

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
July 14, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, July 14, 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
Vice Mayor C. Michael Sobol
Alderman Ruth D. Brandon
Alderman Joan Brown
Alderman Chuck McKeown
Alderman Rosalie Phillips

The following staff members were present:

Anthony N. Caudle, Town Manager
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Craig Bannerman, Deputy Fire Chief
Jim Orr, Recreation Director
Marcy Onieal, Finance Director/Asst. to Town Manager
Steve Padgett, Police Lieutenant
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 led by Rev. Randy Stone, Meadowbrook Free Will Baptist Church, Black Mountain, NC.

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 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 –

Jody Hymes, owner of New Earth on Cherry Street, said her store is sponsoring a rain barrel challenge to run until November 17, 2008. She said to stop by her store on Cherry Street for more information.

Harry Hamil, 15 John Myra Avenue, asked that the Board move the Economic Development Policy from Consent to New Business. He feels it is appropriate to have public input on this item. Mr. Hamil also asks that the Board move the request for Dedication of Streets in the Cotton Creek subdivision from Consent to New Business so that the public has input.

Lisa Milton, 406 W. State Street, thinks the swap in property for Town Hall is good. She hopes the Board will not spend the entire \$619,000 to renovate the building and use any extra money for other projects.

Phil Bisesi, 15 Hi View Drive, suggests that a professional engineer and architect look at the new town hall building and use what we have and spend the least amount of money.

Elaine Loutzenheiser, 410 Avena Road, said she has applied for the open position on the Planning Board. She said she has served previously on this board and would like to be appointed.

III. ADOPTION OF THE AGENDA

The minutes of Budget Workshops of May 23, 2008, May 28, 2008, June 3, 2008, and June 16, 2008, June 5, 2008 - Agenda Workshop, June 9, 2008 - Regular Session, June 19, 2008, June 25, 2008, and June 30, 2008 – Special Meetings were approved.

The agenda was amended with the following changes:

Under VII, New Business, delete item “A” and “B”. Move item “C” to Consent.

Under VIII, Consent, add item “J”.

Alderman Brown requested to table item 3 under Communications from Town Manager, “Update on Town Hall Development” and meet at the new property for a walk-through on July 17, 2008 at 5:00 p.m. to study the project more thoroughly.

Alderman Brandon requested that the “Economic Development Policy” item and the “Offer of Dedication of Streets in the Cotton Creek Subdivision” item be moved to New Business.

Alderman Brown requested a closed session to discuss personnel be added to the agenda.

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

IV. COMMUNICATIONS FROM THE MAYOR

- A. Mayor Bartlett presented the following plaques:
- Mayor Bartlett presented a plaque to Jerry Atkins, Zoning Administrator, who retired after 15 years of service. Mayor Bartlett thanked Jerry for his years of service and wished him well in his retirement.
 - Mayor Bartlett presented a plaque of appreciation to Anthony N. Caudle, Town Manager, who is leaving Black Mountain to accept a position in Wilmington. Mayor Bartlett wished Tony well in his new endeavor.
- B. Mayor Bartlett presented Certificates of Appreciation to Outgoing Committee Members.
- C. Mayor Bartlett administered the Oath of Office to the new members of the following Boards/Commissions:
1. Board of Adjustment – Doug Brock (not present); Don Farrow
 2. Greenways Commission – Ann Lutz, Jon McNair (not present)
 3. Historic Preservation Commission – Susan Sellers
 4. Housing Commission – Joanne S. Brannon, Connie Pruitt
 5. Planning Board – Phyllis Genetti (not present)
 6. Recreation Commission – Clay Hile
 7. Urban Forestry – Joyce Schwarz (not present), Susie Smith
- D. Vice Mayor Sobol presented the video - “Home Town Green – One Town’s Journey Toward A Sustainable Future”, which was filmed in Black Mountain. He said the video has been used across the country by many towns and cities in supporting green building and conservation of energy, water, etc.

V. COMMUNICATIONS FROM TOWN ATTORNEY – Ron Sneed, Town Attorney, said an appeal on condemnation from the decision of the building inspector has been received. He said the Board of Aldermen needs to hear this appeal. After discussion, the Board agreed to schedule the hearing for Wednesday, August 6, 2008 at 9:00 a.m.

VI. OLD BUSINESS

- A. **PUBLIC HEARING** on a Zoning Text Amendment to Allow Illumination of Subdivision Signage in Residential Areas

Mr. Caudle explained that a text amendment has been requested to allow illumination of subdivision signs in accordance with the Town lighting ordinance. He said this amendment would mean that any illumination would have to be directed and limited to the sign itself without casting light outside of the sign or creating glare, at a 0.4 foot candle. Mr. Caudle said this action will allow future illumination of all subdivision entrance signs.

Mayor Bartlett opened the public hearing.

Ron Collins, 400 Blue Ridge Road, said if the lighting request is approved, the lights would be on half the time in subdivisions and if the Town is promoting energy efficiency, the Board should not approve the request.

Elaine Loutzenheiser, 410 Avena Road, said she was on the Planning Board when the lighting ordinance was written. She said she does not believe that the intent was to allow lighting of signs in subdivisions. Ms. Loutzenheiser recommends that this request not be approved.

Mayor Bartlett closed the public hearing.

Alderman Brown said the Planning Board is updating the land use code, and asked if this would affect their schedule. Elizabeth Teague, Planning Director, said the Planning Board has not reviewed the lighting ordinance yet.

Alderman Phillips made a motion to amend Town Ordinance Section 153.136(B)(2) to allow subdivision signs to be illuminated in accordance with the Town Lighting Ordinance. The motion passed with a vote of 5-0. Alderman Brown made a motion to adopt the Consistency Statement. The motion passed with a vote of 5-0.

VII. NEW BUSINESS

A. Proposal for Croquet Court Renovation

Motion: To approve the project for renovation of the Croquet Court and to authorize the staff to prepare budget amendments that will allocate \$9,000 to the project cost

This item deleted from the agenda.

B. Proposed Resolution Supporting Certain Rail Improvements in the Town of Black Mountain

Motion: To adopt proposed resolution supporting certain rail improvements in the Town of Black Mountain

This item deleted from the agenda.

C. Economic Development Policy

Mayor Bartlett said in July 2007, the Board of Aldermen authorized the participation of the Town in the Certified Entrepreneurial Community Program in partnership with AdvantageWest Economic Development Group. He said one of the requirements in the completion of the application for designation as a Certified Entrepreneurial Community is the adoption of a broadened economic development policy by the elected officials. Mayor Bartlett said the Leadership Team has developed the proposed policy. He said this committee is not a part of the Economic Development Committee under the Chamber of Commerce.

Alderman Brown made a motion to adopt the Economic Development Policy as submitted by the Black Mountain Community Entrepreneurial Leadership Team. The motion passed with a vote of 5-0.

D. Offer of Dedication of Streets in the Cotton Creek Subdivision for Public Use and Access

Mr. Caudle said the developer of the Cotton Creek subdivision has completed the street improvements and is now offering the streets for public dedication. He said the offer is made in accordance with the guidelines that the Planning Board requested and that the Zoning Board of Adjustment stipulated as a part of the Conditional Use Permit process. Mr. Caudle said the Public Works Director has inspected the streets and certifies that the streets meet the Town's construction standards.

Alderman Phillips made a motion to accept the streets in the Cotton Creek subdivision for public use and maintenance.

Alderman Brandon asked if part of the streets are in the floodway. Elizabeth Teague, Planning Director, responded that a Letter of Map Amendment was issued for that property as part of the Conditional Use Permit. She said staff will go back and check on the floodway encroachment. *After further discussion, Alderman Phillips made a motion to withdraw her original motion until it is determined whether or not the streets are constructed in the floodway and review the Planning Board direction that the streets be accepted because the Planning Board did not want the streets to be private streets.* Mr. Caudle said he thinks it was in the conditional use permit issued by the Board of Adjustment and he will confirm. *The motion passed with a vote of 5-0.*

E. Amendment to the Town of Black Mountain Personnel Policy Manual, Article V, Recruitment and Employment

Mr. Caudle said that staff is requesting an amendment to the Personnel Policy Manual to allow vested individuals in the NC State Retirement System to transfer accumulated sick leave from a former employer so they do not lose the sick leave they have accumulated over years of service. He said this is a standard benefit in local governments to transfer the accumulated sick leave or a portion thereof. Mr. Caudle said the Town does not pay for any sick leave unless it is used. For employees who are in the retirement system, they are allowed to accumulate sick leave and use it toward their years of service. He said in order to remain competitive, we are offering this amendment for consideration. Vice Mayor Sobol commented that not all towns have a policy to transfer sick leave. He said sick leave should be used when an employee is sick. Vice Mayor Sobol will support 2-4 weeks of sick leave, but feels transferring the entire amount would be excessive. *Alderman Brandon made a motion to amend the Town's Personnel Policy Manual, Article V, Recruitment and Employment to add Section 17, Transference of Accumulated Sick Leave. The motion failed with a vote of 2-3 with Aldermen McKeown, Phillips, and Sobol opposed. Alderman Phillips made a motion to amend the Town's Personnel Policy Manual, Article V, Recruitment and Employment to add Section 17, Transference of*

Accumulated Sick Leave, to allow a total of 120 hours (15 days) to be transferred. The motion passed with a vote of 5-0.

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of Budget Workshops: May 23, 2008, May 28, 2008, June 3, 2008, and June 16, 2008, June 5, 2008 - Agenda Workshop, June 9, 2008 - Regular Session, June 19, 2008, June 25, 2008, and June 30, 2008 – Special Meetings
- B. Budget Amendment #01
Motion: To adopt Budget Amendment #01 as submitted authorizing the allocation of controlled substance taxes, Powell Bill Fund Balance, and donation received
- C. Budget Amendment #02
Motion: To adopt Budget Amendment #02 as submitted, authorizing the allocation of funds from the sale of property located at 102 Montreat Road to be used for the renovation of the newly acquired property at 160 Midland Avenue
- D. Resolution Designating Marcia D. Onieal as Finance Officer for the Town of Black Mountain
Motion: To adopt resolution naming Marcia D. Onieal as Finance Officer for the Town of Black Mountain
- E. Adoption of Grant Project Ordinance for Lake Tomahawk Park Renovations
Motion: To adopt Grant Project Ordinance “Lake Tomahawk Park – Project 2008-547” as submitted
- F. Approval of Safe Routes Agreement and Letter of Request to Set up Preliminary Engineering Funds
Motion: To approve the Grant Agreement with NCDOT and Project Ordinance to carry out the Safe Routes to School Program and to direct staff to submit a letter of request to NCDOT for the release of funds in order to initiate work
- G. Resolution Authorizing Fit Community Sign Panels to be Installed at Designated Areas Located on State-Maintained Roads
Motion: To approve resolution authorizing Fit Community sign panels to be installed at “Welcome to Black Mountain” signs located on state-maintained roads
- H. Adoption of Grant Project Ordinance – Stormwater Mini-Grant
Motion: To adopt Grant Project Ordinance “CWMTF Project No.: 2007S-006 Stormwater Mini-grant” as submitted
- I. Amendment to the Town of Black Mountain Personnel Policy Manual, Article V, Recruitment and Employment
Motion: To amend the Town’s Personnel Policy Manual, Article V, Section 17 to include a policy to allow staff to conduct Criminal Background Check on prospective and current employees

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of the Consent Agenda

B. Projects Update

1. **Sewer Line Construction** – Mr. Caudle reported that staff is having trouble getting financing for the sewer line project due to the fact that this asset will not be retained by the Town. He said staff is exploring different avenues for financing the sewer line project.

2. **Goodson Cove Annexation** – Elizabeth Teague, Planning Director, said the developer of Goodson Cove has hired a new consulting team. She said he has asked for a special meeting with the Planning Board in August. Ms. Teague said the developer has been asked to bring back some plans that conform to the steep slope ordinance. She said it is possible the request for annexation could come before the Board in September or October.

3. **Town Hall Development – defer to special meeting**

4. **Library Building Renovation** – Mr. Caudle said the contract has been awarded on the renovation project for the library. He said the county will be asking for the funding that the Town has allocated for this project.

Vice Mayor Sobol asked Mr. Caudle for an update on the request to the Department of Transportation regarding going underneath I-40 from the two properties. Mr. Caudle said he has not received a reply but will contact Mr. Swain at DOT.

Alderman Phillips asked what recourse a neighbor has when an adjoining property owner does not mow the grass. Mr. Caudle said he would have staff meet with Alderman Phillips and clarify the ordinance.

C. Departmental Reports -

- **Water** – Bob Watts, Public Works Director, reported that meter replacements for the first eight routes were completed July 15, which equate to approximately 600 meters. He said 1,000 meters were ordered. Mr. Watts said production in the wells is down 25% due to the drought. He said people are using more and more water and encourages citizens to conserve as much as possible.

- **Fire** – Deputy Fire Chief, Craig Bannerman, presented the June 2008 report for the Fire Department.

- **Police** – Police Lieutenant, Steve Padgett, presented the June 2008 report for the Police Department.

- **Recreation** – Jim Orr, Recreation Director, said at the request of the Board, he has met with the Croquet Committee and reviewed several proposals regarding the resurfacing of the court. After discussion, the Board agreed that Mr. Orr and staff would take a more active role with this committee and continue with the current maintenance plan.

Tony Caudle addressed the Board and citizens expressing his appreciation for the opportunity for having served as the Town Manager to the citizens of Black Mountain over the past eight years. He said he will begin his new position as Deputy City Manager in Wilmington on August 4. Mr. Caudle said he hopes to return to Black Mountain when he retires.

X. COMMITTEE/BOARD REPORTS

A. Appointments to Fill Vacancies on Boards and Commissions

1. ABC Board - (1) opening – there are three applicants. Mayor Bartlett stated that the residency of John W. Sobol has been confirmed to be in the town limits. Therefore, Mr. Sobol will fill the position on the ABC Board.

2. Board of Adjustment - (2) openings for alternates – only one applicant. *Alderman Brown made a motion to appoint Jerry Atkins. The motion passed with a vote of 5-0.*

3. Planning Board - (1) opening – there are two applicants. *Alderman Brandon made a motion to appoint Elaine Loutzenheiser. The motion failed with a vote of 2-3 with Aldermen McKeown, Phillips, and Sobol voting against. Alderman Phillips made a motion to appoint Nathan Pennington. The motion passed with a vote of 3-2 with Aldermen Brandon and Brown opposed.*

4. Housing Commission – (3) openings – two applicants. *Alderman Brown made a motion to appoint Dorothy Jones to a three-year term and appoint Jessie Sherrill to a one-year term. The motion passed with a vote of 5-0.*

B. Appointment of Chair for ABC Board

Alderman Brown made a motion to appoint Donna Hughes as the chair to the ABC Board for the coming fiscal year 2008-09. 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)

Ray Lamm, 103 Border Street, stated that people are very concerned about the water situation in Black Mountain. He asked how much water is the Town buying from Asheville, how much does it cost the Town, and how much is the Town allowed to buy? Mayor Bartlett directed staff to meet with Mr. Lamm.

XII. CLOSED SESSION

Vice Mayor Sobol made a motion to enter into closed session to discuss personnel in accordance with NCGS 143-318.11(a)(6). The motion passed unanimously.

XIII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:34 p.m. The motion passed with a vote of 5-0.

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk