

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION
October 09, 2006**

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, October 09, 2006 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 Pro Tem Sobol called the meeting to order at 6:00 p.m. with the following members present:

Mayor Pro Tem 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
Ron Sneed, Town Attorney
Shirley Raines, Town Clerk
Rosa Hilbert, Senior Administrative Assistant
LuAnn Bryan, Recreation and Parks Director
Casey Conner, Recreation Superintendent
Steve Padgett, Interim Police Chief
Kevin Pressley, Police Chief
Tim Rayburn, Fire Chief
Bob Watts, Public Works Director

Representing the media:

Gary and Sally Biggers, Black Mountain Digital Media, Inc.
Andy Grabel, Black Mountain News
Jim Genaro, Asheville Daily Planet

Mayor Pro Tem Sobol led the Pledge of Allegiance, followed with prayer by Samuel Shermis, Beth Ha-Tephlia Congregation, Asheville, NC.

Mayor Pro Tem Sobol thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. The meeting was duly constituted and opened for the transaction of business. The following business was transacted.

II. CITIZEN COMMENTS – None

III. ADOPTION OF AGENDA

Alderman Brown made a motion that the agenda be amended to include an executive session at the end of the meeting for discussion of personnel matters. The Board agreed by consensus.

The minutes of September 5, 2006 - Special Meeting, September 7, 2006 – Agenda Workshop and Closed Session, September 11, 2006 - Regular Session and Closed Session, August 17, 2006 – Special Meeting with Board of Aldermen and Economic Development Committee – (Amend minutes to reflect that all members of the Board of Aldermen were not present at this meeting and expand on discussion for setting up a commission in accordance with North Carolina General Statute 158) were approved.

The agenda was amended with the following changes:

Add Item XII, Closed Session, (1) Property Acquisition – as permitted in NCGS 143-318.11(a)(5).

With this change, the agenda was approved with a 5-0 vote on a motion by Alderman Brown.

Mayor Pro Tem Sobol asked if there were any items on the agenda that would constitute a conflict of interest.

IV. COMMUNICATIONS FROM THE MAYOR

A. Resolution – Honoring Mayor William B. Kennedy

Mayor Pro Tem Sobol read a Resolution honoring Will Kennedy, who resigned as Mayor, effective September 30, 2006. Mayor Kennedy served as a member of the Board of Aldermen for eight years, four of which were as Vice Mayor and most recently as Mayor. *Aldermen White made a motion to adopt the Resolution. Unanimously approved.*

Mayor Pro Tem Sobol said that a significant crowd attended the ribbon-cutting for the new greenway segment that connects the Primary School to the Elementary School. He expressed thanks to those involved in this project for their hard work and dedication.

V. COMMUNICATIONS FROM THE TOWN ATTORNEY – None

VI. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of September 5, 2006 - Special Meeting, September 7, 2006 – Agenda Workshop and Closed Session, September 11, 2006 - Regular Session and Closed Session, August 17, 2006 – Special Meeting with Board of Aldermen and Economic Development Committee – Amend minutes to reflect that all members of

the Board of Aldermen were not present at this meeting and expand on discussion for setting up a commission in accordance with North Carolina General Statute 158

- B. Designation of Voting Delegate to the North Carolina League of Municipalities Annual Business Meeting

Motion: To appoint Alderman Rosalie Phillips as the Town of Black Mountain's Voting Delegate to the North Carolina League of Municipalities 2006 Annual Business Meeting to be held on Tuesday, October 16, 2006 at 8:45 a.m. in the Joseph S. Koury Convention Center in Greensboro, NC and to designate the Town Manager as the alternate Voting Delegate to that same meeting

- C. Call for Public Hearing to Solicit Input on Proposed Projects for the FY 2007-2012 Capital Improvement Program

Motion: To call for a public hearing to seek input on the development of the FY 2007-2012 Capital Improvement Program to be held on Monday, November 13, 2006 at 6 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road

VII. COMMUNICATIONS FROM THE TOWN MANAGER

- A. Review of the Consent Agenda**

- B. Projects Update**

1. U.S. 70 Sidewalk Project – Mr. Caudle reported that bids have been received for the first phase of U.S. 70 sidewalk project. He said that the bid of approximately \$162,000 was within the budget expenditure and the Town will be awarding the contract to the low bidder. He said that the North Carolina Department of Transportation (NCDOT) has chosen not to participate in this project, but they have offered to help obtain funding to construct the second phase of the project. Mr. Caudle reported the key issues identified by staff were that the request for funds was made in a timely fashion and that the Town has made a good case for safety issues and concerns for the pedestrian traffic in the area, particularly for those who are wheel-chair bound.

2. Introduction of Police Chief – Mr. Caudle introduced the new Police Chief, Kevin Pressley, who was sworn in at a reception earlier this afternoon. He said that Mr. Pressley is joining the Black Mountain Police Department as the new Police Chief effective October 09, 2006.

3. Sedimentation Mediation at Golf Course and Lake Tomahawk – Mr. Caudle reported that the North Carolina Division of Water Quality in the Department of Environmental and Natural Resources has been investigating the recent flooding situation where a great deal of red silt sediment washed from an adjacent development on to the golf course into the tributaries to Lake Tomahawk. Mr. Caudle said that the Division of Water Quality issued a notice of violation last week to the developer of the project allowing a period of two weeks to submit a remediation plan. Mr. Caudle said that the Division of Water Quality has asked the

Town to wait until the remediation plan is submitted before action is taken. He said that the remediation plan would deter the cost of hiring someone to determine what damage has been done to Town property. Mr. Caudle said the Town would honor the request of the Division of Water Quality and give the developer two to three additional weeks to respond. He said if there is no response within that time frame, then the Town will take action.

Mayor Pro Tem Sobol asked for the deadline dates for a response from the developer. Mr. Caudle said the letter of violation was issued on September 26, 2006. He said allowing considerations for mailing time and a couple extra weeks for receipt of a remediation plan would make the deadline approximately October 18, 2006.

4. Water Line Mitigation Project – Mr. Caudle reported that the contractor working on the Water Line Mitigation project is about 99% complete. He said the project was funded through a FEMA Mitigation Grant.

5. Pool Replacement Discussions – Mr. Caudle reported the Town Recreation and Parks Director, LuAnn Bryan, has been working with Montreat College in a cooperative venture to replace the pool. He said that Ms. Bryan has submitted a list of needs to the college with regard to programming, and facilitating the pool.

Bo Ferguson, Assistant Town Manager, expressed thanks and appreciation to the Western North Carolina Community Foundation for the \$7,000 grant to the Village Greenway Project.

Mr. Caudle noted that Recreation and Parks is sponsoring a Haunted Trail at Recreation Park on Friday, October 27, 2006 from 8:00 to 9:30 p.m. for children 12 years and older. The charge is \$2.00 per person. On Saturday, October 28, 2006 there will be a free Kids' Carnival at the Carver Community Center from 5:30 to 7:00 p.m. for infants up to 5th grade. On Sunday, October 29, 2006, the Black Mountain Center for the Arts will hold its annual Pumpkinfest from 1:00 to 4:00 p.m.

VIII. COMMITTEE/BOARD REPORTS - None

IX. OLD BUSINESS

A. Preliminary Discussion for Primary School Greenway Master Plan

Bo Ferguson, Assistant Town Manager, introduced David Tuch and Fred Grogan of Equinox Environmental. He said that the power point presentation would highlight the planning process of the greenways project. Mr. Ferguson reported that the Board of Aldermen adopted the Greenways Master Plan and the presentation is a proposal to locate the greenway from the Black Mountain Primary School to Cotton Avenue adjacent to Flat Creek.

Mayor Pro Tem Sobol said that the most important people involved in this project are the landowners. He thanked Phil Garrison and Mike Woody for their cooperation and willingness to allow this greenway project to be developed through their property.

X. NEW BUSINESS

A. Approval of Request for Proposals for Technical Assistance with Extra-Territorial Jurisdiction and Land Use Planning

Alderman Brown made a motion to approve a Request for Proposals for Technical Assistance with Extra-Territorial Jurisdiction and Land Use Planning as prepared and direct staff to select a consultant or firm from RFP respondents. The motion passed with a vote of 5-0.

B. Purchase of Automated Meter Reading System and Equipment from Datamatic

Alderman White made a motion to approve the purchase of an Automated Meter Reading System from Datamatic, Inc., of Plano, Texas, in the amount of \$46,453, and to authorize the Town Manager to sign the Datamatic purchase, license and maintenance agreement. The motion passed with a vote of 5-0

C. Consideration of Appointment to Fill Vacancy Created by Resignation of Mayor Will Kennedy

Mayor Pro Tem Sobol announced that the Board will appoint a replacement for the position of Mayor at the November meeting.

D. Amend Greenways Master Plan to Include Britain Creek Segment

Alderman Phillips made a motion to adopt the proposed Britain Creek amendment to the Town of Black Mountain's Greenway Master Plan. The motion passed with a vote of 5-0.

Mayor Pro Tem Sobol congratulated the Recreation and Parks Department for an excellent job of operating the pool this summer. He said that a lot of work was involved in running the pool and attendance was up to 9,000 which tripled from the previous year.

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

Ruth Brandon, 722 Laurel Avenue, thanked Mayor Kennedy for his many years of service and extended best wishes for his recovery. Ms. Brandon said that the first day that the Mayor resigned, she was approached by people in the community inquiring whether she would accept appointment as Mayor. Ms. Brandon said that her answer was no she would never run for Mayor nor accept an appointment as Mayor. She explained that as Mayor, she would not have the opportunity to engage in discussions or vote. Ms. Brandon thanked everyone for their interest in her being the Mayor; however, when a vacancy occurs on the Board of Aldermen, she will look to the fairness of the voters.

Andy Grabel, 71 Fairfax Avenue, Asheville, a reporter for the Black Mountain News, asked if the public can expect more discourse at the next meeting on the process of how the Mayor's position will be filled. Mayor Pro Tem Sobol said that the Board will be discussing the

candidates it will vote on and it is up to the five members of the Board to choose a new Mayor. He said the only requirements, by statute, are that the person be a citizen of the Town of Black Mountain and a registered voter.

XII. CLOSED SESSION - *Alderman Brown made a motion to go into Closed Session at 7:20 p.m. to discuss:*

1. Property acquisition – as permitted in NCGS 143-318.11(a)(5). The motion passed unanimously.

XIII. ADJOURNMENT

With no further business, Alderman White made a motion at 8:50 p.m. to continue this meeting to Friday, October 13, 2006 at 8:30 a.m. The motion passed unanimously.

C. Michael Sobol, Mayor Pro Tem

Anthony N. Caudle, Town Manager

ATTEST

Rosa Hilbert, Sr. Administrative Assistant

Shirley J. Raines, CMC, Town Clerk