



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: February 10, 2020 Time: 6:00 p.m. Regular Session Minutes

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 **Conserve resources; print only when necessary.**

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*Should you need other assistance or accommodation for this meeting, please contact
Town Clerk Angela Reece at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Don Collins called the meeting to order at 6:00 p.m. with the following members present:

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

The following staff members were present:

Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Joshua Henderson, Recreation Director
Jamey Matthews, Public Works Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. A moment of silence was observed in memoriam of Alderman Carlos L. 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 also observed 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.

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Mayor Collins thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. The re-broadcast of each regular meeting is shown throughout the month on Charter Cable's Buncombe County Channel 192 at 8:00 p.m. on Sundays. Meetings initially air the same week in which they occur and are shown weekly until the next regularly scheduled meeting. Citizens may also go to the Town website www.townofblackmountain.org at any time and view the most recent regular meeting of the Board.

2. PROCLAMATION AND AWARD RECOGNITION

Mayor Collins stated the Charles H. Campbell Regional Leadership Award was named for four-time Council Chairman and long-time Brevard Mayor who himself received a national award for regional leadership in 1977. The award was dedicated in 1983 to annually honor an outstanding contributor to the betterment of Western North Carolina and the Land of Sky Region. Mayor Collins stated the Land of Sky Regional Council's Executive Committee awards it to another Council Member who has made a major long-term contribution to the Council and its governance and said this year the award was presented to LORSC Board Chair and Black Mountain Alderman, Larry Harris, for his dedication and leadership to Land of Sky Regional Council and Western North Carolina.

Mayor Collins advised the Town has received a Certificate of Achievement for Excellence in Financial Reporting for FY18 CAFR from the Government Finance Officers Association. A letter from the Governmental Finance Officers Association notified Assistant Manager/Finance Director Dean Luebbe that the 2018 fiscal year end comprehensive annual financial report (CAFR) qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting/ The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment. The Board of Aldermen commended and praised Mr. Luebbe for his efforts.

3. CITIZEN COMMENTS

*Individuals wishing to address the Board are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Board. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

There were no citizen comments.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

Shawn Freeman, Police Chief presented the Police Department Annual Report to the Board of Aldermen. The report is made part of and included in these minutes.

Dean Luebbe, Assistant Town Manager/Finance Director presented the Finance Quarterly Report to the Board of Aldermen. The report is made part of and included in these minutes.

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5. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.

Town Manager, Josh Harrold presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

Motion: *To adopt the minutes of January 1, 2020 (Special Call), January 9, 2020 (Agenda Session), January 13, 2020 (Regular Session) and January 13, 2020 (Closed Session).*

B. Audit Accounts Contract Amendment for Mauldin & Jenkins

Motion: *To approve the amended contract with Mauldin & Jenkins, increasing the audit fees for the FY19 audit by \$3,400.*

C. Budget Amendment for Golf Course Snack Shop Water Damage Repairs #FY20-12

Motion: *To approve Budget Amendment #FY20-12 as submitted. In the Golf Fund, this budget amendment will increase the expense account, 5092-6310-730 (Capital Outlay) by \$21,875 and the revenue account, 5092-3808-800 (Transfer from General Fund) for \$21,875.*

D. Budget Amendment for Additional funding for Comprehensive Plan #FY20-13

Motion: *To approve Budget Amendment #FY20-13 as submitted, increasing the line item 1010-5400-730 (Capital Outlay) by \$10,000 and decreasing the line item 1010-5400-021 (Part Time Salaries) by \$10,000.*

Vice Mayor Maggie Tuttle moved to approve consent items A-D as presented.

The motion was approved by a vote of 3-0.

6. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Board regarding the specific New Business or Unfinished Business items below. Comments by any one **speaker shall be limited to three (3) minutes**. If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

There were no citizen comments.

7. UNFINISHED BUSINESS

A. 2020 Sanitation Contract

Town Manager, Josh Harrold presented the results of the RFP (Request for Proposal) to the Board of Aldermen stating the Town only received one proposal from Waste Pro Industries Inc. Manager Harrold stated he has met with surrounding municipalities and discussed sanitation services stating the Town of Black Mountain is the only municipality in Buncombe County who does not contract sanitation services out at this time. Manager Harrold presented a working spreadsheet depicting sanitation service costs for Fiscal Years of 2017, 2018, 2019 and 2020. Manager Harrold stated at the end of Fiscal Year 20 the Town is estimated to pay \$660,400 to Waste Pro for sanitation services. Manager Harrold stated Buncombe County Landfill tipping fees would be an additional \$132,000 to bring the total year end estimate to \$796,200 for FY20. Manager Harrold stated Buncombe County Landfill tipping fees have remained steady with no great increase but cautioned that yard waste fees will increase from \$20.00 per ton to \$30.00 per ton this coming fiscal year. Manager Harrold stated landfill tipping fees are currently \$43.70 per ton and transfer station tipping fees are \$47.75 per ton.

An excerpt of the spreadsheet for Annual Costs for Sanitation Services (Waste Pro) is below. The figures highlighted in yellow represent the dollar cost per household served. The town currently has 4,080 monthly stops and in Fiscal Year 20 the sanitation cost is \$12.90 per stop/per month.

	FY15	FY16	FY17	FY18	FY19	FY20 (estimated)
Personnel						
Contract Labor						
Garbage pickup	535,631	525,723	594,767	628,928	624,716	660,400
Tipping Fee	124,384	129,180	128,928	127,224	133,757	132,000
Fuel						
Insurance (WC and liab)						
Other	5,287	4,574	6,316	1,563	2,074	3,800
Debt Payments						
MR Trucks						
TOTAL	665,302	659,477	730,011	757,715	760,547	796,200
		-0.88%	9.66%	3.66%	0.37%	4.48%
			11.46	12.09	12.52	12.9
			4080	4080	4080	4080

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Manager Harrold stated the proposal from Waste Pro with the same level of service and tonnage will **increase sanitation services collection costs to \$1,073,650 in FY21**, which is a **25.84% increase**. The town has 4,080 sanitation stops per month and the cost per stop would increase from \$12.90 per stop to \$18.51 per stop. This does NOT include the landfill tipping fees.

Manager Harrold proposed an estimated budget to bring sanitation services in house. He stated the only unknown costs at this time are for the purchase and installation of an oil and water separator to wash out garbage trucks. Manager Harrold stated he estimates the annual maintenance costs on the oil and water separator to be approximately \$2,500. Trucks would be kept at the Public Works facility under a metal storage canopy outside as storage is limited inside due to vehicles and equipment stored there now. Manager Harrold stated the metal canopy would cost approximately \$15,000 to \$20,000.

The additional cost to purchase roll out carts for residents (1 trash and 1 recycling) would be approximately \$400,000.

	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30
Personnel	330,000	346,500	363,825	382,016	401,117	421,173	442,232	464,343	487,560	511,938
Contract Labor	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000
Garbage pickup										
Tipping Fee	133,320	134,653	136,000	137,360	138,733	140,121	141,522	142,937	144,366	145,810
Fuel	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Insurance (WC and li	20,000	21,000	22,050	23,153	24,310	25,526	26,802	28,142	29,549	31,027
Other	65,000	68,250	#####	75,246	79,007.91	82,958	87,106.22	91,462	96,034.60	100,836
Debt Payments	123,917	123,917	123,917	123,917	123,917	123,917	123,917	123,917	123,917	123,917
MR Trucks	30,000	36,000	43,200	51,840	62,208	74,650	89,580	107,495	128,995	154,793
TOTAL	762,237	790,320	820,654	853,531	889,293	928,344	971,158	1,018,296	1,070,422	1,128,321

Manager Harrold stated financing terms for garbage trucks are typically 2.5% interest with a 7 year term. Manager Harrold advised the Board according to his research trucks start wearing out around year 7. Mayor Collins stated the town could purchase garbage trucks with proceeds from the sale of the old Public Works facility. Alderman Larry B. Harris stated factoring in future costs is also necessary through capital improvement. Manager Harrold stated he and Assistant Manager Luebbe figured in percentages of increases for services and operating costs to determine the numbers. Mayor Collins inquired the need for six initial personnel and Manager Harrold stated he feels this number may be low. Mayor Collins inquired regarding the type of garbage trucks and Manager Harrold clarified the pricing is for rear loading garbage trucks. Mayor Collins stated this will eliminate the \$400,000 cost for providing roll out cans. Manager Harrold clarified the rear loading trucks are able to pick up roll off cans for persons already having them and said he did not want employees reaching into roll out cans to dig out trash or lifting heavy cans to avoid injury. Alderman Larry B. Harris stated this is a direction to consider for citizens who are able to utilize them. Mayor Collins asked what the annual savings would be over the next ten years and Manager Harrold stated the first year cost savings by bringing sanitation services in house would be approximately \$300,000. Manager Harrold stated the total

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cost is an estimate but said looking at the RFP Waste Pro Industries submitted the Town would catch up to the current cost proposal in year ten at \$1,072,149.00, which is less than the current year proposal.

Assistant Manager Dean Luebbe stated more regulations may be necessary to reduce tonnage which will reduce costs. Alderman Larry B. Harris stated this will need to be examined further to determine best practices moving forward. Manager Harrold presented the sanitation survey data stating 515 citizens responded. Manager Harrold stated that 85% of responses indicated they could use a roll off can and 15% said they could not use a roll out can. Of the 15% who indicated they could not use a roll out, 50% cited the reason being terrain, 38% cited a health condition/age and 12% cited a disability.

A decision was not made and this item will be placed on a special meeting for further discussion. (A special meeting was subsequently called on February 26, 2020 at 5:00 p.m.)

B. NC Highway 9 Sidewalk Construction Contract Approval

Attorney Ron Sneed recalled previous discussions with Sikes Regan to obtain an easement to install sidewalk along the Cheshire Village area along NC Highway 9. Attorney Sneed stated the town sought bids for the work for concrete sidewalks and said Sikes has requested a brick sidewalk. The difference in pricing would be approximately \$65,000 plus higher future maintenance costs. Attorney Sneed stated the bids were not requested in this way and said by law the town is committed to accepting a bid or rejecting all bids and reissuing. Attorney Sneed stated the developer has submitted alternate proposals as previously discussed to sell the easement to the town, sell the foot bridge to the town and for the developer to use those proceeds to make up the difference in the low bid. Attorney Sneed stated he spoke with the low bidder regarding stamping concrete to look like brick was not advantageous and actually costs just as much as brick. Mayor Collins stated the town can proceed with the sidewalk just past this property until an agreement can be reached and said that “we can’t do for one what we cannot do for another”. Mayor Collins stated he wanted to be clear that the town may not do special favors.

Motion: *To award contract for NC Highway 9 sidewalk construction to Southern Appalachian Grading and Excavating, Inc. in the amount of \$125,240.*

This item was not considered and will be placed on a special meeting for further discussion. (A special meeting was subsequently called on February 26, 2020 at 5:00 p.m.)

8. NEW BUSINESS

A. Resolution to Provide Additional Matching Funds for River Walk Greenway Phase II

#R-20-02

Manager Josh Harrold stated staff is seeking an additional \$1.2M to finish funding the River Walk Greenway expansion. Manager Harrold stated the total project cost is approximately \$6M

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and said the Town's match will be 20% (which is \$1.2M). If staff are successful in obtaining funding for the additional \$1.2M, the 20% match is \$240,000. Manager Harrold reminded citizens that the County has contributed \$400,000 for this project. Mayor Collins reminded citizens the project construction may not begin until all funding is in place.

Alderman Ryan Stone moved to approve Resolution #R-20-02 committing to matching funds, if awarded, in the amount of \$240,000, which is twenty-percent (20%) of the total request of the grant application for 2020 STBG to provide funding for construction for the River Walk Greenway Phase II. The motion was approved by a vote of 3-0.

B. Library Board (Building Maintenance) – (1) un-expiring term

Recommendation by Library Board Membership: **Ron Collins**

Attorney Sneed advised the Library Board is a building maintenance board with members being appointed permanently. Attorney Sneed sits on the Library Board and advise the Board of Aldermen the recommendation of their board is to appoint Ron Collins as member due to his skills and abilities. Attorney Sneed stated if it is presumed that this board operates under the same terms as all other advisory boards he would ask that the Board of Aldermen suspend their rule disallowing dual appointment as Ron Collins was also appointed to the Planning Board. Attorney Sneed stated the Library Board is not a policy making board and reiterated it is merely a maintenance committee.

Alderman Larry B. Harris moved to suspend the dual appointment prohibition and to appoint Ron Collins to fill an un-expiring term on the Black Mountain Library Board. The motion was approved by a vote of 3-0.

C. Board of Aldermen Appointment (*Procedural Discussion*)

Vice Mayor Maggie Tuttle recalled discussions at the agenda setting meeting stating she feels it would be a good idea to offer the public an opportunity to fill out an interest form for appointment to the Board of Aldermen to fill the unexpired term vacated due to Alderman Carlos Showers passing. Alderman Ryan Stone stated the Town's charter does not allow for the seat to be left vacant or to call for a special election. Alderman Stone stated in the spirit of transparency Vice Mayor Tuttle has come up with the interest form for individuals who are interested to seek appointment. Alderman Stone stated he hears concerns that this may set a precedent for future boards but said it is his understand that boards may choose the procedure they want as long as it's within the charter and state law. Attorney Sneed clarified this is a non-partisan board and stated the board is not adopting this form as procedure but allowing the public to express interest. Alderman Larry B. Harris clarified the interest form will not be a requirement. Alderman Ryan Stone stated he feels we are in a unique time where people are asking for more avenues of transparency and to make themselves known and feels this is another tool to move forward. Vice Mayor Tuttle stated former Citizen Academy graduates are another resource to pull from.

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Vice Mayor Maggie Tuttle moved to make notice available to citizens who wish their candidacy to be known and considered for appointment

The form was made available through the Town's website, social media outlets, news sources, and printed at Town Hall for parties interested in submitting candidacy requests.

***Vice Mayor Maggie Tuttle moved to approve a notice of interest form and to make it available to the public with an expiration date of February 24, 2020.
The motion was approved by a vote of 3-0.***

9. PUBLIC HEARING

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each Public Hearing.

A. Public Hearing of Intent to Close ROW Ruby Avenue #R-20-01

Planning Director Jessica Trotman stated the properties that abut the right-of-way are 212 Ruby Avenue and 213 Old State 10 Road. The requested closure is approximately 75 feet in the length and 14 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. 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.

Alderman Ryan Stone moved to open the public hearing for Resolution #R-20-01 to Close Unopened, Platted Right-of-Way Parallel to Ruby Avenue. The motion was approved by a vote of 3-0.

There were no Board comments. There were no citizen comments.

Vice Mayor Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 3-0.

Alderman Larry B. Harris moved to approve Resolution #R-20-01 closing the unopened, platted right-of-way parallel to Ruby Avenue at presented. The motion was approved by a vote of 3-0.

B. Public Hearing for Rezoning Portions of Flat Creek Road and Montreat Road from Suburban Residential (SR-2) to Town Residential (TR-4) *Zoning Ordinance #Z-O-20-01*

Planning Director Jessica Trotman stated 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 if the parcels are rezoned then there will only be 8 remaining which are legally non-conforming. The Planning Board held a community meeting with owners in the proposed area

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and 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

Vice Mayor Maggie Tuttle moved to open the public hearing to rezone multiple parcels on Flat Creek and Montreat Road from SR-2 (suburban residential) to TR-4 (town residential). The motion was approved by a vote of 3-0.

There were no Board comments. There were no citizen comments.

Alderman Larry B. Harris moved to close the public hearing. The motion was approved by a vote of 3-0.

Vice Mayor Maggie Tuttle moved to adopt the Statement of Consistency as presented [or as amended]. The motion was approved by a vote of 3-0.

Vice Mayor Maggie Tuttle moved to adopt Zoning Ordinance #Z-O-20-01 to rezone multiple parcels on Flat Creek Road and Montreat Road from SR-2 (suburban residential) to TR-4 (town residential). The motion was approved by a vote of 3-0.

C. Public Hearing – Rezoning of 1068 Old US 70 Hwy. Zoning Ordinance #Z-O-20-02

Planning Director Jessica Trotman stated the property 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). 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. 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.

Vice Mayor Maggie Tuttle moved to open the public hearing to rezone 1068 Old US 70 Hwy from OI-6 (office and institutional) to HB-8 (highway business). The motion was approved by a vote of 3-0.

There were no Board comments.

Chris Pettick address the Board of Aldermen and expressing concerns for increased property values stating his property borders the parcels in question.

Vice Mayor Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 3-0.

Alderman Larry B. Harris moved to adopt the Statement of Consistency as presented [or as amended]. The motion was approved by a vote of 3-0.

Alderman Larry B. Harris moved to adopt Zoning Ordinance #R-O-20-02 to rezone 1068 Old US 70 Hwy from OI-6 (office and institutional) to HB-8 (highway business). The motion was approved by a vote of 3-0.

- D. Public Hearing Public Hearing to Rezone 1114 Montreat Road from SR-2 (suburban residential) to UR-8 (urban residential) *Zoning Ordinance #Z-O-20-03***

Planning Director Jessica Trotman stated 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 this is the former “Nana’s nursing home”. The property abuts and is adjacent to other urban residential zoned properties. 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.

Vice Mayor Maggie Tuttle moved to open the public hearing to rezone 1114 Montreat Road from SR-2 (suburban residential) to UR-8 (urban residential). The motion was approved by a vote of 3-0.

There were no Board comments. There were no citizen comments.

Vice Mayor Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 3-0.

Vice Mayor Maggie Tuttle moved to adopt the Statement of Consistency as presented. The motion was approved by a vote of 2-1 with Alderman Ryan Stone opposing.

Vice Mayor Maggie Tuttle moved to adopt Zoning Ordinance #Z-O-20-03 to rezone 1114 Montreat Road from SR-2 (suburban residential) to UR-8 (urban residential). The motion was approved by a vote of 2-1 with Alderman Ryan Stone opposing.

10. COMMUNICATION FROM STAFF

- A. Town Attorney – None at this time.**

Town Manager – Manager Harrold reminded the public of the second kickoff meeting for the Comprehensive Plan stating it will be held on Monday, February 27, 2020 at 6:00 p.m. at Meadowbrook Free Will Baptist Church on Blue Ridge Road. The public may view more information by visiting

<https://www.townofblackmountain.org/2533/Comprehensive-Plan-Update>

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Manager Harrold reminded the public that the town is soliciting public comment for the Blue Ridge Road Small Area Plan and encouraged citizens to visit the website or reach out to planning staff to comment. Manager Harrold also invited Board members to attend the Fonta Flora State Trail meeting next week in Morganton and encouraged to join the State Trail Board.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris addressed the public regarding the Avadim Project presentation encouraging the public to attend the March meeting to hear the updates as it has been rescheduled. Alderman Harris also stated he is reaching out to NCDOT to invite them to give an update to the public regarding the I-40 Blue Ridge Road Interchange project and timeframe for Right-of-Way acquisition at the March meeting.

Alderman Ryan Stone encouraged citizens to participate in the voting process and reminded them of early voting beginning next week at the Library.

12. ADJOURNMENT

*Alderman Ryan Stone moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:56 p.m.
The motion was approved by a vote of 3-0.*

*Alderman Larry B. Harris moved to return to open session at 8:08 p.m.
The motion was approved by a vote of 3-0.*

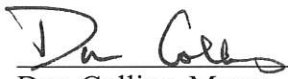
*Alderman Larry B. Harris moved to increase Rob Austin's salary by \$3,705 annually due to promotion to Major/Assistant Police Chief.
The motion was approved by a vote of 3-0.*

There being no further discussion, on a motion by Larry B. Harris, with a vote of 3-0 Mayor Don Collins adjourned the meeting at 8:10 p.m.

ATTEST:



Angela Reece, Assistant to Manger/Town Clerk



Don Collins, Mayor