

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
May 12, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, May 12, 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
Shirley Raines, Town Clerk
Ron Sneed, Town Attorney
Pam Hoen, Public Response Clerk
Steve Jones, Fire Chief
Kevin Pressley, Police Chief
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director

Representing the media:

Andy Gabel, 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 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 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 - None

III. ADOPTION OF THE AGENDA

The minutes of April 10, 2008 - Agenda Workshop, April 10, 2008 – Closed Session, April 14, 2008 - Regular Session were approved.

The agenda was amended with the following changes:

Under VIII, Consent Agenda, delete item “G”.

Under VIII, Consent Agenda, add item “I”.

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

IV. COMMUNICATIONS FROM THE MAYOR

A. Mayor Bartlett announced that several positions on the Boards/Commissions will be up for appointment at the June meeting. He encouraged anyone who is interested in serving on a board to download an application from the web site or pick one up at Town Hall.

Vice Mayor Sobol recognized Creed Mundy and Buck Dotson, retired employees of Owen High School. He said Mr. Mundy & Mr. Dotson set up scholarships at Owen for deserving students. He thanked them for all they do in the community.

Vice Mayor Sobol also recognized Mr. Joe Tyson. He said Mr. Tyson had a 300' sidewalk constructed in front of his property on #9 which will help to connect to the greenway system.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

A. **PUBLIC HEARING** to Add the Development Agreement Ordinance to the Code of Ordinances in Order to Establish Guidelines Through Which the Town Shall Consider Development Agreements

Mr. Caudle said that the Planning Board voted at their March 31, 2008 meeting to recommend adoption of the Development Agreement Ordinance and Consistency Statement. He said this action will enact local legislation that identifies a process for the Town to pursue Development Agreements for developments of 25 acres or more. Mr. Caudle said a development agreement will provide vested rights based upon a negotiated plan, similar to the way in which the Town established master-plan based zoning for Cheshire Village.

With no public comment Mayor Bartlett closed the public hearing.

Vice Mayor Sobol made a motion to (1) adopt the Development Agreement Ordinance, and (2) To adopt the Consistency Statement. The motion passed with a vote of 5-0.

VII. NEW BUSINESS

A. Award of Sanitation Bid for Services

Mr. Caudle reported that one bid was received for sanitation services and that bid was submitted from our current contractor, GDS. He said the proposal increases the Town's cost by approximately 35% over the current year, which brings the contract price to \$538,401.60. Mr. Caudle said GDS has indicated that this increase is necessary in order to compensate for fuel cost increase. He said staff has reviewed the proposal and found it to be in compliance with the dictates of our RFP. Mr. Caudle said he would like an additional 30 days following award of the contract to insure that the contract is suitable to both parties. Mr. Caudle said there is some negotiation with the leaf proposal if we go to a bio-degradable bag. Mr. John O'Neal, representative with GDS, said the bio-degradable bags go in the truck with the leaves and on to the landfill. He said the bags will hold up about one or two weeks. *With no further discussion Alderman Brown made a motion to award the bid for sanitation services to GDS of Asheville; authorize the Town Manager to negotiate terms of the contract for service with GDS, including the bio-degradable bags; and to have the proposed contract for service returned to the Board of Aldermen for final approval at the June meeting of the Board. The motion passed with a vote of 5-0.*

B. Cooperative Interlocal Agreement with Buncombe County Tourism Development Authority and French Broad River MPO Wayfinding Project

Mr. Caudle said the County Tourism Development Authority and French Broad River MPO have partnered with local jurisdictions to create a regional "wayfinding" plan and program for the Asheville Urban Area. He said the project will install directional signage throughout the region to assist visitors in locating public destinations. Mr. Caudle said the signs are designed on a regional template for colors, lettering and style to be recognizable throughout the urban area. *Vice Mayor Sobol made a motion to authorize the Town Manager to sign the interlocal agreement to participate in the regional Wayfinding Program. The motion passed with a vote of 5-0.*

C. Authorization to Enter into Lease Agreement with the Montessori School for Rental of Space at the Carver Community Center

Mr. Caudle reported that the Recreation and Parks Department has been contacted by the Montessori School from Black Mountain about the possibility of leasing three classrooms at the Carver Community Center for a two-year period beginning August 1, 2008. He said during the summer months the school would only rent one classroom for storage purposes. Mr. Caudle said the rental revenue would be approximately \$12,024 per year. *With no further discussion Alderman Brown made a motion to authorize the Town Manager to enter into a two-year lease*

agreement with the Montessori School for rental of space at the Carver Community Center. The motion passed with a vote of 5-0.

D. Changes to the Personnel Policy as Applied to the Provision of Retiree Health Benefits

Mr. Caudle said the Town has just completed the conversion of the Town employee health insurance to the State Health Plan. He said with that conversion, there is a change in the way that the retiree health insurance is handled. He explained that currently we are allowed to continue to provide this retiree benefit under the terms of our existing Personnel Policy (retirement under the provisions of the Local Government Employees Retirement System and 15 years of service with the Town immediately preceding retirement). Mr. Caudle said it is possible that these parameters might change as a result of the dictates of the State Health Plan. He said rewriting the policy will allow us to continue the provision of retiree health benefit under our terms, but also allows the flexibility for change as a result of any future policy revisions to the State Health Plan. Mr. Caudle said a provision is also added to the retiree health plan to accommodate the Board's desire to extend the disease management program to the retirees. The proposed amendment will allow for the provision of this benefit to everyone who is currently a retiree from the Town and to those current employees who might later qualify for the retiree health insurance benefit. In its current form, the policy will not allow for the provision of the disease management benefit to any employee hired after the date of enactment of this policy change. *After discussion, Alderman Brandon made a motion to approve the proposed amendment to the Personnel Policy Manual as it relates to the provision of retiree health insurance and the disease management benefits and that no retiree who was hired after May 1, 2008, nor their dependents, regardless of their participation in the retiree health insurance program, shall be eligible for the disease management program.*

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of April 10, 2008 - Agenda Workshop, April 10, 2008 – Closed Session, April 14, 2008 - Regular Session
- B. Budget Amendment #24 – Capital Project Ordinance Amendment
Motion: To approve the Capital Project Ordinance Amendment and accompanying Budget Amendment #24 to transfer the Blue Ridge Road at I-40 Waterline Replacement Project from the Water Fund to the Capital Project Fund
- C. Budget Amendment #25
Motion: To adopt Budget Amendment #25 as submitted authorizing the allocation of controlled substance taxes, insurance proceeds, and donation received
- D. Revision to Chapter 110.11 “Computation of Tax” for Business Privilege Licenses as Applied to Pawnbrokers and Restaurants Seating Five or More People
Motion: To increase the Business Privilege License fees for Pawnbrokers and decrease it for the Restaurants seating five or more people in accordance with North Carolina General Statutes

- E. **CALL FOR PUBLIC HEARING** on Proposed Fiscal Year 2008-2009 Annual Budget for the Town of Black Mountain
Motion: To call for a public hearing on the Recommended Budget for Fiscal Year 2008-2009 on Monday, June 9, 2008 at 6:00 p.m., or as soon thereafter as possible, to be held in the meeting room of the Public Safety Building at 106 Montreat Road, Black Mountain, NC
- F. **CALL FOR PUBLIC HEARING** to Consider Adoption of the Comprehensive Pedestrian Master Plan
Motion: To call for a public hearing in order to take comment on the proposed Comprehensive Pedestrian Master Plan, to be held on Monday, June 9, 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
- G. **CALL FOR PUBLIC HEARING** of a Zoning Text Amendment to Section 153.005 (definitions) to Strike the Definition for Building Height and to Amend Section 153.025 to Set Forth the Way in Which Building Height Will Be Measured
Motion: To call for a public hearing on Monday, June 9, 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 to consider proposals to: amend Section 153.005 of the Black Mountain Code of Ordinances eliminating the definition of building height; and, to consider a text amendment to Section 153.025 of the Black Mountain Code of Ordinances establishing new height and density regulations

Item “G” deleted from agenda.

- H. **CALL FOR PUBLIC HEARING** to Consider Text Amendment to the Historic District Guidelines in Order to Accommodate Emerging Technologies in Green Building and Communications
Motion: To call for a public hearing on a text amendment to update the Historic District Guidelines to accommodate emerging technologies in green building and communications as part of the Black Mountain Code of Ordinances (Section 153.208-216), to be held on Monday, June 9, 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
- I. Grant Project Ordinance Amendment
Motion: To adopt amended “Grant Project Ordinance Flat Creek Master Plan Stream Enhancement Implementation” as submitted and authorize the accounting department to amend Fund 60 – Grant/Special Revenue Fund

IX. COMMUNICATIONS FROM THE TOWN MANAGER

A. Review of the Consent Agenda

B. Projects Update

1. Submission of Proposed FY 2008-2009 Annual Budget – Mr. Caudle reported that the Proposed FY 2008-2009 Annual Budget has been presented to the Board of Aldermen. He said the public hearing for the budget will be June 9, 2008, and the following workshop meetings have been scheduled: May 23, May 28, and June 3, 2008. Mr. Caudle said all workshops will begin at 8:30 a.m. and will be held in the Public Safety Building.

2. Petition for Construction of a Guardrail on Brookside Avenue – Mr. Caudle noted that the cost to install a guardrail on Brookside Avenue would be approximately \$10,000. He said staff has been meeting with Ingle's to see if they are going to lower the road on this section of Brookside Avenue but that costs to lower the road would likely exceed \$54,000. Mr. Caudle said we will wait until Ingle's work is complete before making a decision. Vice Mayor Sobol asked if putting in reflectors on both sides of the road would be feasible. Mr. Caudle said he would meet with Bob Watts and see if this is possible.

3. Town Hall Property Exchange – Mr. Caudle reported that at the agenda meeting, the Board discussed receiving a lump sum payment for the difference in property exchange for Town Hall, and the Town do the renovation of the CP&L building. He said it was the consensus of the Board to have the Town Attorney bring back a contract for approval for the exchange of property and the cash payment.

4. Goodson Cove Annexation – Mr. Caudle said that at the last meeting with Goodson Cove, the developer was to come back and go through a design process with the neighborhood so that the neighborhood would have some input. Mr. Caudle said the developer had to cancel the meeting and has not rescheduled. He said the developer is planning to go back before the Planning Board at the May 19 meeting with a revised design plan.

5. North Carolina League of Municipalities Town Hall Day – Mr. Caudle noted that Wednesday, June 4, 2008, is Town Hall Day in Raleigh for all municipalities. He encouraged the Board to attend and asked that if they are interested in going, to let Shirley know as soon as possible so reservations can be made.

6. Cycle North Carolina – See section under Recreation Department, Jim Orr, Recreation Director.

7. Business to Business Model T Roadster Event – Tuesday, May 27, 2008 – Mr. Caudle reported that Business to Business is working with some Model T owners to bring an event to Black Mountain on May 27.

8. Mr. Caudle also thanked Mr. Joe Tyson for donating the sidewalk in front of his property on Hwy. #9.

9. Mr. Caudle announced that a Computer Recycling event is scheduled for Town residents on Saturday, May 31 from 9 a.m. to 1:00 p.m. He said this event will be held in the Town Hall parking lot.

10. Departmental Reports -

- **Water** – Bob Watts, Public Works Director, commended all departments who helped during the recent storm. He reported on the following projects:

- Four routes have been completed with the installation of the fireflies. He said our meter reader is trying to complete the programming on these.

- The City of Asheville should begin work next week to move the water meters on Blue Ridge Road which will allow staff to complete that project.
- We have a final draft from Cavanaugh and Associates on the water audit. They told us the Town keeps very good records. Mr. Watts said Cavanaugh calculates a water loss index, and our index was 2.1 which means we are losing 2.1 times what we should be losing. He said based on the pressure that we operate in the Town, we should expect an optimum loss of 16-17%. Mr. Watts said we are asking for proposals on leak detection to see if we can cut down on the loss. He said pressure is what is working against us. Mr. Caudle said the report that was provided gave three categories of actions that Cavanaugh suggests we take. Mr. Caudle said he has asked Mr. Watts to compile a list of his priorities based on those categories so staff can look at funding options.
- Sidewalks – We are working with the property owners on Montreat Road to obtain easements for construction of the sidewalk. He said we hope to have the sidewalk finished up to 7th Street by the fall.
- **Fire** – Fire Chief, Steve Jones, reported the Department of Insurance rating remained at a Class 4. He said the report showed very little improvement, but we are already working toward the next inspection. He said this is an ongoing process. Chief Jones said he would like the Department of Inspection representative to meet with the Board and explain the rating process. He said this would enable us to make plans to keep our Class 4 rating.

Chief Jones gave an update on the wind storm from Sunday and Monday. He then presented the April 2008 report for the Fire Department.

- **Police** – Police Chief, Kevin Pressley, presented the April 2008 report for the Police Department. He also reported that there is a mobile home removal program sponsored by the county for anyone who has a mobile home that needs to be removed from their property. This will be done at no expense.

- **Recreation** – Jim Orr, Recreation Director, reported that Cycle North Carolina will be visiting Black Mountain in September. He said there will be approximately 1,000-1,200 riders involved in the event. He said after talking with the group, it was decided that the Town did not have a space large enough to accommodate this number. Mr. Orr said he contacted Mr. Roger Hibbard at Blue Ridge Assembly and he has agreed to host the event.

Mr. Orr said he would be going to Raleigh on Friday to attend the meeting with the PARTF Grant Board. He said they will announce at this meeting whether or not the Town has been chosen to receive the grant.

Mr. Orr reported that staff has been working hard the past several weeks to get the pool ready for opening on May 24, Memorial Day weekend.

X. COMMITTEE/BOARD REPORTS - None

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

Marilyn Sobanski, 516 Laurel Avenue, reported that yard waste has been banned from the landfill. She also said that effective July 1, 2008, a \$2 per ton surcharge increase at the landfill would be applied.

Philip Bisesi, 15 Hy Vu Drive, noted that Mr. Caudle said the new contract price for sanitation is going up dramatically and asked if the Town could be more creative in charging for garbage pickup.

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 7:40 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