

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
June 15, 2009

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, June 15, 2009 at 6:00 p.m. in the meeting room of Town Hall, 160 Midland Avenue, 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
Steve Jones, Fire Chief
Jim Orr, Recreation and Parks Director
Steve Padgett, Police Lieutenant
Kevin Pressley, Police Chief
Rick Shreve, Finance Director
Elizabeth Teague, Planning Director
Sherry Williams, Deputy Finance Officer

Representing the media:

Jennifer Fitzgerald, Black Mountain News
Gary & Sally Biggers, Black Mountain Video Productions

Mayor Bartlett led the Pledge of Allegiance, followed by prayer led by Pastor Frank Cantrell, Calvary Free Will Baptist Church, 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 weekly viewing times of monthly Board meetings are shown on Government Channel 2 at 8:00 p.m. on Friday, at 2:00 p.m. on Saturday, and at 8:00 p.m. on Sunday. The current meeting is shown

weekly throughout the month. Citizens can also go to the Town website and click on "Town Board Video Stream" at any time and view the current Board meeting. Mayor Bartlett noted that beginning in the month of July, the Board of Aldermen Regular Session meeting will be held on the second Monday of each month with the Agenda meeting held the Thursday prior to the second Monday.

II. CITIZEN COMMENTS

Bob McMurray, Chamber of Commerce, announced the Sourwood Festival will be held this year on August 8 & 9. Mr. McMurray stated that downtown merchants will have the Sourwood tee shirts available for purchase early this year; the art work for the tee shirts was provided by Jack Williams.

III. COMMUNICATIONS FROM THE MAYOR

Mayor Bartlett reported on the following meetings and events:

- Congratulated Coach Don McGeary and the Owen High Girl's Softball Team for an outstanding season.
- Over the last 30 days welcomed conferences, reunions and camps to the Black Mountain area.
- The ribbon was cut on a new downtown business, Kilwins. He thanked Kilwins for choosing the Black Mountain community to open a business in the current economic environment.
- Black Mountain Neuro-Medical Treatment Center's Annual Independence Day Celebration will be held Thursday, June 25 beginning at 7:30 p.m. with fireworks at dusk.
- The Town of Black Mountain Fourth of July Celebrations will begin on Sutton Avenue at 5:00 p.m. Activities will include a street dance, live band, a bounce house, face painting, food booths and other games, and fireworks will start at dusk.
- This is the 100-year anniversary of the Old Depot.
- Park Rhythms will begin Thursday, June 18 at Lake Tomahawk and will run through August 6. The Art Sculptures Stroll Kick-Off, sponsored by Black Mountain Center for the Arts, Town of Black Mountain and the Beautification Committee, will be announced Thursday at Lake Tomahawk prior to the start of Park Rhythms.

IV. COMMUNICATIONS FROM THE TOWN ATTORNEY

Mr. Sneed, Town Attorney, reported that he has been informed that The Settings has funds to complete Phase III, but it will take time to work through the process. Mayor Bartlett

asked the status on the bond for The Settings. Mr. Sneed stated the bond is still in place and that no one has called the bond at this time.

V. CONSENT AGENDA

A. Adoption of the Minutes

Motion: To adopt the minutes of March 24, 2009 – Closed Session, April 6, 2009 – Joint Meeting with Planning Board, April 27, 2009 – Joint Meeting with Planning Board, May 11, 2009 – Agenda Session, May 18, 2009 - Regular Session, May 18, 2009 - Closed Session, May 21, 2009 – Special Meeting

B. Budget Amendment #14

Motion: To adopt budget amendment #14 to allocate a donation of \$4,175 received from the Black Mountain Greenway Challenge for Greenway System Improvements

The agenda was amended at the Agenda Meeting on June 8, 2009 with the following change:

Under VI, Old Business, the following item was deleted:

“B” – Water Agreement Between the Town of Montreat, North Carolina and the Town of Black Mountain, North Carolina

With this change the agenda was approved unanimously on a motion by Alderman Phillips.

VI. OLD BUSINESS

A. PUBLIC HEARING on Proposed Fiscal Year 2009-2010 Annual Budget for the Town of Black Mountain

Bob Gunn, 109 Pleasant Drive, stated that a month ago some of the Board expressed concerns about unintended consequences of housing code inspections for rental property. He said one of the consequences would be rent increases to cover the landlords' cost for the inspections. Mr. Gunn said that after months of personal deliberation, he supported the Board's opposition to these inspections.

Mr. Gunn expressed concern for the \$12,000 that has been given to the Chamber of Commerce for many years. He said he realized this figure has been negotiated but feels that the town should require an objective cost benefit analysis of the money that is given to the Chamber. He said that two weeks ago the Board voted unanimously to eliminate the \$12,000 to the Chamber and then one week later by a split vote decided by the Mayor, to reverse the unanimous vote. Mr. Gunn said he was disturbed to hear the discussion of a tax increase after this vote was reversed. He stated a property tax for landlords would be passed along as a rent increase to tenants, and this would be a hardship for working people whose jobs and income are no longer secure. Mr. Gunn pointed out that North Carolina has the fifth highest unemployment rate in the

nation with no signs of improvement. He stated as a retiree every increased cost erodes the financial security and quality of life. Mr. Gunn urged the Board to reverse their vote.

Bob McMurray, Chamber of Commerce, stated that by having the Chamber of Commerce the Town is saving approximately \$100,000 each year; \$12,000 is a small amount to help contribute to the Welcome Center. He thanked the Board for the monies that they put back into the budget and said the Chamber of Commerce will be very frugal with the \$6,000. He appreciates the Board for what they do for the town and asked that they also acknowledge what the Chamber of Commerce does for the town.

Harry Hamil, 15 John Myra Avenue, said he was distressed that there is no public presentation of the budget. Mr. Hamil asked the Board to apply the same restrictions in terms of documentation to the Chamber of Commerce expenditure that is applied to others. He said the Chamber should show how the funds are to be used. If the contribution is for the visitors' center, it should be stated that the visitors' center represents all businesses in the town and that it should be operated to a standard that will meet the needs of those businesses. He stated to completely eliminate the money to the Chamber would not be wise. Mr. Hamil said for the businesses to be able to pay taxes, there must be profits and the businesses need the visitor center more now than they have needed it in the past twenty seven years.

Alderman Brown responded to Mr. Hamil's statement saying that a presentation on the budget was held on May 18.

Elaine Loutzenheiser, 410 Avena Road, asked if the \$12,000 had been put back into the budget. Ms. Loutzenheiser stated that at the budget workshop last Monday that pro-Chamber people were allowed to speak. She said she is against the contribution but was not allowed to speak. Ms. Loutzenheiser stated that she felt the merchants that benefit the most should put in the most. She said if she had a business and the Chamber was not representing her, she would not want her tax money going to the Chamber. Ms. Loutzenheiser stated that if the money is being given to the Chamber to support businesses, then all businesses should be represented and they are not.

Ken Pittman, Swannanoa, stated he has been with the Chamber of Commerce for the past four to five years, and he has observed the traffic in and out of the Chamber on weekdays and weekends and has found that the Chamber performs other services not related to the businesses. He stated that in Gatlinburg, Tennessee they have a Chamber of Commerce and a visitors' center and the visitors' center is supported by the town and tax dollars. He said he does not think the Town of Black Mountain wants to take on that kind of role. Mr. Pittman stated that the Town's support to the Chamber in any amount is greatly appreciated.

Phil Bisesi, 15 Hi View Drive, stated that he was glad to see the Board's support for the Chamber. Mr. Bisesi expressed concern with cutting capital improvements and the town's payroll. He said the town should use more volunteers.

Alderman McKeown stated that the vote to cut the \$12,000 to the Chamber was not a unanimous vote as Alderman Phillips voted against taking the funds from the Chamber of

Commerce. He said if she had been at the budget workshop, he assumed she would have voted the same.

Alderman Brown stated that everyone appreciates what the Chamber is doing but in the current financial situation, the Town must conserve and one way of doing so was to not give the contributions to organizations as in the past. She said that Business to Business has been receiving \$2,000 from the Town over the years and asked not to be included in the budget this year. Alderman Brown stated it is hard to give \$12,000 to the Chamber when town departments have cut capital improvements. She stated it is not what is best for the citizens but who will get the most benefit; this is why the Board is having trouble making decisions on whether to continue the \$12,000 or not. Alderman Brown stated at the previous meeting the suggestion was made to cut the Chamber donation to \$6,000 and at the present time that is where it stands.

Alderman Brandon stated this Board is voting on the tightest budget she has seen in all the years she has served as alderman. She commended the town manager and department heads on the long hours they have worked in trying to balance this budget. Alderman Brandon said it is sad that the Board will not be able to give town employees a cost of living adjustment this year. She stated the Board is trying to avoid having to reduce town services, cut positions or raise taxes. Alderman Brandon said this is a year that she feels no contributions should be given to any organizations. She expressed concern with the method the Chamber used telling members what to say to the Board.

Alderman Brandon stated that the Board had given the Swannanoa Valley Museum \$5,000 last year. She said the museum also requested last year that the Board make a three-year commitment of \$45,000 at \$15,000 a year for the renovation of the Museum. She said this came to a total of \$20,000 last year.

Alderman Brandon stated that Business to Business has existed for over 17 years. She said that Business to Business has repeatedly asked the town to help them as their dues are spent on advertising to bring people into the town to spend money. Alderman Brandon stated that Business to Business received \$2,000 last year and was asked that the money be used for public purpose. Ms. Brandon stated that Business to Business President, Tom Gill, said they would not ask for a donation this year due to the economic crisis.

Alderman Phillips stated she agreed with Alderman Brandon that the necessities need to be funded this year and is disappointed there are not more projected revenues. Alderman Phillips stated she is also worried about the various cuts that have been made in various departments. She asked the departments to make a wish list of what they would like to be funded if money can be found and asked that the Board address the necessities that are being lost in this budget.

Mayor Bartlett stated he would like to see the various contracts the town has on different services and felt the Board would also like to see these contracts. Mayor Bartlett asked Ms. Onieal to provide these contracts to the Board within the next week.

Vice Mayor Sobol stated there is a contract with First Inc. and part of the money was increased last year for sweeping the sidewalks in the downtown business area. He said he would

think Board members would support cutting from the budget the sweeping of sidewalks. Alderman Brandon agreed. Alderman Phillips asked for a breakdown of the \$35,000 in contract services. Marcy Onieal, Town Manager, stated that the proposed budget did not break the money down specifically because each year the three major contracts in public services vary, with respect to need and workload.

Mayor Bartlett requested the financials ending May 31. He said he felt this would be helpful to the Board.

Alderman Brown asked if the contract services line item in Streets Division includes the cleaning of the restrooms. Ms. Onieal stated it does not.

Vice Mayor Sobol stated he wanted to make it clear that he did not vote for street sweeping.

VII. NEW BUSINESS - None

VIII. COMMUNICATIONS FROM THE TOWN MANAGER

Ms. Onieal invited the public to the Computer Recycling Event to be held on June 27, 2009 from 9:00 a.m. until 1:00 p.m. at the Town Hall parking lot; this event is sponsored by the Town of Black Mountain, Computers for Christ and Rainbow Recycling.

Ms. Onieal gave an update on the transit system. She stated the transit system stands to lose federal and state funding for both the large bus, the Asheville Transit route 28, that comes to Black Mountain, as well as the Black Mountain Trail Blazer service. Ms. Onieal stated support has been solicited by the MPO as well as Mountain Mobility, Asheville Transit, Buncombe County, etc. Ms. Onieal stated all entities are in discussion with the state about possible solutions that would allow continued service. She said the particular funding stream that has been used to provide this service does not look favorable but other alternatives are being examined. Asheville Transit is moving forward with some experimentation with their Master Transit Plan which may mean a few alterations in routes. At this point there are no particular changes for Black Mountain, but there has been discussion of combining routes 28 and 29 which would serve Warren Wilson College, the Swannanoa area, and the Black Mountain routes. Alderman Brown said she has a concern about routes 28 and 29 being combined. She said she had heard if the bus came out to Black Mountain, it would return to Asheville via the interstate straight down to the bus depot, then the people would transfer to another bus in order to go into town. Ms. Onieal stated this issue is being addressed and if maintained by this same funding stream, Asheville Transit may be able to make fewer local stops but still travel along U.S. 70.

Ms. Onieal announced that the Town has received preliminary notification of funding for two stormwater improvement projects at Lake Tomahawk, both projects totaling \$412,000 for 100% of construction cost. Ms. Onieal stated preliminary notification has also been received for the construction of U.S. 70 sidewalk and also the Flat Creek Greenway Trail Enhancements. She said the Montreat Road sidewalk made it to the final round of the funding process but was then dropped. It will be reconsidered in the future or as additional funding becomes available. Ms.

Onieal stated the Town is also pursuing some Energy Block Grant funding and several staff members will be attending a training session.

Ms. Onieal stated the Town has a buyout opportunity from FEMA of properties that are in the floodway. She said a letter of intent is being submitted saying the Town would have interest in this opportunity if funding becomes available.

Ms. Onieal stated the Town has been turned down in round one funding for stimulus funds for the sewer project and has been told that the Town will probably be turned down in round two, primarily because the stimulus monies are not funding new construction. She said the monies have been used to address failing systems but not to build sewer extensions or new projects. The Town has also applied for USDA funding but stated there is a caveat associated with accepting that funding that prevents any new sewer taps in the floodplain during the entire four-year period. Ms. Onieal stated the Town has been approved for a regular loan through Construction Grants and Loans Office at the state. The loan would be for twenty years at 3.5% financing and the Town has until September to accept the loan. Ms. Onieal said this will be brought back to the Board at the July Board meeting for formal adoption.

Vice Mayor Sobol said he has been in touch with Ed Bradford at MSD regarding the sidewalk near Neil Price Road on U.S. 70 W across from Ingle's warehouse. Vice Mayor Sobol stated the sidewalk will be on the north side of US 70. He said this is in the CIP for 2011-2012 for upgrade of construction for this particular line. He has asked Mr. Bradford to see if MSD could put the pipe underneath the sidewalk before construction is started.

Ms. Onieal recognized Jennifer Tipton, Permits Clerk, for completion of the Fire Level I and Building Level I inspector exam. She stated this will allow for the opportunity to provide better customer service in the Building Inspections Division.

Vice Mayor Sobol asked Ms. Onieal to provide him the details and specifics on the restrictions from the USDA.

IX. COMMITTEE/BOARD REPORTS

A. MSD Capital Projects Report - Vice Mayor Sobol gave a report on the projects for the Metropolitan Sewerage District (MSD) and gave a powerpoint presentation showing the operation of MSD.

B. Appointment to Fill Vacancies on Boards and Commissions

The Board made the following appointments:

1. ABC Board (1) vacancy – Alderman Brandon made a motion to reappoint Rick Spaulding to a second term. The motion passed with a vote of 4-1 with Alderman Brown opposed. Alderman Brown made a motion to appoint Tom Mills to the ABC Board. The motion failed with a vote of 1-4, with Aldermen Sobol, Brandon, McKeown, and Phillips opposed.

2. Board of Adjustment (2) alternate openings – Vice Mayor Sobol made a motion to appoint Terry McCall to the Board of Adjustment as the 2nd alternate. The motion passed with a vote of 5-0. It was noted that Jesse Gardner had also applied for Planning Board and Board of Adjustment but does prefer the Planning Board.

3. Greenways Commission (3) vacancies – Vice Mayor Sobol nominated Julie White, Jack Williams, and Megan Gibney to the Greenways Commission. Alderman Brown made a motion to accept these nominations by acclamation. The motion passed with a vote of 5-0.

4. Historic Preservation Commission – Alderman Brandon nominated Bill Munn and Roger Rio to serve on the Historic Preservation Commission. Alderman Brown made a motion to accept these nominations by acclamation. The motion passed with a vote of 5-0.

5. Housing Commission – Vice Mayor Sobol made a motion to appoint Phil Bisesi to the Housing Commission. The motion failed with a vote of 2-3, with Aldermen Brandon, Brown, and McKeown opposed. Alderman Brown made a motion to appoint Jessie Sherrill to the Housing Commission to fill an unexpired term until 2010. The motion passed unanimously. Alderman Brown made a motion to appoint Jeff Hunter to the Housing Commission. The motion passed with a vote of 3-2 with Vice Mayor Sobol and Alderman Phillips opposed. Alderman Brown made a motion to appoint Peter Vazquez to the Housing Commission. The motion passed with a vote of 4-1 with Vice Mayor Sobol opposed.

6. Planning Board – Alderman Brown nominated Ames Tryon and Jesse Gardner to serve on the Planning Board. Vice Mayor Sobol made a motion to accept these nominations by acclamation. The motion passed with a vote of 5-0.

7. Recreation Commission – Alderman McKeown made a motion to appoint Harry Nanney to the Recreation Commission to serve another term. The motion passed with a vote of 4-1, with Alderman Brandon opposed. Alderman Sobol made a motion to appoint Rosella Spencer-Palmisano to the Recreation Commission to serve another term. The motion passed with a vote of 5-0. Alderman Brandon made a motion to appoint Al DeGaetano to the Recreation Commission. The motion passed with a vote of 5-0. Alderman Brown made a motion to appoint Jeremy Austin to the Recreation Commission. The three available positions were filled; therefore, a vote was not taken for Jeremy Austin.

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

Tim Rayburn, 345 McCoy Cove Road, stated the McCoy Cove Road extension of the sewer line does not exist. He said there is not a sewer line extension on McCoy Cove Road. Mr. Rayburn stated it will cost \$4,900 for his daughter to attach to the sewer line. He stated that the sewer line that is being counted as the property for Black Mountain is Avena Road, not McCoy Cove Road. Mr. Rayburn said that McCoy Cove Road was annexed in 1990 or 1991 and asked the Town to provide sewer service to the McCoy Cove Road community due to annexation.

Alderman Brandon stated that services were promised to all the areas that were annexed.

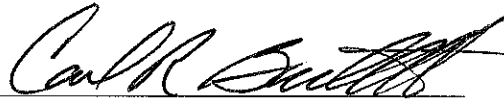
Harry Hamil, 15 John Myra Avenue, stated he wanted to make clear he is speaking as an individual. He said the Black Mountain Tailgate Market has opened again this year at the First Baptist Church parking lot. Mr. Hamil recognized Allan Greene, Casey McKissick, Elaine Young, Geni Stephenson, Lori Osada, and Renate Ridders for their leadership during a very

difficult time. Mr. Hamil stated this market would not exist if it were not for Mary Soyenova and Renate Ridders who helped establish the market with the Chamber of Commerce fifteen years ago. Mr. Hamil personally thanked Mary Soyenova for her service. The Board also expressed their appreciation to Ms. Soyenova.

XI. CLOSED SESSION – *Vice Mayor Sobol made a motion to go into Closed Session at 7:34 p.m. to discuss (1) acquisition of property as permitted in NCGS-143-318.11(a)(5); (2) discuss personnel as permitted in NCGS 143-318.11(a)(6). Motion approved unanimously.*

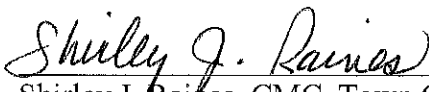
XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn at 8:34 p.m. The motion passed unanimously.



Carl R. Bartlett, Mayor

ATTEST


Shirley J. Raines, CMC, Town Clerk

Marcia D. Onieal, Town Manager