

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
September 10, 2007

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, September 10, 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 – absent – out of town
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
Jim Orr, Recreation Director
Kevin Pressley, Police Chief
Tim Rayburn, Fire Chief
John Shaw, Golf Course Superintendent
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. Gerald Collins, Black Mountain United Methodist Church, Black Mountain, NC.

II. CITIZEN COMMENTS

Ruth Brandon, 722 Laurel Avenue, thanked the staff for putting the flags up in Town for September 11. Ms. Brandon said the skateboard park is taking monies out of contingency fund, which is the emergency fund, and using left-over money in Recreation for greenways. She asked

the Board if they consider greenway space an emergency and why did we not help in other areas of Recreation rather than greenways. Ms. Brandon asks that the Board rethink the priorities to help the young people in the Town.

III. ADOPTION OF THE AGENDA

The minutes of August 8, 2007 – Special Meeting, August 9, 2007 - Agenda Workshop, August 9, 2007 – Closed Session, August 13, 2007 - Regular Session were approved.

The agenda was amended with the following changes:

Under VII, New Business, item “A”, “The Settings”, amended the motion “to require that a bond be posted by the developer in lieu of completion of the improvements prior to Final Plat approval”.

Under VIII, Consent Agenda, moved item “E” to VI, Old Business, item “C”.

Under VIII, Consent Agenda, deferred item “J” to November meeting.

Under VIII, Consent Agenda, removed item “K” and Board will meet with Planning Board.

Town Attorney, Ron Sneed, requested that the Board go into Closed Session after the meeting to consult with the attorney.

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

IV. COMMUNICATIONS FROM THE MAYOR

Mayor Bartlett reported that he had met with a company who is considering moving their business to the area with the potential of employing 100 people.

Mayor Bartlett said that staff is reviewing the water shortage situation with the City of Asheville. He said if Asheville goes to mandatory water conservation, Black Mountain will also call for water restrictions.

Mayor Bartlett reported that the Town of Black Mountain has been awarded the “Cool City” award by the Sierra Club. He said the Town received this award for signing onto the U.S. Mayors Climate Protection Agreement and pledging to take steps to reduce global warming pollution.

At this time, Mayor Bartlett introduced the Mayor of Montreat, Ms. Letta Jean Taylor, who presented a Resolution to our Public Safety staff for their assistance during the funeral proceedings of Mrs. Ruth Graham.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. OLD BUSINESS

A. Public Hearing on Annexation of a Portion of the Property Known as Lots 1 and 2 As Shown on a Survey for Mountain Ventures Incorporated Adjacent to Red Plum Lane on Allen Mountain

Town Attorney, Ron Sneed, said that Mountain Ventures Incorporated is requesting voluntary annexation of lots 1 and 2 that are adjacent to Red Plum Lane on Allen Mountain.

Mayor Bartlett opened the public hearing.

With no comments Mayor Bartlett closed the public hearing.

Alderman Phillips made a motion to adopt the ordinance voluntarily annexing into the corporate limits of the Town of Black Mountain property known as Lots 1 and 2 as shown on a survey for Mountain Ventures Incorporated, a.k.a. Buncombe County Property Identification Number 0609.07-69-6034 as described in Plat Book 75 Page 150 and Plat Book 85 at page 125. The motion passed with a vote of 4-0.

B. Proposed Stormwater Permit Fee and Application

Mr. Caudle said the proposed stormwater permit fee schedule is being presented to cover Town costs for administration and review of stormwater plans. He said the fee of \$400 per acre is the same as Buncombe County's stormwater permit, but also includes those types of projects less than an acre covered in the Town of Black Mountain's regulations. The Planning and Development Department feels that the costs for all reviews should be borne by the permit applicant and not by all taxpayers.

Vice Mayor Sobol asked if there are any regulations that the Department of Transportation has to follow. Mr. Caudle said that DOT is under the Phase I Stormwater regulations, and the Town is under Phase II. He said it is up to DENR to police the DOT. Vice Mayor Sobol asked how would the permit fees be revised? Mr. Caudle said once the Planning and Development Department has more experience in processing the permits, they will bring forth amendments on an as-needed basis.

Planning Director, Elizabeth Teague, explained that stormwater permits from the Town are required unless you qualify as one of these exemptions:

1. Land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.
2. Development that cumulatively results in an increase of less than 5,000 square feet of built upon area and that cumulatively disturbs less than 12,000 square feet.
3. Development that disturbs less than 12,000 square feet is not exempt if such activities result in a net increase of 5,000 square feet or more of built upon area, or if such activities are part of a larger common plan of development or sale (such as subdivisions or planned unit developments).

4. Development activities that are within the Town's designated Historic District within the C-1 District and which cumulatively disturb less than one acre.
5. Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).

Alderman White made a motion to adopt the proposed Stormwater Permit Fee Schedule. The motion passed with a vote of 3-1 with Vice Mayor Sobol opposed.

C. Award of Construction Bid for the Blue Ridge Road Water Line Extension Project

Town Manager, Tony Caudle, reported that bids were opened in August for construction of the Blue Ridge Road Water Line Extension project.

Alderman White made a motion to award the bid for the Blue Ridge Road water line extension (DEH-0826) project to Payne, McGinn, & Cummins in the amount of \$293,559.50. The motion passed with a vote of 4-0.

VII. NEW BUSINESS

A. Final Plat Approval for That Portion of The Settings, Known As Phase IIIA, a.k.a. Buncombe County Property Identification Number 0618.00-45-4735

Mr. Caudle said the request from The Settings for final plat approval on Phase IIIA has been brought through the Planning Board with their review and approval. He said the developer has offered to post a bond in the amount of water, sewer and street improvements to the Town if the Board chooses to require this. After discussion, the Board agreed to require The Settings to post a bond to the Town. *Alderman White made a motion to approve the Final Plat of Phase IIIA of the property known as The Settings, a.k.a. Buncombe County Property Identification Number 0618.00-45-4735 and require that a bond be posted by the developer in lieu of completion of the improvements prior to Final Plat approval. The motion passed with a vote of 4-0.*

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of August 8, 2007 – Special Meeting, August 9, 2007 - Agenda Workshop, August 9, 2007 – Closed Session, August 13, 2007 - Regular Session

B. Budget Amendment #07

Motion: To approve Budget Amendment #07 authorizing the allocation of grant funds to the Wellness Committee

C. Budget Amendment #08

Motion: To approve Budget Amendment #08 authorizing the allocation of grant funding for the purchase and installation of an Automated Flood Warning System-Gauging Stations

- D. Recommendation of Award of Banking Services to SunTrust
Motion: To accept the proposal for Banking Services from SunTrust, and to authorize the Town Manager to execute documents to enter into a five-year agreement for banking services
- E. **Move Item “E” to “Old Business”**
- F. Utility Franchise Tax Audit
Motion: To authorize the Town Manager to enter into a contract with Robert Segal, CPA, to conduct a Utility Franchise Tax audit, and to compensate Mr. Segal in accordance with the contract
- G. Grant Project Ordinance – Flat Creek Stream Restoration Implementation
Motion: To adopt “Grant Project Ordinance Flat Creek Master Plan Stream Enhancement Implementation” as submitted and authorize the accounting department to include this project into Fund 60 - Grant/Special Revenue Fund
- H. Request to Purchase Ballistic Vests and Tactical Ballistic Carriers for the Police Department with Drug Forfeiture Funds
Motion: To authorize the expenditure in the amount of \$3,700.00 to Whole Armor Uniforms for the purchase of three (3) ballistic vests and eight (8) tactical ballistic carriers
- I. Request to Purchase Laptop Computers for the Police Department with Drug Forfeiture Funds
Motion: To authorize the expenditure in the amount of \$16,100.00 to HP Direct for the purchase of eight (8) laptop computers and software

Defer Item J to November meeting

- J. **CALL FOR PUBLIC HEARING** to Consider Revisions to Title XV, Section 150 and Section 155.10-20 of the Current Code of Ordinances Concerning Building and Building Code Regulations
Motion: To call for a public hearing to be held on Monday, October 8, 2007 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road to consider the recommended update to Sections 150 and 155 of the Town’s Land Usage Ordinances concerning building regulations

Remove Item K and meet with Planning Board

- K. **CALL FOR PUBLIC HEARING** to Consider Revisions to Title XV, Section 154 of the Current Code of Ordinances Concerning Minimum Housing Code Standards for Residential Rental Units
Motion: To call for a public hearing to be held on Tuesday, November 13, 2007 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road to consider the recommended update to Section 154 of the Town’s Land Usage Ordinance concerning minimum housing standards
- L. Budget Amendment #09
Motion: To authorize the allocation of fund balance appropriated to the Street Department capital outlay line item and Powell Bill fund balance appropriated to the Powell Bill capital outlay line item

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

1. Water Leak Detection/Meter Replacement Report – Bob Watts, Public Works Director, gave an update on the water leak detection/meter replacement.

2. Bus Stop Relocation Update – Mr. Ferguson reported that the new bus stop location has been moved to the Town Hall parking lot. He is getting estimates for a bus shelter.

3. Skateboard Update – Mr. Caudle introduced Mr. Jim Orr, who has been hired as the Town's new Recreation Director. Mr. Orr reported that the skateboard committee is meeting each week. He said the committee is getting bids to proceed with the original \$13,000 allocated from the Town. Mr. Orr said as funds are raised or allocated, more elements will be added. Mr. Orr thanked Casey Conner for his work in helping to make the skateboard park a reality. Vice Mayor Sobol said he hopes that the soccer facility will be used more than one night per week. Mr. Orr said that staff is working on ways to get maximum usage from all the facilities.

4. U.S. 70 Sidewalk Project – Mr. Caudle reported that the North Carolina Department of Transportation has informed him that bids will be let on September 4 for the sidewalk project from Old U.S. 70 to Blue Ridge Road. He said estimated completion date is November 16, 2007.

5. U.S. Highway 70 Corridor Study – Mr. Caudle reported that a public meeting is scheduled for the U.S. Highway 70 Corridor Study at St. James Episcopal Church on September 18 at 6:30 p.m. He said at this meeting, the consultants will show alternative development scenarios and share those with the public.

6. Comprehensive Pedestrian Transportation Plan – Mr. Caudle reported that the Town of Black Mountain Pedestrian Transportation Plan Committee will hold its second public input meeting on September 12, 2007 from 7:00-8:30 p.m. in the Public Safety Building, 106 Montreat Road. He said the Pedestrian Plan is part of a statewide matching grants program from NCDOT that is designed to support local communities in their efforts to plan for bicycle and pedestrian improvements.

7. Group Health Insurance – Mr. Caudle reported that the Town has been approved by the State for employees to be covered by Blue Cross/Blue Shield through the State plan. Mr. Caudle will provide alternatives for coverage at a later date.

C. Fire Department Report – Chief Tim Rayburn gave the August 2007 report for the Fire Department. Chief Rayburn also reported that the Child Car Safety Seat program will be held at the Fire Department on September 15, 2007 from 10-2 p.m.

D. Police Department Report – Chief Kevin Pressley presented the August 2007 report for the Police Department.

E. Mr. Caudle reported that due to scheduling conflicts, the October 4, 2007 Board Agenda Meeting will be held on Monday, October 8, 2007 at 4:00 p.m. before the regular meeting.

G. Mr. Caudle reported that a Homestead Tax Exemption is available for the elderly who meet certain guidelines. He said citizens can get more information by calling the Buncombe County Tax Office.

H. Mr. Caudle reported that Black Mountain won the 2007 Mayors' Cup Raft Race (sponsored by Land-of-Sky Regional Council and Pepsi) on August 19. He thanked all the team members including Vice Mayor Sobol, Alderman McKeown, Dan Cordell, Kevin Pressley, Doug Allen, and Bobby Davis, Team Captain.

X. COMMITTEE/BOARD REPORTS

Alderman White reported that a year ago the Town entered into an agreement with the State energy office and the Green Building Council to help the Town and citizens become more energy efficient. She said the Town has instituted many ways to become more energy efficient during the past year. Alderman White said to celebrate the past year, the Green Building Council has several events planned during the month of October throughout the community. Alderman White said the Green Building Council is also making a video of Black Mountain's energy efficiency efforts to be used as a model for other communities.

A. Appointment to Planning Board – (1) Vacancy

Alderman Phillips made a motion to appoint Bill Millwood to the Planning Board. The motion passed unanimously.

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

Bob Gunn, 102 Pleasant Drive, referred to comments regarding the flood warning system and asked how would the community be informed if there should be a flood? Mayor Bartlett asked that staff meet with Mr. Gunn and review the evacuation procedure.

XII. CLOSED SESSION – *Alderman White made a motion to go into Closed Session at 7:55 p.m. to consult with the Town Attorney as permitted in NCGS 143-318.11(a)(3). Motion approved unanimously.*

XIII. ADJOURNMENT - *With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:07 p.m. The motion passed with a vote of 4-0.*

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk