

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
September 8, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, September 8, 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:

Marcia D. Onieal, Town Manager
Ron Sneed, Town Attorney
Shirley Raines, Town Clerk
Pam Hoen, Customer Service Representative
Craig Bannerman, Deputy Fire Chief
Jim Orr, Recreation Director
Kevin Pressley, Police 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 Carl Bartlett led the Pledge of Allegiance, followed by prayer led by Rev. Lynn Michie, Chaplain at the Swannanoa Correctional Center for Women (Ministry of Hope Chaplaincy Program), Swannanoa, 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

Bob Gunn, 109 Pleasant Drive, recommended to the Town that there should be local collection points to drop off fluorescent bulbs and other hazardous waste to be disposed of properly. Craig Bannerman, Deputy Fire Chief, advised Mr. Gunn that fluorescent bulbs can be dropped off at the local fire department.

Elaine Loutzenheiser, 410 Avena Road, questioned when the Board of Aldermen was going to allow the Planning Board to address the ordinance pertaining to building heights that was tabled in April. Mayor Bartlett informed her that the issue would be addressed within the Board and that the Board will take it up with the Planning Director.

Mayor Bartlett announced that the Board had voted unanimously on Thursday, September 4, 2008 to hire Marcy Onieal as Town Manager. Ms. Onieal has been serving as Interim Town Manager.

Mayor Bartlett read a letter from Ret. Col. John P. Haumersen of the U.S. Army. Mr. Haumersen wanted to thank the Black Mountain Police and Fire Department for their assistance and professional conduct, courtesy and concern for their safety during a vehicle fire he was involved in on August 2, 2008 on the interstate near Exit 65.

III. ADOPTION OF THE AGENDA

The minutes of August 7, 2008 – Agenda Workshop, August 11, 2008 - Regular Session; Special Meetings: August 6, 2008, August 12, 2008; Closed Session Minutes: August 7, August 12, August 18, August 21, & August 28, 2008 were approved.

The agenda was amended with the following changes:

Under VI, Old Business: delete item “A”.

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

IV. COMMUNICATIONS FROM THE MAYOR

The order of the Communications from the Mayor was changed as follows:

C. Beautification Committee Presentation

Ms. Bonnie Brunn, a member of the Beautification Committee along with Willie Headley and Bob Wardwell gave a presentation of the history and sites maintained by the Beautification

Committee in town. Ms. Brunn discussed how the Beautification Committee works with other groups and the plans for the future.

Vice Mayor Sobol reminded the committee that sculptures would be an excellent way to enhance the beauty of manholes and also recommended that the committee get with local realtors to salvage shrubbery from homes that will be sold and turned into commercial areas, etc. where the plants could be dug up and reused.

Mayor Bartlett thanked the committee for all the work they do and suggested they give another presentation close to budget time.

Alderman Phillips asked Ms. Headley if the committee would work on beautification projects at the new town hall and also asked if shrubbery could be salvaged from the present Town Hall area.

B. MSD Presentation – C. Michael Sobol, Vice Mayor and Mr. Tom Hartye, General Manager, MSD

Mr. Tom Hartye gave a powerpoint presentation showing the operation of the Metropolitan Sewage District plant.

A. Presentation of Entrepreneurial Award for 3rd Quarter – “Source” – Whitney Williams

Mayor Bartlett presented the Entrepreneurial Award for the 3rd Quarter to Whitney Williams, Acupuncturist, owner of “Source”.

Mayor Bartlett reminded the public of the October meeting changes:

The Agenda meeting scheduled for October 9 will be held on October 2, 2008 at 5:00 p.m.

The Regular session meeting scheduled for October 13 will be held on October 6, 2008 at 6:00 p.m.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

A. PUBLIC HEARING on Voluntary Annexation of a Property Known as Buncombe County Property Identification Number 0609.11-55-0849 as Described in Plat Book 95, Page 120 and Plat Book 40, Page 92

Motion: To annex property known as Buncombe County Property Identification Number 0609.11-55-0849 as described in Plat Book 95, Page 120 and Plat Book 40, Page 92 in response to a voluntary annexation request

Item “A” deleted from agenda.

B. PUBLIC HEARING on the Clevenger Master Plan

Alderman Brown made a motion to adopt the master plan for the Fire Substation/Grey Eagle Property (also known as the Clevenger site) and to begin with the Fire Department training ground as Phase I and bring forward other phases as need arises. The motion passed with a vote of 5-0.

C. PUBLIC HEARING and Consideration of a Resolution to Close an Unopened Right-of-Way on Private Property at 40 Taft Street

Alderman Brown made a motion to continue the public hearing to adopt the Resolution to close an unopened portion of right-of-way running through a parcel known as 40 Taft Street until September 22, 2008 at 6:00 p.m. in the Public Safety Building. The motion passed with a vote of 5-0.

D. Update on Flood Insurance Rate Maps (FIRMs)

Marcy Onieal, Town Manager, said there is no formal presentation on the flood maps at this time. She said staff is continuing to provide comments to the state based on their responses to us from our previous comment periods and from our protest and appeal. Ms. Onieal noted that other than to continue the followup in that respect, staff seeks the Board's guidance in terms of any other additional activity we should take between now and the November 19 deadline for the end of the comment period. She said there was also discussion at our last meeting if the Town should expend additional financial or staff resources. Ms. Onieal said a proposal from McGill & Associates is included in the packet and Mr. J. P. Johns is here to answer any technical questions.

Mayor Bartlett opened the floor for comments.

Bob Welsh, Trustee, Swannanoa Valley Friends Meeting, 130 Center Avenue, is located where Flat Creek comes into the river. He said the study put the 100-year flood elevation at the floor level of their building. If the church wanted to expand, it would not be possible if the elevation stays at floor level. He wants to know why the state is going to put the flood level two feet above the 2004 flood and would like to appeal to the people who did the study.

Harry Hamil, 15 John Myra Avenue and 151 S. Ridgeway Avenue, said he is concerned about what the Town is considering in the way of studies. He thinks the proposal submitted by McGill Associates is a hydrological study but thought it would be a hydraulic study. He asked Mr. Johns to clarify the difference in the two studies and the implications of each. Mr. Hamil said the Town has received a letter from the state on what we may comment on and we are not being given an appeal period. We cannot raise any new issues. He feels the Town should object. He also feels the Town will be faced with a substantial reduction in revenue without a good flood map.

Alderman Brown commented that the Board and staff have worked hard on this issue to help the citizens.

Mayor Bartlett agreed that staff has worked diligently, and he has also met with our representatives outlining our objections.

Elizabeth Teague, Planning Director, said that comments from Mr. Welsh were included in the correspondence to the state and she will meet with Mr. Welsh. She said the state has responded to some of the comments. They are not necessarily the comments we were hopeful for but they did respond. Ms. Teague said we will continue to provide comments from the citizens during the extended comment period.

Mr. Johns with McGill Associates explained the difference in a hydrologic study and hydraulic study.

Mayor Bartlett asked that staff prepare a letter with the questions that are still not answered so that he can meet with our representatives again.

The Board discussed having more studies on the Swannanoa Head Waters and Flat Creek conducted by McGill Associates. *After discussion, Vice Mayor Sobol made a motion that McGill Associates use the preliminary study and run numbers on the Swannanoa Head Waters and Flat Creek. The motion passed with a vote of 5-0.*

Harry Hamil thanked the Board for their work on the flood maps. He said it is important that citizens bring any information they may have from the 2004 floods to support the appeal, including information from Ingle's, Land Design, etc.

Ron Collins, 400 Blue Ridge Road, said there were four major storms in a row. He said one of the things that could distort any modeling would be the level of ground saturation and wondered if you can calculate a stand-alone event versus four storms back to back. Mr. Johns replied that we can run numbers on saturated soil.

VII. NEW BUSINESS - None

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of August 7, 2008 – Agenda Workshop, August 11, 2008 - Regular Session; Special Meetings: August 6, 2008, August 12, 2008; Closed Session Minutes: August 7, August 12, August 18, August 21, & August 28, 2008

B. Budget Amendment #05

Motion: To adopt Budget Amendment #05 as submitted authorizing the allocation of grant funds and fund balance appropriated for (a) purchase and installation of rain gage equipment and (b) library renovation

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of the Consent Agenda

B. Projects Update

Alderman Brown asked Town Manager, Marcy Onieal to check with DOT regarding a traffic light at the intersection of Highway #9 and Blue Ridge Road. Ms. Onieal said she had not received a formal response and that she would follow up on this matter.

Alderman Brown also asked for a report on the Asheville Transit Bus System. Ms. Onieal said she had just received ridership information for July and that she understood a task force meeting would be set up this fall regarding routes and participation.

1. Water Conservation – Ms. Onieal asked that residents continue to voluntarily conserve water even though we have had some relief with recent rains. A critical leak was detected at a wellhead in Montreat that was corrected; however, it did cause a big spike in usage during the past month. Ms. Onieal informed the Board that in October she would be bringing back a new water agreement with the Town of Montreat for the Board to review.

2. Town Hall Development – Ms. Onieal gave an update of the renovation of the new town hall building. She said the project is continuing on schedule. To date approximately \$40,000 has been spent, with the majority of the work in preliminary planning and design, some site prep and demolition work. Roof repairs will begin this week. She said bid packages were prepared in August. Six general contractors were contacted with only three agreeing to bid. She said the Board would award the contract on September 22, 2008. Ms. Onieal thanked the members of the volunteer design team. She noted that the land survey showed an encroachment on the property of the new town hall from the Swannanoa Valley Christian Ministry. She said an agreement was worked out where the Christian Ministry cleaned out the storage building that was encroaching on the property and donated the building to the Town, for use by the Town's Recreation and Parks Department. Ms. Onieal also stated that several items from the demolition will be reused in other departments within the Town. Ms. Onieal offered complete construction drawings, site plans and specs for review.

3. Early Voting – Ms. Onieal informed the Board that early voting that had been discussed being held at the Public Safety Building has been moved to Cheshire for October 15, 2008 through November 1, 2008.

4. Service Learning Day – Ms. Onieal thanked the students and staff of Warren Wilson College for the tremendous amount of work and improvements that was put into Town properties on the College's Service Learning Day.

C. Departmental Reports

- **Water** – Mayor Bartlett announced that he had recently met with the Mayors in Buncombe County to discuss concerns with water, drought, conservation, and water table throughout the area. He said the water leakage for Black Mountain is 18%, with other municipalities reporting a higher rate of leakage.

- **Fire** – Craig Bannerman, Deputy Fire Chief, presented the August 2008 report for the Fire Department. Mayor Bartlett asked if there were any vacancies in the Fire or Police Departments at this time. Mr. Bannerman, and Mr. Pressley, Police Chief both acknowledged there were no vacancies at this time. Mr. Bannerman said that there is currently a waiting list of volunteers.

- **Police** – Kevin Pressley, Police Chief, presented the August 2008 report for the Police Department and discussed usage of tasers and the taser policy in the department. Chief Pressley reported that three officers are currently in school to become certified state instructors in the system and that two additional officers have recently become certified for bike patrol.

- **Recreation** – Jim Orr, Recreation Director, reported that the Warren Wilson Service Learning Day that was held on August 22 was a tremendous success. The 275 eager freshmen did quite a bit of work from the new mural on Grey Eagle, mulching trails, landscaping beds and trees, building picnic tables and benches. A total of 1925 hours of service was provided. Mr. Orr explained that this was a savings of over \$15,000 had the town paid the minimum salary of \$8.00 per hour. Mr. Orr also thanked the Recreation and Parks staff for their help in these projects as well. Mr. Orr also noted that pool attendance has been up this year, partially due to the good weather and no rain. Mayor Bartlett asked about the Golf Course revenues; Mr. Orr advised revenues are on budget.

X. COMMITTEE/BOARD REPORTS

Ms. Onieal reported that the Board of Aldermen meetings are rescheduled for the month of October as follows:

The Agenda meeting scheduled for October 9 will be held on October 2, 2008 at 5:00 p.m.

The Regular meeting scheduled for October 13 will be held on October 6, 2008 at 6:00 p.m.

Alderman Phillips stated that the Land-of-Sky Regional Council is accepting nominations for the Charles H. Campbell Regional Leadership Award. She said if anyone would like to nominate a citizen for this award to contact her.

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 at 8:30 p.m. to continue the meeting to September 22, 2008 at 6:00 p.m. to consider the Resolution to close an unopened portion of right-of-way running through a parcel known as 40 Taft Street and to award the bid for the new Town Hall building. The motion passed with a vote of 5-0.

Carl R. Bartlett, Mayor

ATTEST

Marcia D. Onieal, Town Manager

Shirley J. Raines, CMC, Town Clerk