

MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REGULAR SESSION MEETING
June 9, 2008

THE BLACK MOUNTAIN BOARD OF ALDERMEN met in regular monthly session on Monday, June 9, 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 – out of town
Alderman Ruth D. Brandon
Alderman Joan Brown - sick
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
Marcy Onieal, Finance Director/Asst. to Town Manager
Kevin Pressley, Police Chief
Elizabeth Teague, Planning Director
Bob Watts, Public Works Director
Sherry Williams, Deputy Finance Officer

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 Dan Snyder, Clerk, Swannanoa Valley Friends Meeting, Black Mountain, 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 –

Marilyn Sobanski, 516 Laurel Avenue, said she is opposed to the request from the ABC Board members asking for an increase in salary.

III. ADOPTION OF THE AGENDA

The minutes of May 8, 2008 - Agenda Workshop and May 12, 2008 - Regular Session were approved.

The agenda was amended with the following changes:

Under IV, Communications from the Mayor, delete item “D”.

Under VI, Old Business, add item “F”.

Under VII, New Business, add items “C”, “D”, “E”, and “F”.

Under VIII, Consent Agenda, add item “C” to call for a public hearing at the July meeting regarding illumination of signs in sub divisions.

Under IX, Communications from the Town Manager, add items 3 & 4.

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

IV. COMMUNICATIONS FROM THE MAYOR

A. Mayor Bartlett reported that he and Town Manager, Tony Caudle, attended the North Carolina League of Municipalities Town Hall Day in Raleigh. He said they met with our legislators, Senator Martin Nesbitt and Representative Bruce Goforth.

B. Mayor Bartlett announced that Town Manager, Tony Caudle, has resigned his position effective July 23. He said Mr. Caudle has accepted the position of Deputy City Manager with the City of Wilmington.

C. Mayor Bartlett asked that the public implement voluntary water conservation measures where possible. He said mandatory water restrictions are not being implemented at this time, but encourages citizens to curtail use of water where possible.

D. Mayor Bartlett reported that the Town of Black Mountain has been awarded the Fit Community Award. He said he and representatives from the Recreation Department accepted the award in Durham.

E. Mayor Bartlett reported that the Town has been awarded the PARTF grant in the amount of \$500,000 for pool renovation. *Alderman McKeown made a motion that the Town*

accept the PARTF grant in the amount of \$500,000 which will require a matching grant. The motion passed with a vote of 3-0.

F. Mayor Bartlett awarded the 2nd Quarter Entrepreneurial Award to Marcus Durate, owner of the Red Radish.

G. Allison Amatangelo gave a presentation from the Old Depot Association, giving the Board an update on current projects.

V. COMMUNICATIONS FROM TOWN ATTORNEY – None

VI. OLD BUSINESS

A. PUBLIC HEARING on Proposed Fiscal Year 2008-2009 Annual Budget for the Town of Black Mountain

Mayor Bartlett opened the public hearing.

Harry Hamil, 15 John Myra Avenue, said he is concerned about the impact of flooding in the valley. He asked if there is money in the new budget for flooding. Mr. Hamil feels it is appropriate for the Town to set aside tax money to mitigate flooding along the Swannanoa River.

Mr. Caudle gave an overview of the FY 2008-2009 budget. He said the tax rate is held at \$.32 per \$100 valuation. Mr. Caudle said the budget is very constrained by fiscal conditions, the economic slowdown that we are currently experiencing, and rising fuel costs. He said with the changeover in health insurance carriers, we saved enough to cover the increase in the sanitation contract, which came to over \$100,000. Mr. Caudle said the increase was largely due to fuel costs. *Alderman McKeown made a motion to approve the Annual Budget for the Town of Black Mountain for Fiscal Year 2008-2009 as presented.*

Philip Bisesi, 15 Hy Vu Drive, asked what is the total budget for this coming year? Mr. Caudle replied that it is \$8.8 million.

Mayor Bartlett closed the public hearing.

Alderman Brandon noted that she would like more discussion on the budget when all members of the Board are present. She said that the budget only reflects a 3% COLA for the employees when other towns are giving more. Alderman Brandon feels that the Board should reduce the amount allocated to greenways and contributions and give more to employees. She said she would not vote to pass the budget this evening. *After further discussion, the motion failed with a vote of 1-2, with Aldermen Brandon and Phillips opposed.*

The Board agreed to hold a budget workshop on June 16 at 9:30 a.m. to continue discussion on the budget.

B. PUBLIC HEARING to Consider Text Amendment to the Historic District Guidelines to Accommodate Emerging Green Building and Communications Technologies

Mr. Caudle explained that any time a new development or redevelopment project is presented for a building permit in the downtown district, the Historic Preservation Commission (HPC) must issue a “Certificate of Appropriateness” before the permit may be issued. He said a recent CofA request for solar panels prompted the Historic Commission to recommend text changes that would promote green building and other emerging technologies while attempting to preserve the historic integrity of downtown. Mr. Caudle said the Planning Board voted unanimously to provide a favorable recommendation to the Board of Aldermen in support of the text changes.

Mayor Bartlett opened the public hearing.

Philip Bisesi, 15 Hy Vu Drive, asked would the Town allow improvements on the face of the buildings? Elizabeth Teague, Planning Director, said if it concerns windows, there are specific guidelines about the shape of the windows. She said anything that can go in to replace windows, may be acceptable or considered appropriate based on the design and its role in compliance with the guidelines. Ms. Teague said the HPC looks at these designs on a case by case basis.

Mayor Bartlett closed the public hearing.

Alderman Brandon made a motion to adopt amendments to Sections 153.208-216 of the Black Mountain Code of Ordinances, Historic District Design Guidelines, as presented in order to accommodate emerging green building and communications technologies. The motion passed with a vote of 3-0. Alderman Brandon made a motion to adopt the Consistency Statement. The motion passed with a vote of 3-0.

C. PUBLIC HEARING to Consider Adoption of the Comprehensive Pedestrian Master Plan

Mr. Caudle said the Pedestrian Plan was funded by the North Carolina Department of Transportation and the Town to provide a comprehensive planning document and map to create a comprehensive network of greenways, sidewalks and other pedestrian facilities. He said the plan includes a priority list for Capital Improvements Planning, and the plan has been endorsed by the Housing Commission, Historic Preservation Commission, Planning Board, and Greenways Commission.

Mayor Bartlett opened the public hearing.

Julie White, Vice Chair, Greenways Commission, said at their May 20 meeting, the Greenways Commission asked that the following changes be made to the master plan:

Chapter 5: Implementation, Part C. Top Priority Projects: The table lists (1) Lake Tomahawk Spur, (2) In the Oaks Trail/Polk Connector, and (3) Flat Creek/Riverwalk Connector as the top three priorities. It should read: (1) Community Garden Trail, (2) Primary School Trail, (3) Grey Eagle Trail.

Pages 2-9 and 2-10: To maintain continuity with the other documents, the following trail names are preferred:

Swannanoa River Trail (rather than Swannanoa Connector)

Oaks Trail (rather than In the Oaks Section)

Grey Eagle Trail (rather than Grey Eagle Section)

Riverwalk Trail (rather than Riverwalk Section)

Primary School Trail/Village Way Spur (rather than Primary School Section)

Ridgecrest Trail (rather than Ridgecrest Section)

Amend Greenway map to include alignment along US70 toward Swannanoa: This alignment is not to replace the Swannanoa River Trail outlined in the Greenways Master Plan, but to create an alternate connection to the west.

Ms. White encourages the Board to adopt the Comprehensive Pedestrian Master Plan.

Harry Hamil, 15 John Myra Avenue, is concerned that the plan is not available in the Planning Department. He said the plan continues to have a sidewalk that runs to the gate in Montreat. Mr. Hamil feels we need a bike lane on Montreat Road.

Mayor Bartlett closed the public hearing.

Alderman McKeown made a motion to adopt the Comprehensive Pedestrian Master Plan with the amendments as recommended by the Greenways Commission. The motion passed with a vote of 3-0.

D. Approval of Sanitation Services Contract

Mr. Caudle reported that at the May 2008 meeting, the Board of Aldermen awarded the bid for sanitation service to GDS and authorized the staff to negotiate the terms of the contract. He said staff has completed that process and now needs approval of the service contract. *Alderman Brandon made a motion to approve the contract for sanitation services with GDS and to authorize the Mayor to sign the contract on the behalf of the Town. The motion passed with a vote of 3-0.*

E. Approval of Contract Exchanging Town Hall Property for Property on Midland Avenue

Mr. Caudle said that Northwest Property Group (NPG) brought a proposal to the Board to exchange the property located at 160 Midland Avenue for the Town Hall property and adjacent public parking lots. He said the NPG is proposing to combine their property, valued at \$770,000, together with a cash payment of \$619,000 in exchange for Town Hall/parking lot property

valued at \$1,389,000. He said the Town can continue to occupy the existing facilities rent-free until February 1, 2009. After that date, the Town will be allowed to continue its occupation of the existing facilities for up to an additional two months at a cost of \$11,000 per month. The town must vacate the existing facilities by no later than April 1, 2009. *Alderman McKeown made a motion to approve the proposed contract for the exchange of the Town Hall property, located at 102 Montreat Road, and the adjacent parking lot properties, for property located at 160 Midland Avenue together with a cash payment of \$619,000; and, to authorize the Mayor to sign the contract and other related documents on the behalf of the Town. The motion passed with a vote of 3-0.*

F. Grant Agreement with the Clean Water Management Trust Fund and Scope of Work for McGill and Associates to Conduct Stormwater Infrastructure and Mitigation Planning

Mr. Caudle said this project will utilize \$50,000 of grant funds from the Clean Water Management Trust Fund, along with \$5,000 of local match to map and assess the Town's stormwater infrastructure with the goals of improving stream water quality and developing a prioritized list for stormwater related capital improvements. He said this project will also examine mitigation opportunities along Flat Creek in conjunction with a potential greenway underpass. *Alderman Brandon made a motion to authorize the Town Manager to execute the Grant Agreement on the behalf of the Town and to approve the scope of work as drafted by McGill and Associates. The motion passed with a vote of 3-0.*

VII. NEW BUSINESS

A. Resolution Supporting Metropolitan Sewerage District Affordable Housing Programs

Mr. Caudle said the Resolution supporting Metropolitan Sewerage District Affordable Housing Programs was presented to the Board at the April meeting. He said the Board agreed that the resolution should be reviewed by the Housing Commission before adoption by the Board of Aldermen. Mr. Caudle said at their May 20, 2008 meeting, the Housing Commission supported the resolution and recommends that the Board pursue any and all opportunities to work with agencies to provide incentives for workforce housing. *Alderman Phillips made a motion to adopt the Resolution in support of MSD programs to encourage affordable housing. The motion passed with a vote of 3-0.*

B. Request from ABC Board for Increase in the Per Diem for the Board members

Mr. Caudle said the ABC Board has requested an increase in the per diem they are currently receiving. He said in accordance with General Statute 18B-700, the appointing authority must approve the compensation.

Alderman Brandon said she questions the amount the ABC Board is requesting and will vote against this request. *Alderman McKeown made a motion to approve the request from the ABC Board to increase the per diem from \$50 to \$100 for the board members and from \$75 to*

\$150 for the board chair. With no further discussion, the motion failed with a vote of 1-2, with Aldermen Brandon and Phillips opposed.

C. Purchase of Four (4) Taser X26 Units

Mr. Caudle said the Police Department is requesting to purchase four (4) Taser X26 units to be used for nonlethal confrontations. He said funding will be taken from forfeiture funds.

Alderman Brandon made a motion to authorize the expenditure in the amount of \$3,730.00 for four (4) Taser X26 with Blade-Tech holsters and cartridges to be taken from forfeiture funds. The motion passed with a vote of 3-0.

D. Purchase of Patrol Rifles for Police Department

Mr. Caudle said the Police Department is requesting to purchase four (4) Bushmaster rifles with lighting systems to be used on patrol. He said funding will be taken from forfeiture funds.

Alderman McKeown made a motion to authorize the expenditure in the amount of \$3,500.00 for four (4) Bushmaster rifles to be taken from forfeiture funds. The motion passed with a vote of 3-0.

E. Purchase of Bicycles for Implementation of Bike Patrol

Mr. Caudle said the Police Department is requesting to purchase two (2) bicycles for the implementation of a Bike Patrol. He said the use of bikes on patrol provides a more approachable environment for the public. Mr. Caudle said funding will be taken from forfeiture funds.

Alderman McKeown made a motion to authorize the expenditure in the amount of \$2,336.00 for two (2) bikes and equipment to include uniforms for bike patrol to be taken from forfeiture funds. The motion passed with a vote of 3-0.

F. Revision to Boards/Commissions Manual to Allow Property Owners in Black Mountain to Serve on Certain Boards and Commissions

Mr. Caudle said there has been discussion to allow persons who own property in Black Mountain, but live outside the Town limits, be allowed to serve on boards and commissions. He said some boards and commissions are governed by general statutes that require members to live within the Town limits. Mr. Caudle said the Urban Forestry Commission is not governed by the general statute and is, therefore, requesting that persons who own property within the corporate limits of Black Mountain be allowed to serve on the commission. *Alderman Brandon made a motion to amend the Boards/Commissions Manual to allow property owners in Black Mountain to serve on certain Boards and Commissions and to include the Urban Forestry Commission. The motion passed with a vote of 3-0.*

VIII. CONSENT AGENDA

- A. Adoption of the Minutes
Motion: To adopt the minutes of May 8, 2008 - Agenda Workshop and May 12, 2008 - Regular Session
- B. Budget Amendment #26
Motion: To approve Budget Amendment #26 as presented authorizing the allocation of controlled substance taxes and donations received
- C. **CALL FOR PUBLIC HEARING** on a Zoning Text Amendment to Allow Subdivision Signage in Residential Areas to Be Illuminated
Motion: To call for a public hearing on a text amendment requested by Nine South, Inc. to amend Section 153.136(B)(2) to allow subdivision signs to be illuminated in the Town Code of Ordinances, to be held on Monday, July 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

Mr. Caudle introduced Marcy Onieal, who has been hired as the Finance Director/Assistant to the Town Manager. He said she replaces Bo Ferguson, who left in February to take a position as Town Manager in Hendersonville.

IX. COMMUNICATIONS FROM THE TOWN MANAGER

- A. Review of the Consent Agenda
- B. Projects Update
1. Mr. Caudle announced that the Computer Recycling event was held on Saturday, May 31 from 9 a.m. to 1:00 p.m. He said the event collected over 440 pieces of computer equipment. Mr. Caudle thanked Rainbow Recycling and Blue Ridge Recycling Company for assisting in this project. He also thanked staff members, Pam Hoen and Laurel Mabery for helping to coordinate this event.
 2. **Goodson Cove Annexation** – Elizabeth Teague, Planning Director, said that representatives with Goodson Cove Development and the Planning Board will hold a special meeting for community input on June 19 from 5-8 p.m. in the Public Safety Building. Ms. Teague said that from the June 19 meeting, it is expected that a new plan will come before the Planning Board on June 30. At that time the Planning Board will make a recommendation for or against annexation to the Board of Aldermen at the July meeting.
 3. Mr. Caudle asked for approval from the Board to declare some golf course equipment surplus and post on GovDeals. *Alderman Phillips made a motion to allow staff to declare some golf course as surplus and post on GovDeals. The motion passed with a vote of 3-0.*
 4. Mr. Caudle asked for approval from the Board to put out for bid the Avena Road and McCoy Cove Road sewer line project. *Alderman Brandon made a motion to allow*

staff to go to bid with the Avena Road and McCoy Cove Road sewer line project. The motion passed with a vote of 3-0.

5. Departmental Reports -

- **Water** – Bob Watts, Public Works Director, reported that since filling the swimming pool, water levels in the tank continue to drop. He said the levels are coming back slowly. Mr. Watts said people are using a tremendous amount of water in landscape projects, and asked that anything citizens can do to curtail the water usage would be helpful. Mr. Watts said he is meeting with the City of Asheville to discuss ways to increase our ability to get water from Asheville.

The Water Department has installed 250 meters in anticipation of getting more fireflies installed.

The Street Department has built a 9' wide road to the storage tank on Allen Mountain.

- **Fire** – Fire Chief, Steve Jones, presented the May 2008 report for the Fire Department.

- **Police** – Police Chief, Kevin Pressley, presented the May 2008 report for the Police Department.

- **Recreation** – Jim Orr, Recreation Director, gave an update on the following events:

- Gave a list of activities scheduled for the 4th of July celebration;
- Reported that the Town has received the PARTF grant for the renovation of the pool;
- Reported that the Town of Black Mountain has been selected as a Fit Community. Mr. Orr said Black Mountain is only one of three towns in North Carolina to receive this award. He noted that Mayor Bartlett and Katie Towner, Health Services Administrator, attended a luncheon in Durham to receive the award.

X. COMMITTEE/BOARD REPORTS

A. Appointments to Fill Vacancies on Boards and Commissions

The Board made the following appointments:

1. ABC Board (1) vacancy – Alderman McKeown made a motion to reappoint Woody Sobol to a second term. The motion passed with a vote of 2-1 with Alderman Phillips opposed. Alderman Phillips made a motion to appoint Larry Robinson. The motion failed with a vote of 1-2 with Aldermen Brandon and McKeown opposed. The Board agreed that residency of Woody Sobol needs to be verified before appointment is made to this Board.

2. Board of Adjustment (3) vacancies –

Doug Brock agreed to serve a third term. Since a 4/5th vote is required, this appointment will be made at the next meeting.

Alderman McKeown made a motion to appoint Don Farrow. The motion passed with a vote of 3-0.

3. Greenways Commission (2) vacancies –

Alderman Phillips made a motion to reappoint Ann Lutz and Jon McNair to a second term. The motion passed with a vote of 3-0.

4. Historic Preservation Commission (1) vacancy –

Alderman Brandon made a motion to appoint Susan Sellers. The motion passed with a vote of 3-0.

5. Housing Commission (3) vacancies – Only one application was received.

Alderman McKeown made a motion to appoint Joanne S. Brannon. The motion passed with a vote of 3-0.

6. Planning Board (2) vacancies –

Alderman McKeown made a motion to reappoint Phyllis Genetti. The motion passed with a vote of 3-0. Alderman Brandon made a motion to reappoint Terry McCall. The motion passed with a vote of 3-0. It is noted that Terry McCall did not wish to be reappointed.

7. Recreation Commission (3) vacancies – Only one application was received. Clay Hile agreed to serve a third term. Since a 4/5th vote is required, this appointment will be made at the next meeting.

8. Urban Forestry Commission (2) vacancies -

Alderman Phillips made a motion to reappoint Joyce Schwarz. The motion passed with a vote of 3-0.

Alderman McKeown made a motion to reappoint Susie Smith. The motion passed with a vote of 3-0.

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, thanked the residents for participating in the computer recycling event held recently at Town Hall.

Ron Collins, 400 Blue Ridge Road, asked if additional information on items on the monthly agenda could be posted on the web site. Mayor Bartlett asked that staff look into this.

XII. ADJOURNMENT

With no further business, Alderman McKeown made a motion to adjourn the meeting at 8:00 p.m. The motion passed with a 3-0 vote.

Carl R. Bartlett, Mayor

ATTEST

Anthony N. Caudle, Town Manager

Shirley J. Raines, CMC, Town Clerk