved to salary contingency.

With this change t he agenda was approved unanimously on a motion by Alderman Brown.

VI. OLD BUSINESS

This item deleted.

A. Proposed Revision of Water Exchange Agreement between the Town of Montreat, North Carolina and the Town of Black Mountain, North Carolina

B. Endorsement of City of Asheville's NCDOT Proposal for Continuation of Intercity Bus Service

Marcy Onieal, Town Manager, stated that the communication from NCDOT with the City of Asheville for funding for Intercity bus service (including RT 28 and the Black Mountain Trailblazer service) may be terminated as of October, 2009 due to ineligibility. Asheville Transit, in cooperation with Mountain Mobility, the MPO/Land-of-Sky Regional Council, Warren Wilson College, and the Towns of Black Mountain and Weaverville, has offered a proposal to maintain eligibility for 5311 (f) intercity bus funding, and intends to present the proposals to NCDOT within the next several weeks. She said it is hoped that proposed changes in the existing routes will again make this service eligible for federal and state funding and prevent termination of service around Black Mountain and between Asheville and Black Mountain. The proposed changes include partial express service on I-40, fewer stops along the Hwy. 70 corridor, more direct tie-in with Greyhound schedules, connection with an NCDOT Park/Ride Lot at Ridgecrest, combining of routes 28 & 29, graduated fares based on distance traveled, and a modest increase in direct contribution from local partners. Ms. Onieal said Black Mountain is being asked to contribute $18,500 annually, an increase of $5,000, if this proposal is accepted by NCDOT.

Mayor Bartlett stated that Vice Mayor Sobol had requested a breakdown of the expenses for this service. Ms. Onieal stated she has provided what has been given to the town, but Asheville Transit has chosen not to provide a detailed breakdown. Ms. Onieal explained that late this afternoon she did receive a breakdown for the Mountain Mobility portion of this service that is run by Buncombe County. Vice Mayor Sobol questioned some of the figures and stated that in Sunday's newspaper, it stated the City of Asheville received a grant from the federal government for $390,000 for buses and wonders where this money is being allocated. Ms. Onieal stated the money applies to capital cost. Vice Mayor Sobol said he will vote to endorse supporting this request tonight, but he hopes in the coming year the Town could move towards a public/private partnership.

Alderman Brown stated she did not think the Board had any choice but to endorse the request because everyone has worked hard to get bus service to Black Mountain. She said she wants to see this happen and would like to discuss price, stops, etc. with Asheville Transit, but stated if the Board does not support this request, Black Mountain will be without transit service once again.

Mayor Bartlett asked Ms. Onieal to schedule a meeting with Asheville Transit and he will also attend. He stated he has concerns with the Ridgecrest park/ride lot. Mayor Bartlett stated he does not see the Ridgecrest lot being utilized as much as one that might be located in Black Mountain. He said that no one had spoken with municipal government about trying to locate a lot in this area. Ms. Onieal explained that one of the reasons Ridgecrest was chosen was to try to extend the distance of the intercity route because that is one of the requirements of this federal funding. She said Black Mountain is actually closer to Asheville than what is ordinarily considered eligible for intercity funding related to connection with Greyhound service, so Asheville is trying to extend the length of each route in order to meet the requirements.

Alderman Brown made a motion to endorse the attached Proposal 1– either as presented or with suggested revisions, (Proposal 2 does not affect Black Mountain, but provides for intercity connection on a north-south route between Mars Hill and Hendersonville), and to authorize up to $5,000 in additional subsidy to Asheville Transit to maintain Black Mountain-Asheville transit service. The motion passed unanimously.

Mayor Bartlett asked if the money would come out of contingency. Ms. Onieal stated it could come from board contingency or fund balance. She said when the Board originally set up the transit system, the funding was taken from motor vehicles license fees and the revenue from that is sufficient to cover this additional expense; however, she explained the overage from the license fees is going back into the general fund. Ms. Onieal stated the Board would need to either make a fund balance appropriation or a contingency appropriation. Mayor Bartlett recommended the money continue to come from the motor vehicle fees. The Board agreed.

C. **CALL FOR PUBLIC HEARING** and to Authorize Staff to Proceed with Avena/McCoy Cove/Blue Ridge Sewer Extension Project and to Seek LGC Approval of Financing through NC Construction Grants & Loans Program

Vice Mayor Sobol made a motion to call for a public hearing to be held on Monday, August 10, 2009 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Town Hall located at 160 Midland Avenue and to authorize staff to proceed with construction bids and LGC financing process. The motion passed unanimously.

Vice Mayor Sobol asked for an update regarding the repairs to the pond at the golf course between #1 and #2 fairway. Jim Orr, Recreation Director, stated that staff had taken the direction from Tony Caudle, former Town Manager, to try to make the repairs in-house. Mr. Orr stated with the resources he has, staff is not able to complete this project satisfactorily. He said a local grading contractor has been contracted and a new fountain ordered. The work is scheduled to begin tomorrow, weather permitting. Vice Mayor Sobol asked for a completion date for this

project. Mr. Orr said he will get a completion date when he meets with the contractor. Mayor Barltett asked Mr. Orr to send an email to the Board with this date.

VII. NEW BUSINESS - None

VIII. COMMUNICATIONS FROM THE TOWN MANAGER

Fire – Chief Jones presented the June 2009 fire report.

Police – Lt. Steve Padgett 2presented the June 2009 police report.

IX. COMMITTEE/BOARD REPORTS - None

X. CITIZEN COMMENTS – None

XI. CLOSED SESSION – *Vice Mayor Sobol made a motion to go into Closed Session at 6:55 p.m. to:*
(1) consult with attorney on litigation matters as permitted in NCGS 143-318.11(a)(3); (2) discuss personnel as permitted in NCGS 143-318.11(a)(6). The motion passed unanimously.

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn at 7:40 p.m. The motion passed unanimously.

Carl R. Bartlett, Mayor

ATTEST

Marcia D. Onieal, Town Manager

Shirley J. Raines, CMC, Town Clerk