

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

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, December 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 Ruth D. Brandon
Alderman Joan Brown
Alderman Chuck McKeown
Alderman Rosalie Phillips

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
Dan Cordell, Building Inspector/Floodplain Manager
Pam Hoen, Public Response Clerk
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. Kevin Bennett, Mountain View Baptist Church, Black Mountain, NC.

II. CITIZEN COMMENTS

Marilyn Huff, 50 Bethel Road, requested that the Board not make a quick decision on the annexation of Goodson Cove. She said the developer could have approached the Town in the beginning and worked with staff through the proper process. Ms. Huff said the cost of annexation will be great in paving and maintaining roads and dealing with stormwater runoff.

Bob Gunn, 109 Pleasant Drive, congratulated the Mayor for his re-election and also the new Board members for their election to office. He said since the public hearing has been set for February for Goodson Cove, he would hold his comments on that item until February.

Gay Fox, 307 Tomahawk Avenue, would like for the Town to reconsider the leaf pickup process. She feels the piled leaves at the curb present a fire hazard. Ms. Fox said she would like to see the Town revert back to the vacuum system and thinks there would not be as great a fire hazard.

III. ADOPTION OF THE AGENDA

The minutes of November 8, 2007 - Agenda Workshop, November 13, 2007 - Regular Session, November 13, 2007 – Closed Session, November 28, 2007 - Closed Session were approved.

The agenda was amended with the following changes:

Under IX, New Business:

- defer item “B” to January meeting;
- amend item “C” “to allocate up to \$40,000 from the General Fund Fund Balance” for library project;
- amend item “D” “to refer the requested annexation from Goodson Cove to the Planning Board and call for a public hearing at the February meeting”;
- add item “F” – “Request from Jim Richter to purchase property owned by Black Mountain Golf Course”

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

IV. COMMUNICATIONS FROM THE MAYOR – Mayor Bartlett congratulated Alderman Ruth Brandon on her election to the Board and also congratulated Aldermen Joan Brown and Michael Sobol on their re-election.

Mayor Bartlett read a proclamation honoring the Owen High School Cross Country Team for their outstanding 2007 season and presented “Mayor’s Top Dog” hats to the top seven runners and Coach John Cline.

V. COMMUNICATIONS FROM TOWN ATTORNEY - None

VI. OLD BUSINESS

A. Approval of Phase I of the Lake Tomahawk Park Master Plan

Jim Orr, Recreation Director, by direction of the Board of Aldermen, reported that staff has worked with the consultants, HadenStanziale, to re-evaluate Phase I of the Lake Tomahawk Park Master Plan in order for the projected cost to not exceed \$1 million. He said the consultants have achieved that goal by eliminating the small picnic pavilion from the plan and the corresponding percentages of the consultant's fees. Mr. Orr said the cost for Phase I now is \$1,003,039.70 and the three elements that will allow the Town to stay in line with the PARTF grant will be retained. *With no further discussion, Alderman Brown made a motion to approve Phase I of the Master Plan for Lake Tomahawk Park as presented. The motion passed with a vote of 5-0.*

B. Update on Preliminary FIRM Map Review

Elizabeth Teague, Planning Director, gave an update on the Preliminary FIRM Map Review process. She explained that Town staff has sent a letter to the State Floodplain Mapping Program expressing concern for the Preliminary Maps and has convened a review panel to begin the review process. Ms. Teague said the 90-day appeal period runs from December 6 – March 4, 2008, and the State Floodplain Mapping Program staff will be in Town to conduct a public meeting on December 11, 2007 at 6:00 p.m. She said that staff is sending letters to affected property owners as identified by the County GIS system informing them of the new maps and inviting them to the public meeting.

VII. NEW BUSINESS

A. Presentation of Annual Audit for FY06-07

Mr. Caudle introduced Phil Church and Rick Hammer with Loudermilk Church & Co., L.L.P., Certified Public Accountants, who presented a summary of the FY06-07 annual audit. Mr. Hammer reported that the report shows that the Town is in good financial condition.

B. Swannanoa Valley Museum of History Presentation on Proposed Renovations

This item deferred to the January meeting.

C. Request for Funds for Library Renovations

Mr. Caudle reported that Buncombe County has allocated \$250,000 for renovations to the branch library building located in Black Mountain. He said the estimate for the renovations is \$322,000. Mr. Sneed, a member of the Library Board, said he believes the Library Board can contribute \$26,400 of undesignated funds from their reserves and is requesting that the Town contribute \$40,000 to the project. *After discussion, Alderman Brown made a motion to endorse Buncombe County's plans for the renovation of the Black Mountain branch of the Buncombe County Library; to authorize the staff to prepare a budget amendment to allocate up to \$40,000 from the General Fund Fund Balance for the construction/renovation project; and to stipulate that the Town's contribution would be used last. The motion passed with a vote of 5-0.*

D. Request for Annexation of Goodson Cove Subdivision

Vice Mayor Sobol asked staff to let the Planning Board know that the Board is concerned about the density in Goodson Cove. He wants to know how many houses the developer is planning to put in the Planned Unit Developments within the sub-division. Alderman McKeown is also concerned about the density. *Alderman Phillips made a motion to refer the requested annexation to the Planning Board for review and report; call for a public hearing on the request to be held on Monday, February 11, 2008 at 6 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road. The motion passed with a vote of 5-0.*

E. Final Plat Approval for John W. Hendrix and Patsy R. Frenchman Subdivision at the Corner of Mountain View Avenue and Winter Haven Lane

John Hendrix and Patsy Frenchman are requesting final plat approval by the Board of Aldermen for a subdivision at the corner of Mountain View Avenue and Winter Haven Lane. Alderman Brown asked what will be the price of the lots. Mr. Hendrix said the lots will sell from \$40,000 to \$80,000. He said he is planning to keep two lots and hopes to see single family homes constructed on the other lots. *Vice Mayor Sobol made a motion to approve the final plat for the six-lot subdivision of John W. Hendrix and Patsy R. Frenchman as provided. The motion passed with a vote of 5-0.*

F. Request from Jim Richter to Purchase Property Owned by Black Mountain Golf Course

Vice Mayor Sobol made a motion to deny the request to offer for sale to Mr. Jim Richter, through the upset bid procedure outlined in North Carolina General Statute 160A-269, the portion of golf course property as described in the request from Mr. Jim Richter with Mr. Richter being responsible for the preparation of the survey and deed required to offer the property for sale. The motion passed with a vote of 5-0.

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of November 8, 2007 - Agenda Workshop, November 13, 2007 - Regular Session, November 13, 2007 – Closed Session, November 28, 2007 - Closed Session

B. Scheduled List of Board of Aldermen Agenda Meetings and Regular Session Meetings for 2008

Motion: To adopt the scheduled list of Board of Aldermen Agenda Meetings and Regular Session Meetings for 2008

C. Resolution of Support and Administration for a Safe Routes to School Demonstration Grant

Motion: To adopt the Resolution of Support and Administration for the Safe Routes to School Program

- D. Ordinance to Limit Liability for the Operation of Skateboard Facility
Motion: To approve the attached ordinance governing the use of skateboard facilities operated by the Town of Black Mountain
- E. Resolution of Support for the Clean Water Management Trust Fund Grant
Motion: To adopt the Resolution of Support for the Grant Application to the Clean Water Management Trust Fund
- F. **CALL FOR PUBLIC HEARING** and Consideration of a Resolution of Intent to Close an Unopened Right-of-Way Between Taft and Pearl Street
Motion: To adopt the Resolution of Intent to close a right-of-way and to call for a public hearing on the closure petition on January 14, 2008 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building located at 106 Montreat Road
- G. **CALL FOR PUBLIC HEARING** of a Zoning Text Amendment to Allow Greenhouses as Accessory Structures in the C-1 Zoning District
Motion: To call for a public hearing to consider an amendment to Section 153.079, "Permitted Uses Table", of the Black Mountain Code of Ordinances, as submitted by Bella Blooms to be held on Monday, January 14, 2008 at 6 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road
- H. **CALL FOR A PUBLIC HEARING** of a Zoning Text Amendment to Raise the General Industrial District's (I-2) Height Limitation from 35 Feet to 48 Feet
Motion: To call for a public hearing to consider an amendment to Section 153.077, paragraph J, of the Black Mountain Code of Ordinances, increasing the maximum building height for the General Industrial District (I-2) from 35 feet to 48 feet, as submitted by Hammaker East, LTD, to be held on Monday, January 14, 2008 at 6 p.m., or as soon thereafter as possible, in the meeting room of the Public Safety Building at 106 Montreat Road

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of Consent Agenda

B. Projects Update

Mr. Ferguson gave an update on item #2.

2. Fuel Facility Update – Bo Ferguson, Assistant Town Manager, reported that the new fuel facility is on line effective November 1. He said there are two one thousand gallon tanks – one has regular gasoline and the other tank has B-10 bio-diesel. Mr. Ferguson said the facility was established for two purposes: (1) To begin using an alternative fuel vehicle for the Town's fleet and (2) to provide better control over the fuel so that we can stockpile fuel in case of emergency so we do not have to depend on the retail market.

1. New Recyclable Materials – Bo Ferguson, Assistant Town Manager, reported that empty aerosol cans and plastic bottles #3 through #7 are now acceptable for recycling.

3. Leaf Recycling Update – Bo Ferguson, Assistant Town Manager, reported that the leaves are available for pickup by citizens at fire station #2. He reminded the public that this leaf pile is a one-time pilot program and that the leaves are only for mulching.

4. Downtown Recycling Containers – Bo Ferguson, Assistant Town Manager, reported that he has been working with Rainbow Recycling and Business to Business regarding downtown recycling containers. Mr. Ferguson said the containers should be ordered in March and be in place by April of 2008.

5. Departmental Reports

- **Water** – Bob Watts, Public Works Director, gave an update on the water leak detection/meter replacement.

- **Sutton Avenue Parking/Sidewalk** – Mr. Watts also reported that the Sutton Avenue parking spaces and sidewalk paving are complete.

- **Police** - Chief Kevin Pressley presented the November 2007 report for the Police Department.

- **Fire** - Chief Rayburn gave the November 2007 report for the Fire Department.

6. Skateboard Park – Jim Orr, Recreation Director, reported that the order for the elements for the skate park has been placed and hopefully will be delivered before Christmas. He said it will take approximately two days to complete the installation.

X. COMMITTEE/BOARD REPORTS

A. Appointment to Land-of-Sky Regional Council

Vice Mayor Sobol made a motion to appoint Alderman Phillips to serve as the Town of Black Mountain's representative to the Land-of-Sky Regional Council. The motion passed 5-0.

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

Philip Bisesi, Hy View Drive, said he was not sure of the recycling procedure. Mayor Bartlett asked that staff meet with Mr. Bisesi. Mr. Bisesi also suggested that the Town install low flow valves as these help conserve water.

Marilyn Sobanski, 516 Laurel Avenue, thanked the Board for allowing the placement of the leaves at fire station #2. She said Dr. John Wilson also appreciates the leaves as they can be used in the community garden.

XII. CLOSED SESSION – *Vice Mayor Sobol made a motion to enter into Closed Session at 8:25 p.m. to consult with the Town Attorney as permitted in NCGS 143-318.11(a)(3). Approved unanimously.*

The Board agreed to remove item “B” Personnel – as permitted in NCGS 143-318.11(a)(6)” from Closed Session discussion.

XIII. ADJOURNMENT – The Board reconvened to open session at 8:53 p.m. *Vice Mayor Sobol made a motion to direct the Town Attorney to dispose of the complaint regarding the rezoning of the Black Mountain Center for Research and Technology, LLC property by consent judgment with the stipulation that no attorney fees or costs would be paid to the complainant. The motion passed with a vote of 5-0.*

With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:55 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