

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
February 11, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, February 11, 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 Joan Brown
Alderman Ruth D. Brandon
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
Pam Hoen, Public Response Clerk
Ron Sneed, Town Attorney
Steve Jones, 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 Bartlett led the Pledge of Allegiance, followed by prayer led by Rev. Karen Haak, Black Mountain Presbyterian Church, Black Mountain, NC.

II. CITIZEN COMMENTS

Eric Braun, Attorney with Kennedy Covington Law Firm, said he is representing Black Mountain Center for Research and Technology, LLC (the "Center"). Mr. Braun said the Center

has been working with the North Carolina Department of Commerce to have the site certified by the North Carolina Department of Commerce. He said certified sites receive preferred consideration by the NC Department of Commerce's Economic Development Representatives; however, the site must be zoned to permit industrial development. Mr. Braun said the Center wants to work with the Town and get a project that is good for the Town. He requests the property stay zoned industrial.

Ben LaFrombois, 100 Meadowbrook Drive, referred to items I & J on the Consent Agenda that concern zoning changes. He asks that the Board defer those items to the April meeting to give Ingle's a chance to look at those requests more thoroughly.

Harry Hamil, 15 John Myra Avenue, handed out copies of the 1980 and 1996 FIRM maps for the Town of Black Mountain. See attached. He asked the question, did the 1980 floodplain map include the corner of South Ridgeway and Sutton Avenue and did the 1996 map exclude the corner of South Ridgeway and Sutton Avenue? He said when he was an insurance agent, he would have told you that they are different, but as a result of this process we are now going through, these two maps are exactly the same. Mr. Hamil explained that the map is a visual approximation of the map; the real map is the cross sections showing on the maps. He said he hopes the Board will use this information to better understand the difficulty involved in the floodplain process.

Peg Rozzell, 514 Blue Ridge Road, said she has worked in several Habitat communities over the last several years. Ms. Rozzell feels the Clevenger property should be used in the best interest of everyone, and recommends that the property not be donated to Habitat.

Gay Fox, 307 Tomahawk Avenue, feels putting housing on the Clevenger property with recreation, community gardens, and a fire station would be dangerous due to the small road going into the property. She requests that the Board not put Habitat housing on this land.

Terry McElrath, 218 Padgettown Road, Chair of the Recreation Commission, encourages the Board to meet with all the committees and discuss the land held by the Town before making a decision on the Clevenger property.

Harry Nanney, 64 Walkertown Road, member of the Recreation Commission, would like to sit down with the Board and look at the Clevenger site and other properties that would be more suitable for housing.

Judy Eubanks, 13 Daniel Lane, member of the Recreation Commission, is not in favor of putting the Habitat housing on the Clevenger property. She said when the Town can allocate money to recreation, the land at Clevenger would be available. Ms. Eubanks supports the efforts of Habitat and hopes another property can be found.

Joan Engelhardt, 103 Temple Road, representative of Rainbow Recycling, would like to invite the community to view a documentary on green building on Monday, February 18 at 7:00 p.m. at the Black Mountain Library. She said the video was made as a part of a grant that the Town received to cultivate sustainability in Black Mountain.

Bob Gunn, 109 Pleasant Drive, is a supporter of Habitat, but feels the Clevenger property is the wrong place for this project. He urges the Board not to proceed with the housing project at this location.

Mark Barker, 113 Forest Hills Drive, requests the Board to support the Historical Designation of the Monte Vista Hotel. He said as part owner in the hotel, a lot of work has been done and improvements will continue to be made.

Dr. John Wilson, 402 Connally Street, hopes the community garden will not be taken away from the Clevenger property. He said the garden provides bushels of vegetables for various needy families in the Swannanoa Valley. Dr. Wilson said produce from the garden is also taken to organizations for distribution to those in need.

III. ADOPTION OF THE AGENDA

The minutes of January 10, 2008 – Joint Meeting with Planning Board, January 10, 2008 - Agenda Workshop, January 14, 2008 - Regular Session, and January 14, 2008 – Closed Session were approved.

The agenda was amended with the following changes:

Under IV, Communications from the Mayor, added item “A”.

Under VIII, Consent Agenda, added items “J” & “K”.

Under VIII, Consent Agenda, move items “J” & “K” to VII, New Business, “D” & “E”

Under VIII, Consent Agenda, added item “L”.

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

IV. COMMUNICATIONS FROM THE MAYOR

A. Mayor Bartlett read a proclamation proclaiming February as “Black History Month”.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

A. FY 2008-2013 Capital Improvement Program (CIP) Discussion and Adoption

Alderman Brown made a motion to adopt the FY08-13 CIP as presented. The motion passed unanimously.

B. PUBLIC HEARING on Annexation of Goodson Cove

Mayor Bartlett opened the public hearing. Mr. Caudle explained that the developer of Goodson Cove has requested that this hearing be delayed. *After discussion, Alderman Phillips made a motion to delay the public hearing for the annexation of Goodson Cove into the Town of Black Mountain to March 11, 2008 at 7:00 p.m. in the Public Safety Building, 106 Montreat Road. The motion passed with a vote of 5-0.*

C. PUBLIC HEARING for a Zoning Text Amendment to (1) Add a Definition for a Brewery/Microbrewery to Section 153.005, and (2) to Add Brewery/Microbrewery and Sit-Down Restaurants as Permitted Uses in I-1 and I-2 Zoning Districts to Section 153.079 (Permitted Uses Table)

Mayor Bartlett opened the public hearing.

Jerrilynn Rice, 3936 Old U.S. 70, said when the Town approved the conditional use for the brewery, we were told there would not be drinking. She said people are sampling and sitting outside now and playing music and being loud. Ms. Rice feels that this should be done inside the building.

With no further comments Mayor Bartlett closed the public hearing.

Vice Mayor Sobol made a motion (1) to adopt proposed text amendment as provided, and (2) to adopt the proposed Statement of Consistency as provided. The motion passed with a vote of 5-0.

D. PUBLIC HEARING to Consider Designation of the Monte Vista Hotel as a Local Historic Landmark

Mayor Bartlett opened the public hearing. Alderman Phillips asked to be excused as she is part owner of the Monte Vista Hotel. *Vice Mayor Sobol made a motion to excuse Alderman Phillips. The motion passed with a vote of 4-0.*

Alderman Brown asked if the Hotel would have to adhere to zoning ordinances. Mr. Caudle said the Hotel would have to adhere to the zoning ordinances but not necessarily to all portions of the building code.

Mark Barker said the Hotel will adhere to the Historic Commission Guidelines.

Alderman Brown asked if any citations would be taken care of before this request is approved. Mr. Barker said whatever laws apply will be enforced.

With no further comments Mayor Bartlett closed the public hearing.

Vice Mayor Sobol made a motion to adopt the ordinance establishing the Monte Vista Hotel at 308 West State Street as a local historic landmark. The motion passed with a vote of 4-0.

E. Update on Preliminary FIRM Map Review

Elizabeth Teague, Planning Director, reported that a request has been sent to the State requesting an extension for the 2007 FIRM maps for the Town of Black Mountain. Ms. Teague then introduced James Fox with the National Environmental Mapping and Analysis Center (NEMAC). Mr. Fox gave a powerpoint presentation and took questions from the audience. *With no further discussion, Alderman Brown made a motion to request the State Floodplain Mapping Program to establish a new protest period for the 2007 Preliminary Maps for the Town of Black Mountain. The motion passed with a vote of 5-0.*

VII. NEW BUSINESS

A. Donation of Property on Flat Creek to the Town of Black Mountain

Mr. Caudle said that Phil Garrison, Manager of Cotton Creek Co., LLC, has offered to donate a part of his property that is currently a part of the Cotton Creek Subdivision to the Town of Black Mountain. He said this property lies adjacent to Flat Creek as it traverses the Cotton Creek holdings. Mr. Caudle said this is an area in which we purchased a right-of-way for the Flat Creek Greenway. Mr. Caudle said there were some questions asked at the agenda meeting. (1) Would the property owner be willing to delay the donation for a period of time and the owner has agreed. (2) Have the streets been taken over by the Town? The Town has not taken over the streets in the subdivision. (3) Is the property being proposed supposed to be used for greenspace in the subdivision? There is a comment in the conditional use that states the greenspace can be donated to the Town for open space.

Vice Mayor Sobol asked if the property owner would get a deduction on taxes by gifting this property to the Town? He said we have already paid money for the right of way and asked how much did we pay. Alderman Brown said the Town paid \$14,000. Mr. Sneed said it is possible the owner would get a tax deduction. Vice Mayor Sobol said if the Town accepts the property, the Town will have to maintain it.

Alderman Brandon asked if the \$14,000 would be returned? Mr. Caudle said no, and explained that the \$14,000 the Town paid was for a right of way across the property for a greenway.

With no further discussion Mayor Bartlett asked for a motion. The request to accept the donation of property adjacent to the Copper Creek Subdivision died for lack of a motion.

B. Housing Commission Recommendation to Donate 1.302 Acres of the Clevenger Site to Habitat for Humanity for the Purpose of the Development of Seven Units of Workforce Housing

Mayor Bartlett asked for comments from the Board.

Alderman Brandon said that she is in favor of the Habitat project for workforce housing and will support it, but not at the Clevenger site.

Irene White, 9 Vance Drive, Chair, Housing Commission, addressed the Board saying that the Housing Commission was asked to identify Town property that could be used for workforce housing. She said the Housing Commission and Habitat looked at several properties and felt that the Clevenger site would be the best location. Ms. White said if the Board does not feel this proposal is acceptable, the Housing Commission asks for the Board's guidance.

Dawn Wilson, 200 Woodland Court, member of the Housing Commission, feels the Clevenger site is the best choice for workforce housing.

Alderman Brown said she supports recreation in the Town and has for many years. She feels the land at Clevenger would be ideal for housing and does not feel safety is an issue.

David Bassett, member of the Housing Commission and on the Habitat Board, said the cost for infrastructure is very expensive. He said there is not yet a comprehensive plan for the Clevenger property and feels this would be a good place for workforce housing.

Alderman Brown said she would like for the Board to table this item and meet with the Board of Aldermen, the Housing Commission, and Recreation Commission to try to come up with a plan that will satisfy everyone. The Board agreed and asked Mr. Caudle to set up a meeting with all three Boards.

C. Resolution of Support for the Incorporation of the Town of Swannanoa

Mayor Bartlett read a Resolution in Support for the Incorporation of the Town of Swannanoa. *Alderman Brown made a motion to pass a resolution endorsing the incorporation of the municipality of Swannanoa. The motion passed with a vote of 5-0.*

D. CALL FOR PUBLIC HEARING to Consider Rezoning of Lots East of Grovestone Road and North of U.S. 70 from I-2 to C-2

Motion: To call for a public hearing on possible rezoning of the area east of Grovestone Road and north of U.S. 70 from Heavy Industrial Zoning to General Business Zoning, to be held on Monday, April 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

Alderman Phillips made a motion to change the public hearing date from March 10, 2008 to April 14, 2008. The motion passed with a vote of 5-0.

E. CALL FOR PUBLIC HEARING to Consider Rezoning of Lots East of Blue Ridge Road and South of U.S. 70

Motion: To call for a public hearing on possible rezoning of the area east of Blue Ridge Road and south of U.S. 70 from Light Industrial Zoning to Office Institutional Zoning, to be held on Monday, April 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

Alderman Phillips made a motion to change the public hearing date from March 10, 2008 to April 14, 2008. The motion passed with a vote of 5-0.

F. CALL FOR PUBLIC HEARING of a Zoning Text Amendment to Chapter 153, Section 153.005 (definitions) and to Amend Section 153.025 in Regards to the Way in Which Building Height Is Measured

Motion: To call for a public hearing on a text amendment request from the Planning Board to amend the definition section and the height and density sections of the Zoning Ordinance, Chapter 153, to be held on Monday, April 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, Black Mountain, NC

Item “I” under Consent Agenda should have been moved to New Business. As the Consent Agenda had previously been approved, Vice Mayor Sobol made a motion to rescind the approval of the Consent Agenda. The motion passed with a vote of 5-0. Vice Mayor Sobol then made a motion to adopt the Consent Agenda and move item “I” to New Business, item “F”. The motion passed with a vote of 5-0. Vice Mayor Sobol made a motion to change the Call for Public Hearing for item “F” to April 14, 2008. The motion passed with a vote of 5-0.

VIII. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of January 10, 2008 – Joint Meeting with Planning Board, January 10, 2008 - Agenda Workshop, January 14, 2008 - Regular Session, January 14, 2008 – Closed Session, January 16, 2008 – Board Retreat

B. Adoption of Grant Project Ordinance and Budget Amendment #18

Motion: To adopt Capital Project Ordinance “FY 2007 Assistance to Firefighters Grant” and Budget Amendment #18 as submitted

C. Budget Amendment #19

Motion: To adopt Budget Amendment #19 as submitted approving the allocation of funds to provide additional sidewalk and street sweeping services in the downtown area

D. Resolution Designating Anthony Caudle as Finance Officer for the Town of Black Mountain

Motion: To adopt resolution naming Anthony Caudle as Finance Officer for the Town of Black Mountain

- E. Change in Meeting Date of the Urban Forestry Commission
Motion: To approve the change in meeting date for the Urban Forestry Commission from the second Wednesday to the second Tuesday of the month
- F. Update of the Following Personnel Policies: Article VI, Section 8, “Selective Service Requirements”; Article VI, Section 16, “Credit Check”; Article VI, Section 17, “Bi-annual Driving Records Check”; Article X, Section 8, “Retiree Life Insurance Benefits”
Motion: To approve changes to Personnel Policy Manual as submitted
- G. Municipal Bridge Inspection Agreement and Resolution
Motion: To approve the Agreement and Resolution authorizing the North Carolina Department of Transportation to perform bridge inspection work for the Town of Black Mountain in accordance with the National Bridge Inspection Standards
- H. **CALL FOR PUBLIC HEARING** to Consider Text Amendment to Strike Requirement for Screening Around Dumpsters (Paragraph L2 of Sections 153.073 – 153.077)
Motion: To call for a public hearing on a text amendment request from the Board of Aldermen to remove requirements for screening of dumpsters to be held on Monday, March 10, 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, Black Mountain, NC

Items “I”, “J” & “K” moved to New Business.

- L. Budget Amendment #20
Motion: To adopt Budget amendment #20 as submitted authorizing the allocation of revenues received

IX. COMMUNICATIONS FROM THE TOWN MANAGER

- A. Review of the Consent Agenda
- B. Projects Update
1. **PARTF Grant Application Update** – Mr. Caudle reported that the PARTF grant application for the partial replacement of the pool was filed at the end of January and is in process of being reviewed at the State level.
 2. **Blue Ridge Road Water Line Construction** – Bob Watts, Public Works Director, reported that the Blue Ridge Road water line construction is 50% complete. He said the project should be finished within three weeks. Mr. Watts said the City of Asheville has agreed to move some water meters in the right of way to allow for a two foot shoulder on Blue Ridge Road. Mr. Watts said staff is continuing to install fireflies. He said staff is currently working on replacing both large and small meters in conjunction with our effort to improve water accountability.
 3. **Departmental Reports**
 - **Fire** – Steve Jones, Fire Chief, thanked the Board members for attending the Fire Department banquet on January 28. Chief Jones said the annual banquet was well attended and is something everyone looks forward to. He said the Mt. Mitchell Marathon is scheduled for

Saturday, February 23, 2008. Chief Jones presented the January 2008 report for the Fire Department.

- **Police** – Chief Pressley presented the January 2008 report for the Police Department.

4. Skateboard Park – Jim Orr, Recreation Director, reminded the Board and citizens that the Ribbon Cutting for the Skateboard Park is scheduled for February 18, 2008 at noon. Mr. Orr said the Valentine 5K Run was held this past Saturday and was well attended with over 180 participants.

Vice Mayor Sobol asked if we are okay to use the tunnel under I-40. Elizabeth Teague, Planning Director, said with Mr. Sneed's help, we did find that an easement exists. Ms. Teague said she checked with the Department of Transportation in Raleigh and they did confirm that there is an easement. She said staff met with the local District Engineer, and we have put together a design proposal for someone to come in and do the work necessary to both design and get any permits necessary. Vice Mayor Sobol asked if we can have staff grade the path with a tractor and not do a formal process? Ms. Teague said we can, but the Greenways Commission agreed to construct a more permanent path. Vice Mayor Sobol asked how long would this process take. Ms. Teague said the Greenways Commission could probably choose a contractor at their March meeting and begin the work this spring. Vice Mayor Sobol said he would meet with the Greenways Commission at their next meeting.

5. 2008 Regional Legislative Meeting – Mr. Caudle reported that a Legislative Update Meeting will be held on Friday, March 7, 2008 at Grove Park Inn, Asheville, NC.

X. COMMITTEE/BOARD REPORTS

A. Land-of-Sky Regional Council – Alderman Brown reported that effective February 2009 all television stations will broadcast only in digital. She said Land-of-Sky Regional Council has provided information for the public on what you must do to switch over. She said if you keep your current television, one option is to buy a converter box. Alderman Brown said coupons for converter boxes are available from the Federal Government and that information is included in the handout.

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

Elaine Loutzenheiser, 410 Avena Road, referred to the information from Alderman Brown concerning the analog televisions. She said the coupons have an expiration date of 90 days and the stores do not yet have the converter boxes. Alderman Brown said she was told that the stores would honor the coupons even if they have expired.

Harry Hamil, 15 John Myra Avenue, asked what will we be doing during the 90-day extension on the FIRM Map review? He reminded the Board that it would be the Town that would have to pay for extra review by the State.

Marilyn Sobanski, 516 Laurel Avenue, presented some recycling requests for the Board to consider during the 2008-09 budget process, including weekly recycling collection, additional public recycling bins for downtown and parks and recreational areas, electronics recycling event,

and allocate proposed solid waste disposal tax reimbursement for use in expanding the recycling program.

Terry McCall, 112 Disosway Street, member of the Planning Board, said there are many citizens who are concerned about dumpsters not being screened. He said keeping the dumpsters screened and the area clean is a part of doing business in Black Mountain.

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:30 p.m. The motion passed with a 5-0 vote.

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk