



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
AGENDA WORKSHOP MEETING MINUTES  
February 6, 2020

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**THE BLACK MOUNTAIN BOARD OF ALDERMEN** held an agenda workshop on Thursday, February 6, 2020 at 5:00 p.m. in the board room 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 Monday, February 10, 2020 at 6:00 p.m.

**1. CALL TO ORDER**

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

Mayor Don Collins- absent  
Vice Mayor Maggie Tuttle  
Alderman Ryan Stone  
Alderman Larry Harris  
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager – absent  
Dean Luebbe, Assistant Town Manager/Finance Director  
Angela Reece, Assistant to Manager/ Town Clerk  
Shawn Freeman, Police Chief  
Scottie Harris, Fire Chief  
Jessica Trotman, Planning Director  
Jamey Matthews, Public Works Director

**The Board reviewed the items that were proposed for the February 10, 2020 regular session meeting and REMOVED Item 8B, Ordinance Amending Section 47-12, Specified Places Prohibited and 47-13, Penalty and Enforcement of Article IV. – Stopping, Standing, and Parking of the Town of Black Mountain Code of Ordinances #O-20-03 and ADDED New Item (will become Item 8C) Board of Aldermen Appointment (Procedural Discussion) to the agenda.**

Vice Mayor Maggie Tuttle opened the meeting. Assistant Town Manager, Dean Luebbe presented the proposed agenda to the Board of Aldermen. The Board will observe a moment of silence to honor Alderman Carlos Showers who passed away on January 27, 2020. Alderman Showers was elected in 2009, reelected in 2013, and appointed to an unexpired term in 2017 and was the second African American to serve as Alderman in the Town of Black Mountain. The Board will also observe a moment of silence for County Commissioner Mike Fryar who passed away on February 2, 2020. Commissioner Fryar was elected in 2012 and represented District 2.

Assistant Manager Luebbe discussed **Item 5B**, Audit Accounts Contract Amendment for Mauldin & Jenkins stating in completing the FY19 audit for the Town of Black Mountain, Mauldin &

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Jenkins discovered a misstatement in the FY18 audit, involving depreciation on a fire truck. Mr. Luebbe stated the amount of the misstatement was \$84,763 and was deemed to be material by the audit firm. He reminded the Board the Town is responsible for the accuracy of the financial statements and said this will not affect the agreed upon contract amount for the next 2 years. Mr. Luebbe stated he and Manager Harrold attempted to negotiate a lesser fee but said the Audit firm was unreceptive.

Assistant Manager Luebbe discussed **Item 5C**, Budget Amendment for Golf Course Snack Shop Water Damage Repairs stating water damage was discovered at the 19<sup>th</sup> Hole Snack Shop in the late summer of 2019 which affected the ladies lounge interior (the lower portion of the building) and sections of the deck. Mr. Luebbe stated portions of the exterior of the lower level also need to be replaced, and said the job is complicated because of the location of the electrical panel. Mr. Luebbe stated CRC Rebuilders submitted an estimate which the Town finds acceptable.

Assistant Manager Luebbe discussed **Item 5D**, Budget Amendment for Additional Funding for the Comprehensive Plan Update stating due to the large turnout at the initial public meeting staff has realized more public input would be necessary for success of the plan. Mr. Luebbe stated the Planning Department has been unable to hire a part time building inspector and said the funding would come from budgeted funds for this position.

Attorney Ron Sneed discussed **Item 7B**, NC Highway 9 Sidewalk Construction Contract Approval stating he has spoken with Sikes Regan and Attorney Mike Begley who have proposed selling their foot bridge below Cheshire to the Town and utilizing the funds to pay for the construction of the sidewalk in brick. Board members directed Attorney Sneed to negotiate further and propose stamping the concrete to look like brick in lieu of purchasing the bridge. Alderman Larry B. Harris reiterated the Board's preference for treating everyone equal and not doing for one what you may not do for another.

Attorney Ron Sneed discussed **Item 8C (will become Item 8B on Amended Agenda)**, Library Board Appointment stating the Library Board is an appointed advisory board of the Board of Aldermen to oversee maintenance of the Town owned, County Operated library building. Attorney Sneed stated appointments are for life and said the previous chair (Robert Woodward) has moved out of state. Attorney Sneed stated the Board usually does not allow dual appointments to advisory boards but asked for an exception in this case due to Mr. Ron Collins having a valuable skill set to contribute.

Attorney Ron Sneed discussed **Item 7B**, Ordinance Amending Section 47-12, Specified Places Prohibited and 47-13, Penalty and Enforcement of Article IV. – Stopping, Standing, and Parking stating the ordinance was written to include 2 hour parking prohibitions along Cherry Street. Attorney Sneed stated he anticipated parking prohibitions and included a two hour limit within the ordinance. Alderman Larry B. Harris stated he wanted notification sent to the business owners before this item is considered.

*Alderman Larry B. Harris moved to remove this item from consideration.  
The motion passed by a vote of 4-0.*

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Planning Director Jessica Trotman discussed **Item 9A**, Public Hearing of Intent to Close a Right of Way on Ruby Avenue stating Richard “Kenny” Capps and Ora Lee Kerlee have filed a petition to close a portion of a right-of-way between Ruby Avenue and Old State 10 Road and said the properties that abut the right-of-way are 212 Ruby Avenue and 213 Old State 10 Road. Director Trotman stated the requested closure is approximately 75 feet in the length and 14 feet wide and said the right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. She said the right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommended the closure with a vote of 5-0 at the November 18, 2019 meeting.

Planning Director Jessica Trotman discussed **Item 9B**, Public Hearing to Rezone Portions of Flat Creek Road and Montreat Road from Suburban Residential (SR-2) to Town Residential (TR-4) Zoning Ordinance #Z-O-20-01 stating the Planning Board evaluated a large area of Flat Creek and Montreat Road to be rezoned to better meet the conditions that are currently present. Director Trotman stated the Planning Board held a community meeting with owners in the proposed area and said there was wide support for the TR-4 zoning district. The Planning Board received the application at their December 16, 2020 meeting and voted 5 to 0 to recommend the rezoning to the Board of Aldermen.

*(\* The Z-O numbering system for Zoning Ordinances has been implemented in 2020 to better track zoning ordinances. It will be included within the index of the official minutes.)*

Planning Director Jessica Trotman discussed **Item 9C**, Public Hearing to Rezone 1068 Old US 70 Hwy from OI-6 (office and institutional) to HB-8 (highway business) Zoning Ordinance #Z-O-20-02 stating Walker Ferguson, the owner of 1068 Old US 70 Hwy, has requested that their property located at 1068 Old US 70 Hwy be rezoned from OI-6 (office and institutional) to HB-8 (highway business). Director Trotman stated the property sits at the corner of Old US 70 Hwy and Tabernacle road and abuts and is adjacent to other highway business zoned properties. She stated the property is .64 acres and rezoning would give the owner the opportunity to get one additional lot if they chose to subdivide. The Planning Board heard this request at their December 16, 2019 meeting and voted 4 to 1 to recommend the rezoning request to the Board of Aldermen.

Planning Director Jessica Trotman discussed **Item 9D**, Public Hearing to Rezone 1114 Montreat Road from SR-2 (suburban residential) to UR-8 (urban residential) Zoning Ordinance #Z-O-20-03 stating John Pomeroy and Micah Larimore (1114 Montreat Rd LLC), the owners of 1114 Montreat Road, have requested that their property located at 1114 Montreat Road be rezoned from SR-2 (suburban residential) to UR-8 (urban residential). Director Trotman stated the property abuts and is adjacent to other urban residential zoned properties and said the difference in uses between districts is comparable and while it would allow more density, the property is encumbered by sewer lines, a stream, floodway and floodplain. The Planning Board heard this request at their December 16, 2019 meeting and voted 5 to 0 to recommend the rezoning request to the Board of Aldermen.

Alderman Larry B. Harris addressed the Board regarding finalization of the One-Way traffic pattern on Cherry Street inquiring if anyone felt it was time to make this a permanent pattern. Discussions among board members with staff concluded that no further complaints have been made regarding the pattern. Both Police and Fire Chief’s support the closure for safety. Alderman

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Larry B. Harris directed staff to approach NC DOT to inquire of a potential cost sharing to implement the bulb-out at the top of Cherry Street and State Street.

Vice Mayor Maggie Tuttle addressed the Board regarding procedures to appoint an Aldermen to fill the unexpired term left vacant by Alderman Showers and stated she feels some type of application process would be worth considering. Alderman Ryan Stone stated he supports the idea to promote transparency. Alderman Larry B. Harris stated he is not in favor of a requirement to fill out an application stating he feels it may make the process more restrictive. The Town Clerk presented various sample applications from other jurisdictions for reference as well as a sample document for consideration. Board members reminded the public that the decision ultimately falls within the Board of Aldermen's purview.


*Alderman Ryan Stone moved to add Board of Aldermen Appointment  
(New Item 8C) to the agenda.  
The motion passed by a vote of 4-0.*

There was no further discussion on the agenda.

*There being no further discussion, on a motion by Alderman Larry B. Harris, with a vote of 4-0 Mayor Don Collins adjourned the meeting at 5:56 p.m.*

ATTEST:

  
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Angela Reece, Assistant to Manger/Town Clerk

  
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Don Collins, Mayor