

**MINUTES OF THE TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN**  
**AGENDA WORKSHOP**  
**November 8, 2010**

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** held its regularly scheduled agenda workshop on Monday, November 8, 2010 at 5:00 p.m. in Conference Room 1 of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for November 8, 2010.

**I. CALL TO ORDER**

Mayor Bartlett called the meeting to order at 5:00 p.m. with the following members present:

Carl R. Bartlett, Mayor  
Joan Brown, Mayor pro tem  
Ruth D. Brandon, Alderman  
Tim Rayburn, Alderman  
Carlos Showers, Alderman  
C. Michael Sobol, Alderman

The following staff members were present:

Marcy Onieal, Town Manager  
Ron Sneed, Town Attorney  
Casey Conner, Interim Recreation and Parks Director  
Kevin Pressley, Police Chief  
Steve Jones, Fire Chief  
Elizabeth Teague, Planning and Development Services Director  
Mark Combs, Public Services Director  
Darlene Whisenant, Town Clerk

The following members of the public were also present:

John DeWitt, Recreation Commission Chairman  
Elaine Loutzenheiser

The Board reviewed the items that were proposed for the November regular session meeting and made the following change:

- Moved Agenda Item 6D from Consent Agenda – Proposal to Finance the Purchase of Various Vehicles and Equipment – to New Business as Item 7B.

Town Manager Marcy Onieal stated that the Public Hearing on a Zoning Text Amendment to revise Section 9.4 in the Land Use Codes regarding off-premise signage had

originally been scheduled to be discussed in the spring, however due to several calls from business owners who contacted both Town Hall staff and the Planning Board this item has been moved forward. Elizabeth Teague, Planning & Development Director briefly explained the Consistency Statement and Ordinance O-10-04 was recommended by the Planning Board to provide relief to businesses who may not have road frontage or be visible from the Town’s major thoroughfares within our commercial and industrial districts and to show support to local businesses and promote a diversified and healthy economy. The proposed ordinance would include specific guidelines and regulations.

Mark Combs, Public Services Director, informed the Board of Aldermen that all the Public Services trucks have been reconditioned and have new tires in preparation for the winter season. Staff proposes interlocal agreements with the City of Asheville and NCDOT for bulk purchase of premixed salt/sand rather than purchasing bagged salt and sand at retail prices as in years past.

Town Attorney Ron Sneed provided a brief update regarding The Settings. Mayor Bartlett and Mr. Sneed met with Ron Moore, the District Attorney, who all agreed that the situation is at a stalemate, with the Town having little responsibility or authority to affect a remedy for property owners. The developer has not lived up to his responsibilities and agreements to complete infrastructure, leaving it up to the homeowners to file a civil suit. The construction bond needs to be called, but because Buncombe County established no deadline for completion, it is unclear what level of action or inaction would justify calling the bond. Mr. Sneed recommended establishing a new deadline, around which the developer’s action or inaction could trigger a legally defensible calling of the bond and force the completion of infrastructure construction.

*At 5:40 p.m. Mayor Pro tem Joan Brown made the motion to go into closed session as permitted in NCGS § 143-318.11(a)(7), for the purpose of planning, conducting, or hearing reports concerning investigations of alleged criminal conduct; and as permitted in NCGS § 143-318.11(a)(6) to discuss personnel matters. Alderman Ruth Brandon seconded the motion and it was unanimously passed.*

**II. ADJOURNMENT**

*Upon return to open session, there being no further business, Alderman Carlos Showers moved to adjourn the Agenda work session at 5:50 pm, and the motion was unanimously approved.*

ATTEST:

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Carl R. Bartlett, Mayor

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Darlene Whisenant, Town Clerk

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Marcia D. Onieal, Town Manager