



TOWN OF BLACK MOUNTAIN

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

Date: **September 10, 2018** Time: **6:00 p.m.**

Regular Session Minutes

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

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door.

*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 Carlos Showers
Alderman Tim Raines

The following staff members were present:

Ron Moore, Interim Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Steve Jones, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Services Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. Reverend Trent Holbert of Black Mountain gave the invocation.

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.

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In his announcements Mayor Collins asked Planning Director Jessica Trotman to give an update on stormwater. Director Trotman stated she is making progress on updating the stormwater ordinance and will continue these efforts which will include engineers and community stakeholders. Director Trotman stated she is also considering requiring additional permits for large projects as well as requiring developers to meet with staff before their stormwater plans are submitted for review. Director Trotman asked citizens to assist with mapping stormwater problems in the community and presented a form in which citizens can begin documenting any problems they see in the community.

Mayor Collins asked Public Works Admin Assistant Tausha Millwood to give an update on trash and recycling pickup. Mrs. Millwood stated beginning October 1, 2018 the Black Mountain sanitation schedule will change. This change will allow for additional trucks to be dedicated to Black Mountain customers thereby improving waste removal. She stated this will include changes to the trash/recycling and white goods pickup days. Mrs. Millwood stated Waste Pro advised as of Oct 1, they will no longer be servicing another location on Thursdays and Fridays and having those extra drivers and equipment available would allow them to offer Black Mountain customers better service by having a spare driver and truck in the event of breakdowns. This will eliminate the need to leave some routes on the ground overnight. An announcement has been posted on the Town of Black Mountain's website as well as published in the Black Mountain News. Please visit www.townofblackmountain.org to view the notice and schedule.

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation Honoring Bill Hamby

Mayor Collins presented a proclamation honoring Bill Hamby declaring the day as Bill Hamby Day in the Town of Black Mountain, thanking him for his service to the area and to the Swannanoa Valley Christian Ministry for over 30 years. Mr. Hamby received his proclamation and thanked the Board of Aldermen and town administration in the Hope for Tomorrow project. Mr. Hamby thanked the former Town Manager and current town planning staff for assisting with significant cost savings for the project through incentives and identification as affordable housing. Mr. Hamby stated this is a happy and sad day but his plans for retirement include spending much of it with a new grandchild on the west coast. Mr. Hamby stated it was an honor to serve Black Mountain.

B. Hunger Awareness Month- Bounty & Soul

Mayor Collins recognized the month of September as Hunger Awareness Month presenting a proclamation to Bounty & Soul who strive to provide hunger relief to the Black Mountain Community. Karla Gardner, Director of Community Engagement with Bounty & Soul addressed the Board of Aldermen and citizens encouraging citizens to get involved in community groups and with businesses to help end hunger in the area. Director Gardner stated Bounty & Soul serves 700 families and individuals each week and operates 5 fresh produce markets each week with a component of nutrition education.

3. CITIZEN COMMENTS

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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.

Cannan Hyde of *S. Oconeechee, Black Mountain* addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property from the Tudor Croft development.

William Jenkins of *S. Oconeechee, Black Mountain* addressed the Board of Aldermen expressing his concerns for stormwater runoff and support for his neighbor's, Mr. and Mrs. Hyde stating he has discovered a large drain pipe at the rear of his property that is deflecting stormwater onto his property.

Weston Hall of *Portmanvilla Rd., Black Mountain* addressed the Board of Aldermen expressing his concerns for stormwater runoff in his area stating he will be collecting stormwater information from citizens to present to the Board of Aldermen.

Phil Noblitt of *Greenbriar, Black Mountain* addressed the Board of Aldermen expressing concerns of waste management. Mr. Noblitt stated he is concerned that area residents are placing trash out the night before pickup and said it is being strewn about by bears in the area. Mr. Noblitt asked the Board of Aldermen to consider an ordinance requiring bear proof containers or enforcing existing ordinances regarding trash.

Bev Macsherry of *Enthoffer St., Black Mountain* addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property stating her basement is constantly flooded.

Sue Stigleman of *E. Keesler Ave., Black Mountain* addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property and asked for more information on rain gardens.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

At home viewers can view the video presentations by clicking [here](#).

A. Black Mountain Golf Course Annual Report, *Brent Miller, Golf Operations Manager*

Brent Miller, Golf Operations Manager gave the Annual Black Mountain Golf Course report to the Board of Aldermen. Mr. Miller stated he is excited to introduce the new Golf Course dog, Calvin who was purchased in May 2018 to herd geese away at the Golf Course. Mr. Miller stated there were around 180 geese on the course prior to the dog and now around 10 and said this significantly has reduced the waste being left on the course and around Lake Tomahawk. Mr. Miller stated 24.7 inches of rain for the month of May greatly impacted golf operations this season which triggers disease on the fairway grasses. Mr. Miller stated he decided to rearrange the greens earlier this year to mitigate the damage and added additional material to the greens which improve the overall turf conditions. Mr. Miller acknowledged golf staff for maintenance of the course. Mr. Miller discussed revenues stating they were decreased this year mainly due to the wet season. Mr. Miller discussed the streambank restoration which is entering its second phase and advised the

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community that the appearance of the vegetation is necessary to trap silt to keep it from flowing downstream into Lake Tomahawk.

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.

Interim Town Manager Moore presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

Motion: *To adopt the minutes of August 9, 2018 (Closed Session), August 9, 2018 (Agenda Session), August 13, 2018 (Closed Session), August 13, 2018 (Regular Session), August 17, 2018 (Closed Sessions), August 9, 2018 (Closed Session), August 23, 2018 (Closed Session), August 24, 2018 (Closed Session), August 30, 2018 (Closed Session).*

B. Budget Amendment for Golf Fund Deficit #FY2018-14

Motion: *To approve Budget Amendment #FY2018- as submitted, increasing expenditure accounts 1000-5000-560 (Transfer to Golf) by \$130,530, and 5092-3905-900 (Fund Balance Appropriated) by \$130,530 and increasing the revenue accounts 1000-3905-900 (Fund Balance Appropriated) by \$130,530 and 5092-3808-800 (transfer from General Fund) by \$130,530.*

Manager Moore stated this budget amendment is necessary to balance the Golf Fund for the fiscal year end.

C. Budget Amendment for Replacement of HVAC at Lakeview and Grey Eagle #FY2019-2

Motion: *To approve Budget Amendment #FY2019-2 as submitted. This amendment increases budgeted Capital expenditures in the Recreation Department by \$30,500, decreases assorted salary and benefit line items in the Recreation Department by \$24,960, and increase Fund Balance Appropriated by \$5,540.*

Manager Moore stated staff have received complaints from rentals of the air conditioning not working properly. He stated one air conditioning unit was replaced at Lakeview and four air conditioning units were replaced at the Grey Eagle. Manager Moore also stated the heavy rains resulted in water damage to the Lakeview Center in which repairs cost \$30,500. Manager Moore stated the funds to install the air conditioning units and repair the Lakeview Center were appropriated from the Recreation budget utilizing funds that were budgeted for window replacement and salary and benefit savings.

D. Resolution in Support of Dynamic Messaging Signs for I40 - NCDOT Funded #R-18-18

Motion: *To adopt resolution #R-18-18 in support of Dynamic Messaging Signs to be placed east and west of the Old Fort Mountain on I-40.*

Manager Moore stated the NCDOT has funding to implement permanent messaging signs in

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each direction along I40 near exit 64 in Black Mountain that will aid in traffic control and important safety messages for the area.

E. Call for Public Hearing to Close a Platted Portion of Wolf Creek Drive #R-18-17

Motion: *To call for the public hearing to close an unopened, platted portion of Wolf Creek Drive to be held on Monday, October 8, 2018 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

F. Call for Public Hearing for Text Amendments to Replace Privilege License Section with Business Registrations #O-18-04

Motion: *To call for the public hearing for text amendments to replace privilege licenses with business registrations to be held on Monday, October 8, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Manager Moore stated the NC General Assembly changed the law regarding privilege licenses and this amendment reflects those changes locally and codify the ordinance with the statute.

G. Call for Public Hearing for Text Amendments to Definitions to Add Vacant Lot and Undeveloped Lot #O-18-05

Motion: *To call for the public hearing for text amendments to definitions, Chapter 1, Section 1.2.3, to be held on Monday, October 8, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Manager Moore stated this amendment is necessary to clarify what is a vacant lot versus an undeveloped lot in the town ordinance. Manager Moore stated these items will go in front of the Planning Board for review.

Consent Motion: *To approve consent items A-G as presented.*

Alderman Carlos Showers moved to approve consent items A-G as presented.

The motion was approved by a vote of 5-0.

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.

Marilyn Sobanski of Laurel Ave., Black Mountain addressed the Board of Aldermen expressing her concerns regarding even year elections. Ms. Sobanski asked the Board of Aldermen to continue elections on odd numbered years.

7. UNFINISHED BUSINESS

A. Agreement for Wholesale Purchase of Water from City of Asheville

Manager Moore stated the Town's water system produces half a million gallons per day and the town reserves an additional 200,000 gallons per day from the City of Asheville. Manager Moore explained to the public that the City of Asheville charges a set fee per amount of water being reserved per month as well as a fee for the actual usage. Manager Moore further explained the reserve amount depends on percent of capacity. He stated over the last year the average usage ranges anywhere from 153,000 gallons per day to 194,000 gallons per day and said staff is working to determine the actual average usage taking into account future growth and possible leaks. Manager Moore stated the water transfer agreement will allow Black Mountain to take in an additional 600 water customers from the City of Asheville in two phases. Alderman Larry B. Harris reminded everyone this transfer is being made possible through an EDA and Golden Leaf Grants to build a pumping station on US Highway 70 near Blue Ridge Road. Manager Moore stated it is important to calculate future water needs considering future development in this corridor along with current needs. Alderman Harris stated the completion date for the Avadim project is late 2019 and he prefers leaving this item under unfinished business to continue discussions each month until a determination of water needs is made.

8. NEW BUSINESS

A. Charter Amendment for Even Year Elections

Alderman Harris stated the election cost share with other municipalities in Buncombe County was approximately \$12,000 in the last election. Alderman Harris stated Biltmore Forrest has expressed interested in supporting a move to even year elections due to a cost savings. Alderman Harris stated he feels it is necessary to keep this item on the agenda until more information can be obtained from the remaining municipalities. Alderman Ryan Stone stated he feels this issue requires a fair amount of consideration by voters and said he does not feel the Board should act without public hearings and stated he feels this issue should be placed on the 2019 ballot as a referendum special election. Alderman Stone stated one of the things that could happen with this move would be that current Board members terms would be extended by one year.

B. Request to Acquire Blue Ridge Assembly Drive Water Line- City of Asheville Water Line Transfer Agreement Amendment

Alderman Larry B. Harris stated the Town of Black Mountain currently has a water agreement with the City of Asheville and it has come to the Town's attention and the City of Asheville's attention that the waterline on Blue Ridge Assembly Drive is not adequate in terms of pressure for fire safety. Alderman Harris stated this line is included the initial transfer but is asking for it to be turned over earlier than planned. Attorney Ron Sneed stated he has contacted Asheville's City Attorney to begin discussing the possibility of this.

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Alderman Larry B. Harris moved to pass a resolution to pursue accelerating the takeover of the waterline on Blue Ridge Assembly Drive from the City of Asheville.

The motion was approved by a vote of 5-0.

C. Service Agreement for Town Water Distribution System

Manager Moore stated the Town is required by law to maintain its water system and can be fined if this measure is not taken. Manager Moore stated maintaining the water system requires state licenses and certifications which current employee, Charlie Gross possesses. Manager Moore stated Mr. Gross has a private business and is leaving employment with the town to peruse those endeavors and has offered to continue servicing the Town's water system at a fraction of the cost of hiring another employee to perform this task. Public Works Director Jamey Matthews reminded the Board he has a succession plan in place but acquiring these types of certifications and licensing take time. Approval of this agreement will allow the Town to remain in compliance with state law.

Alderman Ryan Stone moved to adopt the Service Agreement for the Town's Water Distribution System.

The motion was approved by a vote of 5-0.

9. PUBLIC HEARING -NONE

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.

10. COMMUNICATION FROM STAFF

A. Town Attorney – None at this time.

B. Interim Town Manager – Ron Moore discussed schedule changes and logistics of moving programs and staff from the Lakeview Center for repairs and stated a notice will be posted on the Town's website. Manager Moore stated Public Works and Recreation have now moved to the new building at 304 Black Mountain Avenue. Manager Moore introduced new employees; Recreation Director, Josh Henderson; Senior Center Program Supervisor, Melida Polites; and Recreation Activities Coordinator Gerard Harvey to the Board of Aldermen and citizens. Manager Moore thanked Public Works Director Jamey Matthews for a job well done in overseeing the Recreation Department through the transition as well as continuing to supervise his staff of 15 without disruption.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Carlos Showers asked the Board of Aldermen to issue a Happy Birthday to Sadie Berry who is 100 years old and is still working five days a week at her business on US Highway 70. Alderman Showers stated there has been a lot of turnover in the Parks and Recreation Department and praised staff for the professionalism in continuing programs and services during the transition. Alderman Showers requested Mary Soynova to address the

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Board of Aldermen regarding the Black Mountain welcome sign at exit 64 stating he supports replacing this sign. Ms. Soyenova reminded the Board she has been the sign painter in town for the last 20 years and said the sign in question has been in place for over 15 years. Ms. Soyenova stated she recommends replacement of this sign to include “The Little Town that Rocks” for a cost of \$1,281.

Alderman Carlos Showers moved to approve funding in the amount of \$1,281.00 for sign replacement at exit 64.

The motion was approved by a vote of 5-0.

Mayor Don Collins commended Public Works Director Jamey Matthews for taking on extra duties during the transition.

There was no further communication from the Board.

Alderman Larry B. Harris moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:28 p.m.

The motion was approved by a vote of 5-0

Alderman Larry B. Harris moved to return to open session at 7:35 p.m.

The motion was approved by a vote of 5-0.

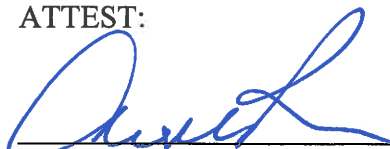
Alderman Larry B. Harris moved to appoint Josh Harrold as Town Manager for the Town of Black Mountain pursuant to the terms and conditions contained in the employment contract.

The motion was approved by a vote of 4-1 with Alderman Ryan Stone opposing.

12. ADJOURNMENT

There being no further business, on a motion made by Alderman Larry B. Harris and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 7:39 p.m.

ATTEST:



Angela L. Reece, Town Clerk



Don Collins, Mayor