

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
July 09, 2007

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, July 9, 2007 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
Vice Mayor C. Michael Sobol
Alderman Joan Brown
Alderman Chuck McKeown
Alderman Rosalie Phillips
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
David Ballard, Golf Pro/Manager
Casey Conner, Interim Recreation Director
Steve Jones, Deputy Fire Chief
Kevin Pressley, Police Chief
John Shaw, Golf Course Superintendent
Tim Rayburn, Fire 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

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

II. CITIZEN COMMENTS

Harry Hamil, 15 John Myra Avenue, commended Mayor Bartlett for supporting the Certified Entrepreneurial Community Program sponsored by AdvantageWest. He hopes Mayor

Bartlett will appoint a representative from the Chamber of Commerce and Business to Business to be members of the committee. Mayor Bartlett said he concurs with Mr. Hamil and noted there will be five appointments to that committee.

III. ADOPTION OF THE AGENDA

The minutes of June 7, 2007 – Budget Meeting, June 7, 2007 - Agenda Workshop, June 11, 2007 – Regular Session, June 11, 2007 – Closed Session, June 26, 2007 – End-of-Year Budget Meeting were approved.

The agenda was amended with the following changes:

Under VII, New Business, added item “A”, “Animal Control Agreement”.

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

IV. COMMUNICATIONS FROM THE MAYOR

A. Certificates of Appreciation – Outgoing Committee Members – Mayor Bartlett presented certificates of appreciation to the following outgoing committee members: Donald S. Collins – Board of Adjustment; Susan Robinson & Gay Currie Fox – Historic Preservation Commission; Lamar Williamson and Carole McNutt – Housing Commission; Harry Hamil - Planning Board; Jim Halvorson – Recreation Commission

B. Oath of Office for Boards/Commissions – Mayor Bartlett administered the oath of office to the following new members:

1. ABC Board – Donna Hughes
2. Board of Adjustment – Beau Bobbitt, Teresa Tatham, Elaine Loutzenheiser
3. Greenways Commission – Diana McCall, Dottie Shuman
4. Historic Preservation Commission – Joe Laudenslayer
5. Planning Board – Phyllis Genetti, Terry McCall, John Rountree, Ryan Stone, Richard Yeatman
6. Recreation Commission – Judy Eubanks, Terry McElrath, Lib Harper
7. Urban Forestry Commission – Jerry Wicker

C. Land-of-Sky Regional Council Report – Alderman White announced that free fans are available from Land-of-Sky Regional Council for elderly residents who meet eligibility requirements. She said those interested should call 277-8288.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. OLD BUSINESS

- A. **PUBLIC HEARING** to Approve Zoning Text Amendment to Raise the Light Industrial District's Height Limitation from 35 Feet to 55 Feet (amendment to Title XV, Land Usage, Section 153,076, Paragraph "J")

Mayor Bartlett opened the public hearing.

Tony Thomas, lives in West Asheville, but works and represents a business at 1561 Grove Stone Road. He said increasing the height limitation to 55 feet would encourage growth in this area. Mr. Thomas suggested increasing the height limitation in the heavy industrial area also.

Mr. Caudle said the request to the Planning Board from Ingle's is to increase the building height from 35 feet to 55 feet in the Light Industrial District. He said the area includes the existing industrial properties at the west end of Town and the area immediately to the west of the Montreat College Campus at In-the-Oaks. Mr. Caudle said the Planning Board voted unanimously to support Ingle's request.

Harry Hamil, 15 John Myra Avenue, said that, speaking from his experience on the Planning Board, it is clear that the best option is no longer on the table which would be to change the Blue Ridge Broadcasting property and Ingle's property to an I-2 District and increase the height limit to 55 feet. That would have allowed for an appropriate change and reconsideration of the height for the entire district in a different way under the land use code update. He went on to state that since that option does not appear to be on the table, it is important for the Town to increase the height in the I-1 District to 55 feet. Mr. Hamil stated that he believes that it is important for the citizens of Black Mountain to understand that in the case of Ingle's the requested height increase would mean that the addition to the Ingle's building would be allowed to be essentially the same height as the current structure. Mr. Hamil stated that the first portion of the Ingle's building was built prior to the property being annexed into the Town; the second and larger portion was added in 1995 and 1996. Mr. Hamil stated that it was his belief that the second portion of the building was added in violation of this zoning ordinance and that the height of the building, by the way we measure building height, is approximately 47 to 48 feet. Mr. Hamil then went on to explain that the way that the Town measures building height on properties where the grade is not flat allows for buildings to be taller than if they were located on a level piece of property. Mr. Hamil expressed his hope that the Board will choose to increase the height and give appropriate direction to the Planning Board as far as the remainder of the items were concerned. Mr. Hamil presented a letter from Philip Bisesi, 15 Hi Vu, endorsing the building height to 55 feet, but Mr. Bisesi's letter stated that he feels the other two rezoning changes are more appropriate for consideration with the land use code update.

Mayor Bartlett closed the public hearing and asked for Board comment.

Alderman Brown made a motion to approve amendment to Title XV, Section 153.076 Light Industrial District (I-1) District regulations, paragraph "J" to increase the maximum building height from 35 feet to 55 feet. See attachment #3.

Alderman McKeown asked if there is a time element for construction with regard to Ingle's warehouse expansion. Mr. Caudle said he does not know. Alderman McKeown said he thought the reason we should go ahead and do it this way is because of the time element. Mr. Caudle said when the request came to the Planning Board in May, the Ingle's representatives indicated that they would like to have this issue resolved because they were in the plans drawing process for the building specifications. Mr. Caudle does not believe that Ingle's gave a deadline.

Alderman White said that the rezoning was the most effective way to grant Ingle's building height request, avoid spot zoning, and maintain the 35 foot height limit in areas of higher elevation. Alderman White believes most people care a lot about building height in the Town. She considers all three proposed changes as part of a plan.

Alderman Phillips noted that the Ingle's expansion will add much needed jobs to the area and she is in favor of the proposed change.

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

B. PUBLIC HEARING to Approve Rezoning Parcels in the Light Industrial District (I-1) which are south of US 70 and East of Blue Ridge Broadcasting to Office Institutional (O-I) Zoning

Mr. Caudle, Town Manager, said this request is to approve rezoning parcels in the Light Industrial District (I-1) which are south of US 70 and East of Blue Ridge Broadcasting to Office Institutional (O-I).

Mayor Bartlett opened the public hearing.

Sam Reeves, attorney with Kennedy Covington law firm, 114 N. Tryon Street, Charlotte, NC, appeared representing Montreat College and the Black Mountain Center for Research and Technology, LLC, properties involved in the rezoning. Mr. Reeves pointed out that he has filed, on the behalf of his clients, a protest petition on the rezoning. He stated that his firm represents owners of 60% of the property being rezoned; and, that under the North Carolina General Statutes, the protest petition would dictate that the voting requirement for approval of the proposed rezoning would move from a simple majority of the Board of Aldermen to 75% of that same body. That would mean that four of the five members of the Board of Aldermen would have to vote in favor of the motion to rezone in order for it to become effective. Mr. Reeves said that it is very unusual to have commercial property involuntarily rezoned. He went on to state that most of the time it is done by the property owner's request and, in this case, 60% of the property owners in the area considered for rezoning have opposed that action and filed a protest. Mr. Reeves went on to remind the Board of Aldermen that the Planning Board voted to recommend against this rezoning and that he feels that is very significant. He stated his belief that some of the Planning Board's rationale is very important. Mr. Reeves stated that the proposed zoning regulations are much more restrictive with regard to types of uses and that the new district will have greater setback requirements. Mr. Reeves stated that in looking at the permitted uses table, his clients would lose about 60 potential uses of their property under this rezoning. He stated that there are some uses that are added but overwhelmingly uses are taken away and that he and his clients do not feel like they should be subjected to that loss of use. He stated that he thought that there are definitely other ways to achieve the increased height for

Ingle's rather than to change the height limitation in the entire district. As an example, Mr. Reeves suggested that the Town could just not do the rezoning and keep the height limitation at 55', which he and his clients would find to be acceptable. He stated that another option would be to have a lower height limitation in the I-1 District, have Ingle's grandfathered in, and then have other developers apply for a special use permit on a case by case basis rather than moving all property into such a restrictive classification. Mr. Reeves stated that there is a trucking terminal facility currently on his clients' property and that creates non-conforming use problems for the property owners. Mr. Reeves urged the Board, especially in light of the Planning Board's recommendation, to vote against this amendment.

Joe Tyson, 309 N. Dougherty Street, resident and owner of Tyson Furniture Company, spoke against the rezoning. He believes that the property that is being rezoned is probably the most appropriate light industrial property that lies between Hwy. 70 and I-40. He thinks the 55' height restriction is appropriate for the entire industrial zone. Mr. Tyson stated that most buildings today already reach the 55' height restriction. He said that he is leasing the Reco Trucking facility for one year and that he has moved all his tractors and trailers to that facility. He stated that if it is rezoned, his storage facility will become an illegal use of the property. He thinks it is inappropriate to rezone property at the request of an alderman when there has been no request from a property owner. He said usually these requests are either generated by the Planning Board or a specific property owner. Mr. Tyson stated that he as a taxpayer, resented the wasted money that is going into this process. He thinks that it has not been well thought out. He is opposed to any rezoning occurring in this manner. Mr. Tyson presented a letter to the Board from a citizen asking that it be a part of the minutes. Mayor Bartlett read the letter from Pegg Rozzell, 514 Blue Ridge Road, who stated she is opposed to the rezoning.

Bob McMurray, 127 Hilltop Road, stated that he thinks rezoning should be considered on a case by case basis and is opposed to this rezoning.

Elaine Loutzenheiser, 410 Avena Avenue, said when this process started, Ingle's needed the 55' height limitation and that they were told they could not request a variance. She stated that most people feel the height should be changed for Ingle's and not make any other changes.

Mayor Bartlett closed the public hearing and asked for Board comment.

Alderman White made a motion to approve rezoning parcels in the Light Industrial District which are south of US 70 but east of the parcel that now contains Blue Ridge Broadcasting (PIN 0609.18-42-1172.000) to Office Institutional (O-I) zoning, including the parcels listed by PIN as shown in attachment #2.

Alderman Brown stated that she agrees with the speakers. The Town should not tie people's hands who want to bring economic development to the area. She feels any zoning requests should not come from a Board member, but from the Planning Board.

Alderman White stated that she does not feel that the Town is taking height privilege away from anyone. The height has been 35' for a long time and all plans that have been presented have included structures that were not more than 35'. She stated that she realizes that the land use code update is in process and feels we will need to react to requests until that process is completed.

Vice Mayor Sobol said Mr. Reeves stated that it was unusual for a rezoning request to come from a Board member, but that it has happened. He said the Board can certainly make the request. Vice Mayor Sobol asked what if Grove Stone Baptist Church property changed hands and another type of business relocated on that property. He said a building could be considerably higher. He asked the Town Attorney if a special use permit is available for property owners. Mr. Sneed replied that would be the conditional use process, and it would go through the Planning Board and the Board of Adjustment.

With no further discussion, the motion passed with a vote of 4-1 with Alderman Brown opposed.

C. PUBLIC HEARING to Approve Rezoning Parcels in the Light Industrial District (I-1) Which Are North of US 70 to General Industrial District (I-2) Zoning

Mr. Caudle, Town Manager, said this request is to approve rezoning parcels in the Light Industrial District (I-1) which are north of US 70 to General Industrial District (I-2) zoning, including the parcels listed by PIN as shown in attachment #1.

Mayor Bartlett opened the public hearing.

Joe Tyson, 309 N. Dougherty Street spoke against the request for rezoning. He said that this is another Board initiated change in zoning, and it seems the only reason for the change in zoning is to keep the 35' height restriction in the I-2 district, which is a less restrictive district. He sees no reason to have this area rezoned unless a property owner in the I-1 district has brought a request to the Town. Mr. Tyson stated that he believes that it is a mistake to rezone property to control height. He went on to state that if it is rezoned to I-2, he believes that a 55' height restriction would be reasonable in that district as well. Mr. Tyson argued that with a 35' height restriction, the I-2 zoning district will be more restrictive than the Light Industrial District. He stated that would create an inconsistency in the ordinance. He stated that this is something that should have involved the Planning Board so there would be some consistency. He said this is what happens when you shoot from the hip from the Board of Aldermen. Mr. Tyson said as a taxpayer, he resents the expense this has caused and he severely protests this motion and speaks against it.

Harry Hamil, 15 John Myra Avenue, said he is upset that more people have not come forward. He is speaking to the public. Mr. Hamil stated that we are discussing the economic future of this Town and seems to him that we are not willing to discuss what actually bothers us.

Mr. Hamil said he did not hear anyone speak to how this decision might affect the location of any future I-40 interchange. Mr. Hamil stated that under the current 35' height limitation, you cannot build a 3-story office building. He said that unless he says it right now, nobody here will hear anything about what this particular change would mean and how it has previously been addressed by the Planning Board because there is no Planning Board presentation. Mr. Hamil stated that the way we do things around here is we send pieces of paper to the Board of Aldermen. He wanted to know how many people know that the Planning Board has previously addressed the issue of rezoning a portion of this property from I-1 to I-2? He stated that the request came from B.V. Hedrick, it was continued for six months and that he

believes they withdrew their request because they felt the Planning Board would be opposed to it. Mr. Hamil stated that he believed that the Planning Board was opposed to the change because I-2 is the General Industrial category, and it does not require the industry to keep everything inside four walls and a roof. He went on to state that he believes that when you change from I-1 to I-2, you eliminate all of the requirements that are currently being placed on APAC by the current Conditional Use Permit and that the 35' height limitation does not have anything to do with those restrictions. He asks that the Board of Aldermen discuss the realities of this particular change and not simply avoid talking about things that are going on.

Mr. Hamil said that he has spent a lot of hours working on the Land Use Code; more than anyone else on the Planning Board. He said the Land Use Code is not structured to be done in any way except in its totality. He said if the Board is thinking about looking at making this proposed change later, there may be law suits. Mr. Hamil said the Board better have it right because the codes cannot be changed in little pieces. He closed by stating that the Planning Board feels this matter needs due consideration.

Tony Thomas, lives in West Asheville, but works and represents a business at 1561 Grove Stone Road, said the height limitation needs to be changed for others, not just one business.

JerriLynn Rice, 3926 US 70, resident, said she would be crowded out if the property is rezoned as proposed. She said we do not need any heavier industrial businesses. She is against the rezoning.

Richard Yeatman, 1120 Montreat Road, member of the Planning Board, stated that he is appalled that the Board of Aldermen has chosen to disagree with the Planning Board and the citizens. He said the request is opposed by all of the people. He will not support this change.

Mayor Bartlett thanked all of the citizens who came forward tonight. He said the Board does not feel he should participate in the discussion, but he is opposed to this proposed rezoning change.

With no further public comment, Mayor Bartlett closed the public hearing and asked for Board discussion.

Alderman White made a motion to approve rezoning parcels in the Light Industrial District which are north of US 70 to General Industrial District (I-2) zoning, including the parcels listed by PIN as shown in attachment #1.

Alderman McKeown stated he thought the request came from the Planning Board. He thinks the rezoning should be considered on a case by case basis.

Mr. Caudle explained that a Board member approached the staff with their concern about a 55' height limitation as applied to all property that is currently in the I-1 district. Staff was asked to help the Board member to work through the process to accomplish the goal of limiting the exposure of the 55' height limitation. He said while it seems easy to look at the process and say simply rezone Ingle's property to I-2, one must also look at the uses that go into an I-2 district and the intent and purpose as stated for the I-2 zoning district in the ordinances. Mr.

Caudle stated that in the staff's opinion I-2 is clearly designed for an open air use - manufacturing uses that cannot and are not contained in a closed facility. Mr. Caudle said when asked by the Board member what is the best way to accomplish what they wanted to accomplish, staff suggested a number of things. Staff recommendations were based on the belief that it is probably ill advised to rezone a property that so clearly met the purpose of I-1 (enclosed manufacturing facility) to rezone it to I-2 and leave properties that were in the open air manufacturing properties designated as I-1. The staff presented all of the options to the Board member and the decision was made to carry forward with the proposal that is before the Board of Aldermen this evening. Mr. Caudle stated that Board members always have the option of disagreeing with the staff; and that there are always going to be differences of opinion. He went on to state that in this case, the staff did help craft the process in order to accomplish the goals of the Board member. He closed by stating that there are other ways to accomplish the goals expressed by the Board member, and that the staff advised the Board member, both pro and con, in order to be able to allow the Board member to arrive at their own conclusion.

Alderman Brown feels that instead of calling for public hearings at the June meeting, these requests should have been referred to the Planning Board for study. Mr. Caudle said the 30-day review process was followed. Alderman Brown said the Planning Board should have been given more time.

Harry Hamil, 15 John Myra Avenue, said it is important that the Board understand how the process occurred as he understands it. He said the letter that came from Ingle's was dated May 2, 2007. Mr. Hamil stated that at the April Planning Board meeting, the Planning Board put stormwater on the agenda for the May meeting because of a June 30 deadline for that issue, and that they did not know of anything else coming before their Board. He stated that the letter from Ingle's requesting the change in height for the I-1 zoning district came on May 2. He went on to state that on May 11 when he sent an e-mail to the staff in his capacity as Planning Board Chair, he learned that this item, and also a request for a subdivision on Blue Ridge Assembly Drive, were to be added to the agenda. Mr. Hamil stated that although the Planning Board did not have a formal request from Ingle's, the representative was notified that the item would be heard by the Planning Board, but no representative from Ingle's showed up for the meeting and the request was tabled. Mr. Hamil stated that an additional meeting was called to continue discussion on stormwater. Mr. Hamil said another meeting was scheduled and the request from Ingle's was put on the agenda, but was removed by the Board because the stormwater issue had to be completed. Mr. Hamil stated that the Planning Board met again and discussed Ingle's request and gave their report to the Board of Aldermen. He stated that this is the second time for the height review. He said from the beginning that the way to handle this was to rezone the Ingle's property to I-2 and put all the other issues to the land use code. Mr. Hamil said he will not be on the Planning Board when those decisions are made. He said that the Board of Aldermen has relied entirely on the staff, and that not one member of the Planning Board was consulted. Mr. Hamil stated that the Planning Board has not been included in any of the discussions, and that is astonishing when we are talking about a project that would generate in excess of \$320,000 in tax revenue every year and approximately 160 jobs, and a recommitment from a company who has treated us, in his opinion, very, very well.

Alderman Phillips said that with regard to the conditional use permit of APAC, that the Board of Aldermen had heard conflicting ideas about some of the provisions of that permit and

how they might be affected by the proposed zoning change. She would like a clarification of that.

Ron Sneed replied that although he had not yet had the opportunity to research the matter, he believes, based upon consultation with the Town Manager, that if a properly permitted conditional use is rezoned, those things that are restricted by the permit remain restricted unless they are allowed by right under the provisions of the new zoning district. He went on to state that the Conditional Use Permit does not go away, but that the restrictions are eased if the district into which the use is placed has more relaxed restrictions than the district in which the use was previously located.

Alderman Phillips asked if there is a rule that prevents revisiting these changes for a year. Mr. Sneed replied that it was either for six months or a year. It was later determined that the time frame is a year.

Alderman White acknowledged the awkwardness of this process, but said that she feels we had to respond to Ingle's request.

Alderman Brown said she would like to see these rezoning changes go through the land use code update process. She stated that she supports the height change for Ingle's, but this will also affect LLC (Montreat), Joe Tyson, and others. Alderman Brown said if the Board approves this change, it cannot be brought up again for a year. Town Attorney, Ron Sneed, said no. He said if the motion to rezone I-2 fails, that cannot come back up for a year. Mr. Sneed said if you approve another rezoning or a change in zoning later, it does not have that limitation.

With no further discussion, the vote was 3-2 with Aldermen Brown and Phillips opposed. Mayor Bartlett said that since the motion did not pass by a 2/3 majority on the night of its introduction, the item would have to be voted on again at the August meeting.

VII. NEW BUSINESS

A. Animal Control Agreement

Alderman Brown made a motion to approve the Animal Control Agreement with the Buncombe County Sheriff's Office for fiscal year 2007-08. The motion passed unanimously.

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of June 7, 2007 – Budget Meeting, June 7, 2007 - Agenda Workshop, June 11, 2007 – Regular Session, June 11, 2007 – Closed Session, June 26, 2007 – End-of-Year Budget Meeting

B. CALL FOR PUBLIC HEARING on the Annexation of a Portion of the Property Known as The Settings, Phase IIIA, a.k.a., Buncombe County Property Identification Number 061800454735 as Described in Plat Book 0021, Page 0012

Motion: To call for a public hearing on the proposed annexation of Phase IIIA of the property known as The Settings, a.k.a., Buncombe County Property Identification Number 061800454735, to be held on Monday, August 13, 2007 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, Black Mountain, NC

- C. Resolution of Support for the Certified Entrepreneurial Community Program in Partnership with AdvantageWest

Motion: To pass the resolution authorizing the Town's participation in the Certified Entrepreneurial Community Program sponsored by Advantage West and to empower the Mayor to appoint members to the community leadership team in accord with the guidelines of the program

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Fire Department Report – Chief Rayburn gave the June 2007 report for the Fire Department. Chief Rayburn said the Department of Insurance completed their inspection the week of June 25, 2007, and the results will be presented in approximately 90-120 days. He said a part of the new process includes meeting with the Board of Aldermen to explain our deficiencies and what is going on with the fire suppression efforts within the Town. Chief Rayburn also reviewed the process that was involved with the assistance required during the funeral for Mrs. Ruth Graham. Mayor Bartlett thanked the staff for all their work.

2. Police Department Report – Chief Kevin Pressley presented the June 2007 report for the Police Department. Chief Pressley commended Police Officer Fred Tennant and Detective Lee Ribley on successfully solving a particular case this past week. Mr. Caudle noted that he also had the opportunity of working with Detective Ribley this past week and commended Detective Ribley for his expertise and professionalism.

3. Water Leak Detection/Meter Replacement Report – Mr. Caudle reviewed a report by Bob Watts, Public Works Director, with regard to the water leak detection/meter replacement.

4. Bus Stop Relocation Update – Bo Ferguson, Assistant Town Manager, reported that a verbal agreement has been reached with Bi-Lo representatives to relocate the bus stop on the store property. Mr. Ferguson noted that staff will look into providing benches and a shelter after the agreement is signed.

5. Skateboard Update – Casey Conner, Interim Recreation and Parks Director, reported a meeting was held on June 25, 2007 with those people who have interest in a skateboard park to obtain ideas on design elements and determine possible locations. One of the main points of emphasis was to have the elements simulate structures in the downtown area, such as stairs, rails, etc. He said two locations were identified – one at the basketball courts at Cragmont Park and the other at the basketball courts at Carver Center. The Carver Center area was identified as the most plausible location due to the close proximity of the Teen Center, as well as staffing of the property. After talking with some manufacturing representatives, we will be able to get three to four elements installed for \$13,000 or less. He said there was some discussion with the group about the possibility of raising money in the community to help fund this project. Vice Mayor Sobol said if this is a pre-fabricated construction, then the kids would not have a chance to help construct the park. Mr. Caudle said when staff had pursued the skateboard park previously, the insurance company had advised us that we would be better off to buy equipment instead of building because there might be quality control issues involved. Mr.

Conner said there are a few things that the kids can do to help get the facility ready. Vice Mayor Sobol asked how close to the ravine will it be placed? Mr. Conner said about 50'. Vice Mayor Sobol said if this is successful, maybe we could get into the ravine. Mr. Conner said that could possibly be a different phase for the park in the future. Mr. Caudle noted that the elements must mimic the downtown area; otherwise, the kids will continue to go downtown. *Vice Mayor Sobol made a motion to pursue a budget amendment to purchase the skateboard equipment. The motion passed with a vote of 5-0.*

6. FIT Grant Report – Charlotte Litjens, Health Services Program Administrator, reported that the Town of Black Mountain has received the FIT Grant Award in the amount of \$58,592. She noted that this grant would be used to achieve healthy eating behaviors through school and community programs. She said the Eat Smart Black Mountain program will coordinate efforts among the existing Community Garden, develop a new School Satellite Garden, and a new and innovative school nutrition program. Ms. Litjens presented a powerpoint presentation showing the work thus far of the Health Initiative Program and Community Garden. Mr. Caudle announced that Ms. Litjens would be leaving at the end of July to go to graduate school. He thanked her for the great job she has done with the Health Initiative.

7. Recreation Director Applications – Mr. Caudle reported that applications are still being accepted for the position of Recreation Director and interviews should begin in late July.

C. Land-of-Sky Regional Council's Pepsi Mayor's Cup Raft Race – Mr. Caudle announced that the annual Mayor's Cup Raft Race, hosted by Land-of-Sky Regional Council, would be held this year on Sunday, August 19, 2007 beginning at 3:30 p.m. He said that our team this year includes Vice Mayor Sobol and Alderman McKeown and Town staff.

D. Fortune Street Sewer Line Cost Estimates – Mr. Caudle gave the Board a report on the cost estimates to provide sewer to Fortune Street as requested by a resident at the June meeting.

E. Boards/Commissions Meeting – Mr. Caudle asked that the Board consider setting up a meeting in August with the chairs of the Advisory Boards and Commissions to set up expectations and share the policy views that the Board has regarding their area of expertise. Mayor Bartlett asked that staff proceed and schedule a meeting in August.

X. COMMITTEE/BOARD REPORTS

A. Appointment of Chair for ABC Board

Alderman Brown made a motion to appoint Donna Hughes as chair of the ABC Board for the coming fiscal year. The motion passed with a vote of 5-0.

B. Appointments to Fill Vacancies on Boards and Commissions

1. Historic Preservation Commission – *Alderman Brown made a motion to appoint Mark Barker and Phillip Lamb to the Historic Preservation Commission for a 3-year term. The motion passed with a vote of 5-0.*

2. Housing Commission – *Alderman Brown made a motion to appoint Dawn Wilson to the Housing Commission for a 3-year term. The motion passed with a vote of 5-0.*

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 has attended the Board meetings for 25 years and has seen the Town change dramatically. He is glad that he has had this time.

Ruth Brandon, 722 Laurel Avenue, thanked the Town Board and staff for the 3-way stop pattern on Sutton Avenue. Ms. Brandon thanked Chief Pressley for the added police presence downtown. She also thanked the Board of Aldermen for budgeting funds to maintain the police staff and hopes the Board will budget for the fire inspector as soon as possible.

Alderman Brown thanked the staff for all their efforts in making the 4th of July a huge success.

XII. ADJOURNMENT - *With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:10 p.m. The motion passed with a 5-0 vote.*

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk