

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**REGULAR SESSION MEETING**  
**November 10, 2008**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** met in regular monthly session on Monday, November 10, 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 - absent  
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  
Kevin Pressley, Police Chief  
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 Pastor David Rayburn, First 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**

Elaine Loutzenheiser, 410 Avena Road, stated that the Public Hearing on building heights was on the agenda two months ago and continues to be postponed. Ms. Loutzenheiser asked the board when this was going to be addressed.

## **III. ADOPTION OF THE AGENDA**

The minutes of September 22, 2008 – Continued Meeting, and October 6, 2008 -- Regular Session, and October 6, 2008 – Closed Session were approved.

*The agenda was approved unanimously on a motion by Alderman Phillips.*

## **IV. COMMUNICATIONS FROM THE MAYOR**

Mayor Bartlett stated that he and Town Manager, Marcy Onieal had attended the State League of Municipality Convention in Charlotte and was pleased that the town already had a lot of plans, policies and procedures in place that were discussed at the convention. Mayor Bartlett complimented Police Chief, Kevin Pressley on the Police Pursuit Policy that the Black Mountain Police Department has in effect.

Mayor Bartlett commented on the economy concerns and asked that Ms. Onieal look at expenses and to review expenses with department heads. Mayor Bartlett also stated there would be a budget workshop in January.

Mayor Bartlett welcomed Bill Christy and several scouts from Scout Troop #12.

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

## **VI. OLD BUSINESS**

- A. PUBLIC HEARING** on Authorizing Application for Financing Approval from the State of North Carolina Local Government Commission for the Black Mountain Pool Renovation Project.

Mayor Bartlett said this public hearing is to receive comments on the Town's proposal to seek approval from the North Carolina Local Government Commission to finance approximately \$500,000 of the total cost of the Black Mountain Pool Renovation Project for a term of fifteen years. He said the Board authorized submission of this financing proposal to the LGC at its October meeting, and we are now seeking public comment.

Mayor Bartlett opened the public hearing. With no comments or discussion Mayor Bartlett closed the public hearing.

## **VII. NEW BUSINESS**

### **A. Land Use Code Draft Update**

Marcy Onieal, Town Manager explained that the Planning Board had been diligently working on reviewing the Land Use Code Ordinances. Ms. Onieal stated that in the months to come the Planning Board would be seeking the Board of Aldermen's input and public input. Ms. Onieal introduced Planning Board Chair, Ames Tryon. Mr. Tryon presented the copy of the new table of contents and drafts of Chapters 1–5 on the Land Use Ordinances. Mr. Tryon explained the color codes, black meaning it has been reviewed and supported by the Planning Board, blue meaning it is in process, and red meaning it has been drafted but has not been reviewed yet. Mr. Tryon explained that the goal for this year was to review through Chapter 7. Mr. Tryon also stated the Planning Board would like to meet with the Board of Aldermen to set an agenda to move forward with public hearings and to discuss revisions.

Vice Mayor Sobol asked if the Planning Board would color code the deletions and leave them in the draft so that the Aldermen could see what deletions were being considered. Mr. Sobol also asked if there was a time frame for completion of drafts for Chapters 8-12. Mr. Tryon stated that had not been determined.

Mayor Bartlett and Vice Mayor Sobol thanked the Planning Board for their work.

### **B. Ordinance to Change Board of Aldermen Meeting Schedule**

Ms. Onieal explained that in an effort to improve the efficiency of conducting town business, the Board has agreed to change the meeting schedule for the Board of Aldermen Agenda Workshop meeting to the second Monday of the month at 5 p.m. and the Regular Board of Aldermen meeting to the third Monday of the month at 6 p.m. Ms. Onieal also asked to change the meeting schedule for the Planning Board to the fourth Monday of the month.

*Alderman Phillips made a motion to approve a change in the meeting schedule for the Board of Aldermen and Planning Board effective January 2009, as follows: Agenda Workshop: Second Mondays – 5 p.m.; Regular Meeting: third Mondays – 6 p.m. and Planning Board Meeting: Fourth Mondays – 7 p.m. The motion passed with a vote of 4-0.*

## **VIII. COMMUNICATIONS FROM THE TOWN MANAGER**

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

Mayor Bartlett asked Town Manager, Marcy Onieal, to get with Planning Director, Elizabeth Teague and address the issue of the public hearing on building heights and asked that Ms. Onieal get back with him so that he could respond to Ms. Loutzenheiser.

## **B. Projects Update**

**1. Financial Summary** – Ms. Onieal discussed the financial summary that was distributed to the Board. Ms. Onieal reported that the 2007 audit will be presented at the December meeting. Ms. Onieal reviewed the unaudited report for 2008. Ms. Onieal explained that in the General Fund in both revenue and expenditures were at about 94%. She explained that revenues did not come in primarily due to the delay in the Ingle's project permitting. She stated that has been re-budgeted for the current year. Ms. Onieal stated that department heads held a tight reign over their budgets and were able to hold expenditures at a little over 91%. In the water fund only 70% was collected. Ms. Onieal explained this was not actually a matter of collecting revenue, it is a way in which capital projects are accounted for. Ms. Onieal stated that they had not used all of the money allocated for the firefly program, and they did not have to use fund balance appropriation which comprised part of the estimated revenue. By the same token they did not spend in those categories so that is why you are looking at 70% of actual expenditure in revenue received. Ms. Onieal stated that this is a new report for the town, and it would be included as part of the monthly report to the Board in advance, along with the water report showing water production, sales, and exchanges.

Alderman Ruth Brandon asked if the golf fund is only one in minus. Ms. Onieal explained the report showed a \$73,000.00 deficient but what it really was is the depreciation that was applied. Ms. Onieal explained that in terms of operating expenditures the golf fund was at even, revenues equaled expenditures. Ms. Onieal stated this correction would be reflected on the audit.

Vice Mayor Sobol asked if the fireflies were showing in the financial summary. Ms. Onieal stated that they were in the water department improvements in both the revenue and the operations side; she stated that approximately \$276,000.00 was the original total project. Vice Mayor Sobol asked Ms. Onieal if she planned to give an update on the firefly project. Ms. Onieal stated that in the next agenda session in workshop setting she would like to have the opportunity to talk more fully of all of the water systems needs and how the Board wants to move forward.

Vice Mayor Sobol stated that the \$961,000 for annexation of the sewer lines was showing up in the revenues, but the town does not have a source for that project. Ms. Onieal explained that amount was the board's approved budget for that project and since completing engineering on that project, it is going to be considerably more expensive. Ms. Onieal explained that there is not money sitting in the bank account for the project. She explained that the \$961,000 was simply the board's adopted budget; what has currently been spent at this point is \$85,000.00 in engineering which is showing up in the expenditures and the revenue from that is 35% contribution from MSD. Vice Mayor Sobol stated that he just wanted the public to be aware that amount of money is not sitting out there.

Ms. Onieal stated that in regard to sewer extensions, that the consulting engineer had discovered that not all of the easements were in place as was previously reported. Ms. Onieal stated there are three easements that need corrections. Vice Mayor Sobol asked if the two projects were the Blue Ridge Road and the Avena/McCoy projects and if Ms. Onieal knew how

many parcels were involved with right of ways on this project. Ms. Onieal stated she did not have that information at the present time but would get the information for Vice Mayor Sobol.

Vice Mayor Sobol asked Mayor Bartlett if the sewer issue off of Cragmont Road from last year had been resolved. Mayor Bartlett explained the project only affected one parcel of property but several thousand feet of sewer line have to be run. He said it was determined that it was not feasible for the Town to take on this project. Attorney Ron Sneed stated that there would have been only one beneficiary from the project.

**2. Transit Master Plan** – Ms. Onieal reported that the City of Asheville now has its Transit Planning Task Force back together. She stated that there will be no additions or changes to any of the routes until after a study is completed, but they are getting ready to take a study of the entire system this fall through January. Ms. Onieal explained that part of the study would include ridership surveys. Ms. Onieal stated that the Task Force has recommended improvements to the survey instrument and a desire to focus not only on the riders but the non-riders as well and what would make the system more attractive to non-riders. She said that she had expressed the Town of Black Mountain's interest in improved scheduling and the overcrowding of the route that currently services Black Mountain. She is in the process of trying to meet with the City of Asheville and Mountain Mobility to determine how Black Mountain may continue to be served as part of a more regional system and to determine where to relocate the bus stop when Town Hall is vacated.

**3. Awards** – Ms. Onieal reported that the Black Mountain Recreation and Parks Department was the recipient this year of the NC Recreation and Parks Association Arts and Humanities Award for the African Dance Ensemble. Ms. Onieal stated this was a partnership with the Town of Black Mountain, Black Mountain Elementary School and the Old Depot Association.

**4. Library Renovations** – Ms. Onieal reported that the library renovations were almost complete and that several items of furnishings were salvaged to be used in the Public Safety Building.

**5. Pool Renovation Project** – Ms. Onieal stated that the consulting engineer, HaydenStanziale had issued a RFP on October 28, 2008 for construction bids. Ms. Onieal stated that 17 contractors had picked up bid packets. Ms. Onieal stated that bids were scheduled to be opened on November 25, 2008 at 2:00 p.m. Ms. Onieal stated that assuming the LGC financing is approved, she would be coming back to the Board in January for the award of the bid.

Vice Mayor Sobol asked Ms. Onieal what the time frame for completion of the pool renovation project is. Ms. Onieal stated the intent is for the project to be completed in time for opening of the next summer season. She stated that June is still the target date.

**6. Town Hall Renovation** – Ms. Onieal reported that the Town Hall project is on schedule and on budget.

**C. Departmental Reports**

**Fire** – Steve Jones, Fire Chief, presented the October 2008 report for the Fire Department.

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

Ms. Onieal reported on several upcoming events for the holidays:  
November 28, 2008 – Thankseve – Stores Downtown Open Late  
December 5, 2008 – Holly Jolly – Stores Downtown Open Late  
December 6, 2008 – Christmas Parade at 4:00 p.m.  
December 6, 2008 – Circle of Lights at Lake Tomahawk after the Parade

Mayor Bartlett reported that the Chamber of Commerce Christmas Banquet would be held on December 9, 2008.

**IX. CONSENT AGENDA**

A. Adoption of the Minutes

*Motion: To adopt the minutes of September 22, 2008 – Continued Meeting, October 6, 2008 - Regular Session, October 6, 2008 – Closed Session*

B. Water Shortage Response Plan

*Motion: To approve the Town of Black Mountain 2008 Water Shortage Response Plan*

C. Approval of the Memorandum of Understanding for Participation in the French Broad River Metropolitan Planning Agency and Appoint an Alternate Member to the Transportation Advisory Committee (TAC)

*Motion: Alderman Phillips made a motion to approve the Memorandum of Understanding for the French Broad River MPO and appoint Alderman Chuck McKeown to serve as the alternate member to the Transportation Advisory Committee (TAC)*

D. Final Plat Approval for That Portion of Black Mountain Estates, Known as “The Ridge at Black Mountain Estates”, a.k.a. Buncombe County Property Identification Number 0609.07-69-8444

*Motion: To approve the Final Plat for “The Ridge” at Black Mountain Estates*

**X. COMMITTEE/BOARD REPORTS**

Julie White with the Greenways Commission gave a powerpoint presentation to update the community on the greenways projects.

Vice Mayor Sobol asked Ms. White how long the trail was from Ridgecrest going into Old Fort. Ms. White reported that the trail was four miles.

Alderman Brandon asked for an update on the Montreat Road sidewalk. Public Works Director, Bob Watts, stated the plan is to complete up to Seventh Street this fall. He said he has preliminary plans back from McGill Associates up to East Street. Mr. Watts stated that depending on funding, they will try to get more sidewalks along Montreat Road but the expensive stretch will be between Seventh Street and Cotton Avenue because drainage will have to be put in. Mr. Watts stated that the main drainage problem would be between the creek and Teresa Way and that some walls would also need to be constructed. Vice Mayor Sobol asked if the Town would have to get easements for this project. Mr. Watts stated that from Cotton Avenue to East Street, the town would probably not have to obtain easements. He said from Seventh Street to Cotton Avenue that easements would have to be obtained.

**XI. CITIZEN COMMENTS** – (at 8:00 p.m. if all preceding items on the agenda have not been finished by then)  
None

**XII. ADJOURNMENT**

*With no further business, Alderman McKeown made a motion to adjourn at 7:00 p.m. The motion passed with a vote of 4-0.*

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Carl R. Bartlett, Mayor

ATTEST

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Marcia D. Onieal, Town Manager

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Shirley J. Raines, CMC, Town Clerk