



TOWN OF BLACK MOUNTAIN

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

Date: **August 13, 2018** Time: **6:00 p.m.**

AMENDED

Regular Session Agenda

*The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Board of Alderman** to download materials for all Town board meetings.*

 **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 angela.reece@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – *Interim Parish Associate Bob Tuttle, Black Mountain Presbyterian*
- Announcements – *Mayor Don Collins*

2. PROCLAMATION AND AWARD RECOGNITION

- A. Certificate of Achievement for Excellence in Financial Reporting
- B. Municipal and County Administration Certification and North Carolina Certified Municipal Clerk Designation.

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.*

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

- A. Black Mountain Primary School Playground Update, *Shane Lunsford, President PTO*
- B. Building Planning Zoning Annual Report, *Jessica Trotman, Planning Director*

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.

- A. Adoption of Minutes

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

August 13, 2018

Motion: *To adopt the minutes of July 9, 2018 (Agenda Session), July 9, 2018 (Regular Session), July 12, 2018 (Special Called), July 12, 2018 (Closed Session), July 19, 2018 (Special Called), July 19, 2018 (Closed Session), July 26, 2018 (Special Called), July 26, 2018 (Close Session), August 2, 2018 (Special Called), and August 2, 2018) (Closed Session).*

B. Budget Amendment for Additional Full Time Employee in Water Department #FY2019-1

Motion: *To approve Budget Amendment #FY2019-1 as presented.*

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

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.*

7. UNFINISHED BUSINESS

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

8. NEW BUSINESS

A. Planning and Development Services Fee Schedule

Motion: *To adopt the amended department fee schedule as presented.*

B. Appointment to fill vacancies on Town Boards and Commissions

1. **Urban Forestry Commission**– (1) vacancy/ 3-yr term ending June 30, 2021

Nomination: _____

By: _____

Motion: *To appoint _____ to fill a 3 year term ending June 30, 2021 on the Urban Forestry Commission.*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

August 13, 2018

C. Cherry Street One Way Resolution

#R-18-16

Motion: *To adopt R-18-16 changing Cherry Street to One-Way Travel.*

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 to Close an Unopened, Platted Street near Carver Avenue

#R-18-13

Motion:

1. To open the public hearing on Resolution #R-18-13 to Close Unopened, Platted Street near Carver Avenue.
2. To close the public hearing.
3. To approve Resolution #R-18-13 for the street closure.

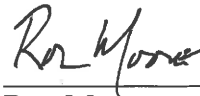
10. COMMUNICATION FROM STAFF

A. Town Attorney – Ron Sneed

B. Interim Town Manager – Ron Moore

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Ron Moore

Interim Town Manager

PLANNING BOARD ANNUAL REPORT

August 13, 2018

The Planning Board has had a quiet year but are gearing up for some big projects. Accomplished by the Planning Board this past fiscal year have been:

The preliminary plat for the following major subdivision was approved by the Planning Board:

- Chapman's Cove – 10 units on Blue Ridge Assembly Drive

The following street closure was recommended to the Board of Aldermen:

- A right-of-way off of Carver Avenue
- Honeycutt Street

The Planning Board held a work session with Planning Director Jessica Trotman to talk about goals and strategies for the board and the town. The Planning Board also watched some training videos from the North Carolina School of Government regarding rezonings.

The Planning Board adopted a new format for their agenda to make business run smoother, keep clearer records and to make it more specific to the business of the board.

The Planning Board had a presentation from NCDOT about the I-40 interchange project. The presentation spoke about meeting dates that would be held for the public and possible timeframes of when a plan would be ready to look at.

Members of the Planning Board attended a regional workshop at the NC Arboretum hosted by the North Carolina School of Government.

Ms. Trotman will begin working with the Planning Board in the fall/winter to start on a small area plan for the Blue Ridge Road area to gauge current conditions and look at what future conditions might look like with the incorporation of the interchange.

The Planning Board looks forward to the rest of 2018 and what all will be brought to the table.

Thank you.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 13, 2018

SUBJECT: Budget Amendment #FY2019-1

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5B
Department: Finance
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: The Town has elected to return to having two full time positions on the water customer service desk, in anticipation of the takeover of 600 Asheville water accounts and the fact that the Public Services Senior Admin Assistant will be moving down to the Foam and Fabric building shortly. This position provided necessary backup on the water customer desk, when the part time employees were not working. The net result of this change is that full time salaries and benefits are increased by \$46,700, part time salaries are reduced by \$19,300, and fund balance appropriated is increased by \$27,400. The detailed line item changes of this budget amendment can be seen on the following page.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-1 as submitted.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY2019-1.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-1
Fiscal Year 2018-2019

Dept.	Account #	Account Name	Debit	Credit	Comments
	3091-7200-021	Salaries - Part Time		19,300	
	3091-7200-020	Salaries Full Time	33,000		Water customer
	3091-7200-050	Fica	2,500		service reducing
	3091-7200-070	LGERS	4,200		part time hours
	3091-7200-080	401K	1,500		and adding back
	3091-7200-060	Group Ins	5,500		full time position
	3091-3905-900	Fund Bal Approp		27,400	

Totals:	46,700	46,700
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BD #

Entered By:

Journal #

Fiscal Yr

Approved By:

Date

Date

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 7, 2018

SUBJECT: Planning and Development Services Fee Schedule

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8A
Department: Building, Planning and Zoning Services Department
Contact: Jessica Trotman, Planning Director
Presenter:

BRIEF SUMMARY: The changes in the fee schedule reflect updates and corrects to align with the North Carolina General Statue.

- Addition of required vacation rental fire inspections \$25
- Reducing single trade change-out inspections from \$100 to \$75

MOTION FOR CONSIDERATION: To adopt the amended department fee schedule as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Draft fee schedule

MANAGER'S COMMENTS AND RECOMMENDATIONS:

LAND USE CODE APPENDIX A: PLANNING & DEVELOPMENT FEE SCHEDULE

Effective 07/01/11

Non-Residential Building Permit Fees

A. New Construction & Remodel	\$150.00 or \$50.00 plus \$5.00 per \$1,000 gross project cost value up to \$1,000,000, whichever is greater. Project cost valued over \$1,000,000 is charged 0.15% (0.0015) each additional \$1,000,000 of value or portion thereof
B. Other Types	
1. Modular Office	\$125.00
2. Day Care Centers	\$50.00 per trade discipline
3. ABC License	\$50.00 per trade discipline
C. Certificate of Occupancy	\$100.00
D. Electrical, Mechanical, Plumbing	\$75.00 per inspection, per trade discipline
F. Clean-up Fee (refundable)*	\$300.00
(to be refunded to applicant upon final inspection and after project has all construction materials removed, final grading and stabilization completed)	

Residential building Permit Fees

A. New Construction - (fees are based on square footage x amount per sf. ft. x .0085)	
1. Site Built Homes	\$66.00 per sq. ft.
2. Manufactured Homes	\$44.00 per sq. ft.
3. Covered Unheated	\$30.00 per sf. ft.
4. Porches, Decks, etc.	\$22.00 per sf. ft.
5. Concrete Slabs, Walks, etc.	\$2.00 per sf. ft.
B. Remodel & Renovation – (fees are based on estimated project cost)	
1. \$0 - \$999.99	\$20.00
2. \$1,000 – 1,999.99	\$25.00
3. \$2,000 - \$4,999.99	\$30.00
4. \$5,000 or more	Project Cost x .0085
C. Electrical, Mechanical, Plumbing	\$75.00 per inspection, per trade discipline
D. Mechanical/Electrical Changeout	\$100.00 <u>\$75.00</u>
E. Certificate of Occupancy	\$40.00
F. Clean-up Fee (refundable)*	\$100.00
(to be refunded to the applicant upon final inspection and after project has all instruction materials removed, final grading and stabilization completed)	

Copy and Plotter Fees

Copies of Public Records (includes sections out of ordinance)

B/W, single sided, legal or letter	\$0.02/page
B/W, double sided, legal or letter	\$0.03/page
Color, single sided, legal or letter	\$0.09/page

Copies of Documents (~~-.03~~ \$0.03/single-sided or ~~-.05~~ \$0.05/double-sided)

Town ~~Zoning/Sub-Division Ordinances~~ Land Use Code \$20.00

B/W Comprehensive Plan	\$2.00
Greenway Master Plan	\$1.00
Assessment of Housing Needs???	\$5.00
House Assessment Selected Census Tables???	\$2.00

Plotter and Map Fees

8.5" x 11" color map	\$3.00
11" x 17" color map	\$3.00
18" x 24" color map	\$20.00
36" x 48" color map	\$25.00
8.5" x 11" GIS print-outs*	\$1.00

*plus \$2.00 for each increment of 5 minutes or less

Stormwater Fees

The total disturbed acreage equal to or exceeding 12,000 square feet multiplied by \$400.00

Example:

2 acres x \$400.00	= \$800.00
1.125 acres x \$400.00	= \$450.00
0.5 acres (21,780 sf) x \$400.00	= \$200.00
0.275 acres (12,000 sf) x \$400.00	= \$110.00

Below 12,000 square feet, only impervious surface (such as rooftop, parking lot or driveway) of 5,000 square feet or more requires a permit at a flat rate of \$100.00

Example:

0.25 acres (10,890 sf)	= \$100.00
0.114 acres (5,000 sf)	= \$100.00

Any impervious surface added of 12,000 square feet or more will be calculated as disturbed acreage.

Miscellaneous Fees

Demolition Permit (must have Air Quality Permit)	\$75.00
Driveway Permit	\$75.00
Fire Inspection	\$50.00
<u>Vacation/Short Term Rental Fire Inspection</u>	<u>\$25.00</u>
Floodplain Development Permit	\$75.00
Grading Permit	\$100.00
Homeowners Recovery Fund**	\$10.00
Moved Home	\$400.00
Re-Inspection Fee	\$75.00
Retaining Walls	\$75.00

Subdivision Plat Review	\$100 minor review & \$150.00 for major review
Zoning Permit	\$50.00
Certificate of Appropriateness	\$50.00 – major work in Historic District
Variance Application	\$350.00
Conditional Use Application	\$350.00
Road closure Application	\$300.00
Rezoning Application	\$350.00
Zoning Code Change Application	\$100.00

****Homeowners Recovery Fund** is established as a special account of the State to reimburse homeowners who have suffered a reimbursable loss in constructing or altering a single-family dwelling unit.

Sign Permits – (by total sign surface)

Sign Permit Review Fee	\$50.00 (+ application fee by size)
Up to 12 square feet	\$20.00
From 13 to 16 square feet	\$40.00
From 17 to 32 square feet	\$80.00
From 33 to 48 square feet	\$100.00
From 49 to 64 square feet	\$150.00
From 65 to 85 square feet	\$200.00
From 85 square feet and >	\$200 for 85 sf + \$25/sf after that
Political (Deposit Only)*	\$100.00
Temporary Signs (Deposit Only)**	\$50.00

*Deposit will be returned ten days after the election if all signs have been removed.

**Temporary signs, flags, banners, etc. for special events. Cannot exceed 50 sq. ft. aggregate area. Are limited to 30 days and must be on premise. Can be freestanding or mounted to the wall.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 13, 2018

SUBJECT: Resolution Changing Cherry Street to One-way Travel

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8C
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Cherry Street is currently a through street with two-way traffic. This resolution will change Cherry Street to one-way travel from Sutton Avenue to State Street. This traffic pattern is recommended based on the findings of a traffic analysis made by J.M. Teague Engineering. The request was originally made by majority of business owners of Cherry Street requested the Town make this change. This pattern is supported by Planning, Fire, and Police Departments.

A public meeting was held at Town Hall on August 3 to primarily to discuss parking and loading zone needs for the business on Cherry Street. The one-way traffic pattern is widely supported to our knowledge. Only two business owners has requested to leave the existing traffic pattern. Jason Fulton, the traffic engineer will be at the August 13 meeting to answer questions.

MOTION FOR CONSIDERATION: To adopt the resolution changing Cherry Street to one-way travel.

FUNDING SOURCE: N/A

ATTACHMENTS: Draft Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
August 13, 2018

RESOLUTION #R-18-16

RESOLUTION OF THE BOARD OF ALDERMEN CHANGING Cherry STREET TO ONE-WAY TRAVEL

WHEREAS, the Town of Black Mountain seeks to promote public safety; and

WHEREAS, the Town of Black Mountain has completed a traffic pattern analysis and received support from The Black Mountain Fire Department and the Black Mountain Police Department;

WHEREAS, it is in the public interest for Cherry Street to have one-way travel from Sutton Avenue to State Street; and

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain, that

Section 1: The Board of Aldermen authorize changing Cherry Street to one-way

Section 2: This **Resolution #R-18-16** shall be effective upon its adoption.

READ, APPROVED AND ADOPTED by a vote of ___ to ___ this ____ day of _____,
20____.

Alderman

Don Collins, Mayor

ATTEST:

Angela Reece, Town Clerk

Ron Moore, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 13, 2018

SUBJECT: Public Hearing to Close an Unopened, Platted Street near Carver Avenue

AGENDA INFORMATION

Agenda Location: PUBLIC HEARING
Item Number: 9A
Department: Building, Planning and Zoning Services Department
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: The property owners that but the unopened, platted street are requesting to close the portion of the unopened, platted street that runs through their property to clean up the plat and property lines. The unopened street is not currently used except as the driveway to two different homes owned by the petitioner's and does not provide ingress or egress for any other properties on Carver Avenue.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION:

1. To open the public hearing on Resolution **#R-18-13** to Close Unopened, Platted Street near Carver Avenue.
2. To close the public hearing.
3. To approve Resolution **#R-18-13** for the street closure.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution of Intent **#R-18-10**, Staff Report, Map, Resolution **#R-18-13**, Legal Notice Checklist

MANAGER'S COMMENTS AND RECOMMENDATIONS:



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

MEMORANDUM

Date: July 30, 2018

To: Black Mountain Board of Aldermen

From: Jessica Trotman, Planning Director

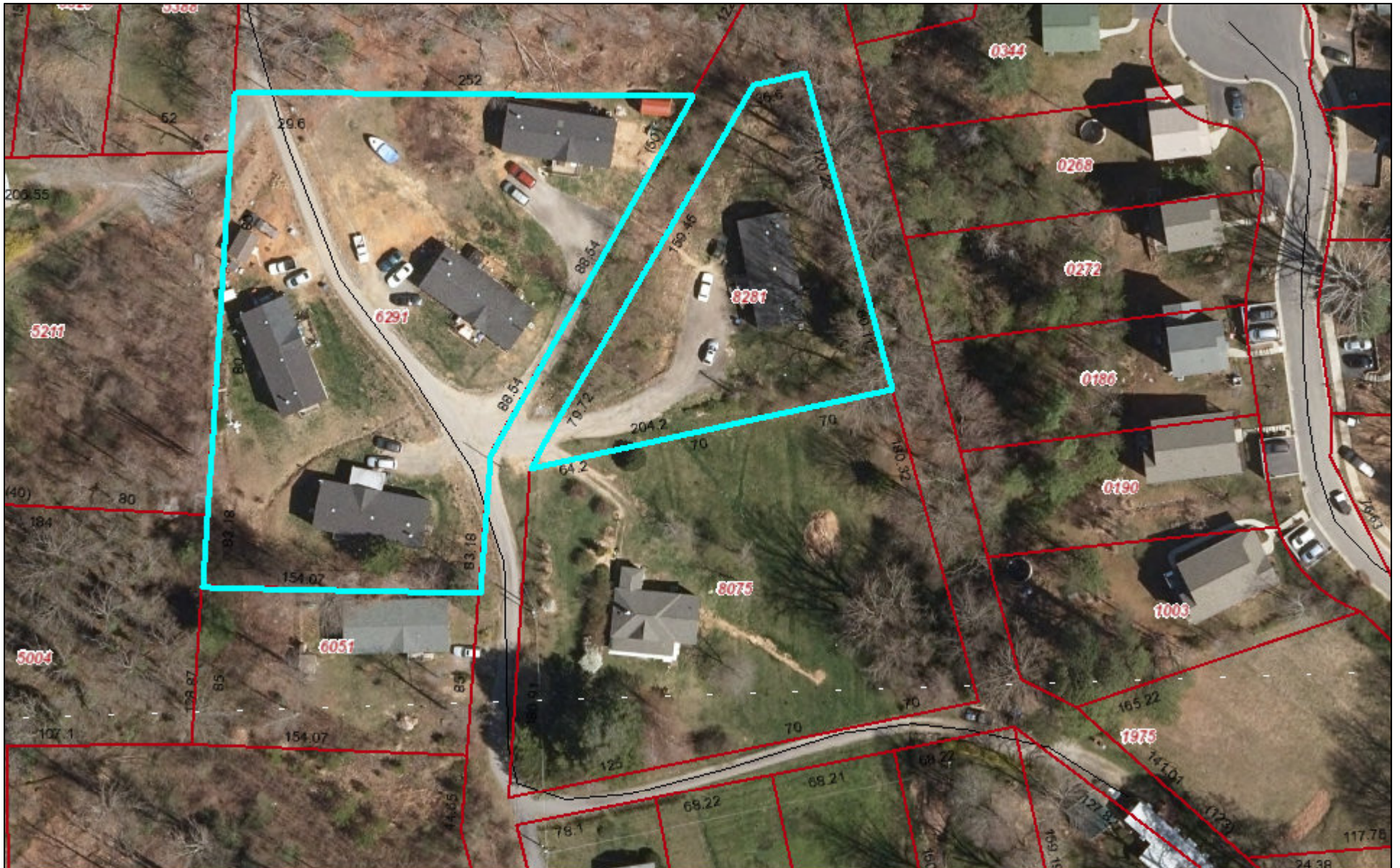
RE: Planning and Development Services Fee Schedule

Recent changes to the North Carolina Fire Code require vacation rental properties to be receive a fire inspection. To cover the time of Fire Department staff, we are going to charge \$25 for this inspection. This fee is aligned with other municipalities in the region.

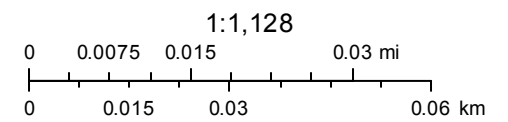
The fee for “change out” inspections, which include things like water heaters and heat pumps has been reduced to \$75 which required by statute.

There are other minor edits to improve readability, but these do not impact any fees.

Buncombe County



June 19, 2018



I, ROBERT K. BRADY, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 3961, PAGE 185); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DEDUCTED FROM INFORMATION AS SHOWN ON THE FACE OF THIS PLAT; THAT THE RANGE OF PRECISION AS CALCULATED IS 1:100,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 55.020); AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-33 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS

4/13/2018 DATE

DocuSigned by:

Robert K. Brady, Jr.
ROBERT K. BRADY, JR., PLS-3556
10391F1E499C435

I, Robert K. Brady, Jr., certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision and the following information was used to perform the survey:
Class of survey: Class
Horizontal Precision: accuracy: 0.007
Type of GPS (or GNSS) field procedure: Real-time kinematic networks
Date(s) of survey: 04/11/2018
Datum/EPOCH: NAD 83 (2011) (NAD83/2011.000)
Published/field control: VRS
Grid shape: GEOD12
Combined factor: 0.099/0.028
Units: U.S. Feet
Horizontal positions are referenced to NAD83(2011)

4/13/2018 DATE

DocuSigned by:

Robert K. Brady, Jr.
ROBERT K. BRADY, JR., PLS-3556
10391F1E498042C

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

FILE FOR REGISTRATION ON THE _____ DAY OF _____

2018, AT _____ AND RECORDED IN

PLAT BOOK _____ PAGE _____

BY _____

REGISTER OF DEEDS

BY _____

DEPUTY

GENERAL NOTES:

1. Property subject to all easements, rights-of-way and restrictions of record
2. Lines not surveyed are shown as broken lines from information referenced on the face of this plat
3. The area shown herein was computed using the coordinate computation method
4. Subject property is not located within a flood hazard area according to flood insurance community 370033, panel 0505, north of dated January 4, 2010
5. Location of utilities, whether public or private, is based upon field location of visible appurtenances
6. All distances are horizontal ground measured in US Feet
7. This plat has been prepared without the benefit of a title report which may reveal additional conveyances, easements, rights-of-way or building restrictions. A North Carolina attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other site questions revealed by the title examination.
8. This map does not transfer to anyone other than the persons or business named in the title block and may not be used without written authorization from Blackrock Surveying and Land Design, PC.
9. UAS-B Building Setbacks
Front: 20'
Side: 15'
Rear: 15'
10. The purpose of this survey is to determine the outer boundary of parcels with a common owner and does not represent a recombination of said parcels. Internal division lines have not been determined and are shown approximately as dashed lines.



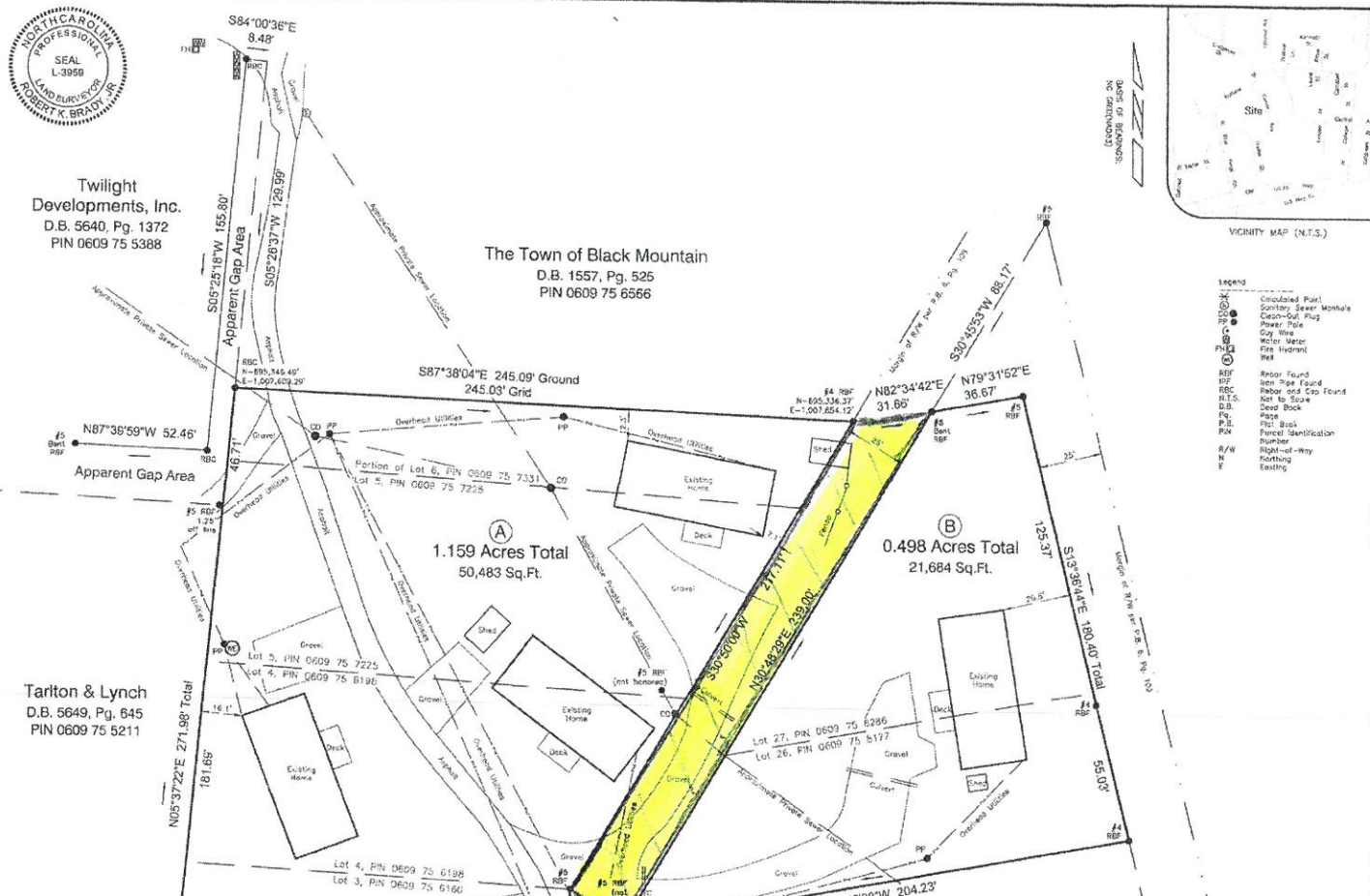
Twilight
Developments, Inc.
D.B. 5640, Pg. 1372
PIN 0609 75 5388

Tarlton & Lynch
D.B. 5649, Pg. 645
PIN 0609 75 5211

Morris
D.B. 5634, Pg. 707
PIN 0609 75 5004

Morris
D.B. 4492, Pg. 1673
PIN 0609 75 6051

The Town of Black Mountain
D.B. 1557, Pg. 525
PIN 0609 75 6566



Boundary Survey for W.H. Weathersbee

Town of Black Mountain, Buncombe County, North Carolina

PIN: 0609 75 7225, 0609 75 8177, 0609 75 7331, 0609 75 8286, 0609 75 6198, 0609 75 8160

Current Owner: Red Hat Lynch, LLC

Address: 115, 119, 120, 121, 125, 126 Carver Ave Black Mountain, NC 28711

D.B. Pg: 3961 / 185 P.B. Pg: 6 / 109 Zoning: UR-E

Job Number: 18-002 Farm License No.: C-2924 Date: 04/11/2018

Surveyed by: RBK Drawn by: RBK PLS: Robert K. Brady, Jr.

GRAPHIC SCALE



BLACKROCK
SURVEYING
& LAND DESIGN, P.C.

PO Box 4762
Asheville, North Carolina 28714
(704) 293-2241
Fax: 704-293-4329
www.blackrocksurveying.com

RESOLUTION #R-18-13

RESOLUTION TO CLOSE AN UNOPENED, PLATTED STREET NEAR CARVER AVENUE, PLAT BOOK 6, PAGE 109

WHEREAS, the Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted street near Carver Avenue; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted street to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar marking the northeast corner of Lot 3 as shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry; thence from said Beginning South 53° 55' 49" East 25.07 feet to a No. 5 rebar marking the southwest corner of Lot 26 as shown on the aforesaid plat; thence with the eastern boundary of the 25 foot wide easement shown on said plat North 30° 48' 29" East 239.00 feet to a No. 5 rebar marking the northwest corner of Lot 27 as shown on said plat; thence South 82° 34' 42" West 31.66 feet to No. 4 rebar in the western boundary of said 25 foot wide easement; thence with the western boundary of said easement South 30° 50' 00" West 217.11 feet to the BEGINNING, and being a portion of that easement shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry.

WHEREAS, the Board of Aldermen of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 9th day of July, 2018 and for good cause shown, the Board of Aldermen declared its intent to close the described unopened, platted street; and

WHEREAS, a copy of the resolution adopted by the Board of Aldermen at their July 9, 2018 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted street was posted at two prominent places along said street no later than July 13, 2018; and

WHEREAS, the owners of all properties adjoining the described unopened, platted street joined in the petition to close the unopened, platted street; and

WHEREAS, a public hearing was held to received public comment at the regular meeting of the Board of Aldermen in the Board meeting room in the Town Hall Building on Monday, August 13, 2018 at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Board of Aldermen that closing the described unopened, platted street is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted street would be hereby deprived of reasonable means of ingress or egress; but

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain that:

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted street described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this the 13th day of August, 2018.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

Ron Moore, Interim Town Manager

Black Mountain News

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: TOWN OF BLACK MOUNTAIN

Address: 160 MIDLAND AVE
BLACK MOUNTAIN NC 28711
USA

Ad No.: 0003032097

Pymt Method Invoice

Net Amt: \$362.88

Run Times: 4

No. of Affidavits: 1

Run Dates: 07/19/18, 07/26/18, 08/02/18, 08/09/18

Text of Ad:

TOWN OF BLACK MOUNTAIN

Agenda Item 5D
RESOLUTION OF INTENT #R-18-10

RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN TO CONSIDER THE CLOSING OF AN UNOPENED, PLATTED STREET NEAR CARVER AVENUE AND TO HOLD A PUBLIC HEARING ON THIS ISSUE AUGUST 13, 2018

WHEREAS, G.S. 160A-299 authorizes the Board of Aldermen of the Town of Black Mountain to permanently close public streets or alleys; and

WHEREAS, The Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted street near Carver Avenue; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request, did recommend that the unopened street near Carver Avenue be closed; and

WHEREAS, the Board of Aldermen of the Town of Black Mountain must set a public hearing to consider any comments concerning the above referenced request before taking any action; and

WHEREAS, in accordance therewith, the Board of Aldermen of the Town of Black Mountain desires to take the following actions:

DESCRIPTION:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar marking the northeast corner of Lot 3 as shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry; thence from said Beginning South 53° 55' 49" East 25.07 feet to a No. 5 rebar marking the southwest corner of Lot 26 as shown on the aforesaid plat; thence with the eastern boundary of the 25 foot wide easement shown on said plat North 30° 48' 29" East 239.00 feet to a No. 5 rebar marking the northwest corner of Lot 27 as shown on said plat; thence South 82° 34' 42" West 31.66 feet to a No. 4 rebar in the western boundary of said 25 foot wide easement; thence with the western boundary of said easement South 30° 50' 00" West 217.11 feet to the BEGINNING, and being a portion of that easement shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

Section 1. Pursuant to G.S. 160a-299, the Board of Aldermen declares its intent to close an unopened street near Carver Avenue.

Section 2. A public hearing on the question of closing said street is hereby called at Town Hall, 160 Midland Avenue, Black Mountain, N.C. 28711 on Monday, August 13, 2018 at 6:00 p.m.

Section 3. Following the public hearing called hereby, the Board of Aldermen shall consider the passage of an order closing the street identified above.

Section 4. The Town of Black Mountain Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in the area.

Section 5. The Town of Black Mountain Zoning Administrator is hereby directed to transmit by registered or certified mail to each owner of property abutting upon

that portion of said street a copy of this Resolution.

Section 6. The Town of Black Mountain Zoning Administrator is further directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of __ to __ this 9th day of July, 2018.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

July 19, 26, 2018

August 2, 9, 2018

0003032097

PLANNING BOARD STAFF REPORT

Agenda Item: Right-of-Way Closure Request

Meeting Date: June 25, 2018

Request:

To close a portion of Carver Avenue (approximately 239' long).

Town Staff:

Jessica Trotman – Planning Director

Jennifer Tipton – Zoning Administrator

Staff Recommendation:

To recommend the right-of-way closure to the Board of Aldermen.

Jessica Trotman, Planning Director

Jennifer Tipton, Zoning Administrator

Contents of the Report:

Report Detail

Exhibit 1 – Petition for Street Closing Request

Exhibit 2 – Survey of Right-of-Way

Exhibit 3 – Aerial Map

I. SUMMARY OF REQUEST

The owners of 115, 119, 121, 120 and 126 Carver Avenue are petitioning the town to close a portion of Carver Avenue that runs between 115 and 121 Carver Avenue. The owners are asking to close the right-of-way so that they may then re-subdivide the property into lots for each of the homes rather than what is shown on the existing plat.

II. PROCESS

Planning Board reviews the road closure request and then makes a recommendation to the Board of Aldermen to either approve or deny the road closure request.

III. ZONING

The description of the road closure is as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar marking the northeast corner of Lot 3 as shown on that plat recorded in Plat Book 6 at Page 109, Buncombe County Registry; thence from said Beginning South 53°55'49" East 25.07 feet to a No. 5 rebar marking the southwest corner of Lot 26 as shown on the aforesaid plat; thence with the eastern boundary of the 25 foot wide easement shown on said plat North 30°48'29" East 239.00 feet to a No. 5 rebar marking the northwest corner of Lot 27 as shown on said plat; thence South 82°34'42" West 31.66 feet to No. 4 rebar in the western boundary of said 25 foot wide easement; thence with the western boundary of said easement South 30°50'00" West 217.11 feet to the BEGINNING, and being a portion of that easement shown on that plat recorded in Plat 6 at Page 109, Buncombe County Registry.

Per Chapter 3, Section 3.6.2 – Dedication and closures of rights-of-way or land to the town, the Planning Board shall consider any or all of the following criteria in making a recommendation for closure of a right-of-way:

- Right-of-way identified is not part of adopted town plans.
- Right-of-way is not necessary for current or future utilities.
- Right-of-way in its current condition poses a hazard to public health, safety or welfare.
- Right-of-way is along a drainage that is part of a stormwater management plan.
- Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.
- Abutting property owners have signed the petition in favor of the closure.

IV. ANALYSIS

1. The subject right-of-way is not part of the following adopted plans:

- * Recreation and Parks Master Plan
- * Pedestrian Transportation Plan

- * Bike Plan
- * Greenways Master Plan
- * Veteran's Park Master Plan
- * Stormwater Master Plan
- * Wellhead Protection Plan
- * Comprehensive Plan

2. The subject right-of-way has a portion of a private sewer line that runs through it as well as a portion of some overhead utilities that connect to 115 Carver Avenue. The subject right-of-way is not identified for any future utilities.

3. The subject right-of-way does not currently pose a hazard to public health, safety or welfare.

4. The subject right-of-way is not part of any drainage (current or future) that is part of a stormwater management plan.

5. The subject right-of-way is not a current corridor for a greenway nor is it a corridor for a future greenway, alley or roadway. All houses use Carver Avenue for access.

6. All property owners have signed the petition.

7. The current uses within the right-of-way are:

- * Overhead utilities connection to 115 Carver Avenue
- * Gravel driveway
- * Culvert that runs underneath the gravel driveway that serves 119 and 121 Carver Avenue
- * Part of a private sewer line
- * Fence
- * Portion of a shed

V. STAFF RECOMMENDATION

Based upon the information and materials provided in the staff report, the Town of Black Mountain Planning staff recommends that the Planning Board recommend the road closure to the Board of Aldermen for a public hearing.

**Minutes
Follow This
Section**



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
July 9, 2018

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, June 7, 2018 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, June 11, 2018 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
Vice Mayor Maggie Tuttle
Alderman Larry B. Harris
Alderman Jeremie Konegni
Alderman Carlos Showers
Alderman Ryan Stone

The following staff members were present:

Ron Moore, Interim Town Manager
Angela L. Reece, Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Steve Jones, Fire Chief
Jamey Matthews, Public Services Director
Jessica Trotman, Planning Director

The Board reviewed the items that were proposed for the July 9, 2018 regular session meeting and REMOVED Item 5F, Proposal and Scope of Services Amendment – Cherry Street One-Way Study, REMOVED Item 7B, Investigation Regarding Censure Proceedings, and ADDED New Item 8B, Approval of Resolution #R-18-12, Motorola Solutions Lease to Purchase.

Interim Town Ron Moore presented the proposed agenda to the Board of Aldermen. Pastor Randy Stone of Meadowbrook Church Black Mountain will give the invocation.

Manager Moore presented the agenda to the Board of Aldermen and stated staff wishes to remove **Item 5F**, Proposal and Scope of Services Amendment – Cherry Street ONE-Way Study for consideration at a later date. Manager Moore stated there were some items that were not included in the original proposed study and asked to postpone this business to allow staff to formalize a plan.

Alderman Larry B. Harris moved to remove Item 5F, Proposal and Scope of Services Amendment – Cherry Street ONE-Way Study from the agenda.

Black Mountain Board of Aldermen
Agenda Workshop Minutes -July 9, 2018

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

Manager Moore discussed **Item 7A**, Agreement for Wholesale Purchase of Water from City of Asheville stating this item is for discussion to determine how much water the town needs to reserve and to discuss water purchasing and reservation options.

Manager Moore discussed **Item 7B**, Investigation Regarding Censure Proceedings.

Vice Mayor Maggie Tuttle moved to move Item 7B, Authorization for Town Attorney to Open Investigation Regarding Censure Proceedings to the August 9, 2018 Board of Aldermen agenda.

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

Manager Moore discussed **Item 8A**, Approval of Motorola Solutions Lease to Purchase for Police Communication Equipment and requested **NEW Item 8B**, Approval of Resolution #R-18-12, Motorola Solutions Lease to Purchase be added to the agenda. Manager Moore stated this item is necessary to execute the lease for the radio equipment upon Board approval.

Alderman Larry B. Harris moved to add new Item 8B, Approval of Resolution #R-18-12, Motorola Solutions Lease to Purchase to the agenda.

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

Manager Moore discussed **Item 8B**, Personnel Policy, Section 7 - Limitation of Employment of Relatives stating he is seeking clarification on the distinction between permanent part time, part time employees, and volunteers being supervised by a relative. Manager Moore stated permanent part time employees are given COLA. Alderman Larry B. Harris directed Manager Moore to discuss the matter with the Town's HR Attorney, Jackie Grant as she is reviewing the personnel policy and make the recommended changes.

Alderman Larry B. Harris moved to remove Item 8B, Personnel Policy, Section 7 – Limitation of Employment of Relatives clarification from the agenda.

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

Alderman Larry B. Harris inquired of the status of the report on Cherry Street ONE-Way study and Planning Director Jessica Trotman stated the report should be ready within a week. The Board conceded to have a special call meeting once the report was ready to discuss further action.

There was no further discussion by the Board.

There being no further discussion, on a motion by Alderman Larry B. Harris with a vote of 5-0 Mayor Don Collins adjourned the meeting at 5:13 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN

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

Date: July 9, 2018 Time: 6:00 p.m. Regular Session Minutes

*The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Board of Alderman** to download materials for all Town board meetings.*

 **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 Jeremie Konegni

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. Pastor Randy Stone of Meadowbrook Church 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 gave an update on the current State of Emergency resulting from Tropical Storm Alberto. Mayor Collins recalled issuing a State of Emergency on May 31, 2018. Mayor Collins stated an Emergency Response Team consisting of NC Emergency Management, NC Dept. of Public Safety, and FEMA representatives visited the Town on June 5, 2018 to conduct damage assessments of town property. He said a second Emergency Response Team consisting of NC Emergency Management, NC Dept. of Public Safety, and FEMA representatives visited the Town on June 26, 2018 to conduct damage assessments of private property. Mayor Collins stated North Carolina Baptist Relief personnel arrived on June 26, 2018 to speak with private property homeowners regarding their damages. Mayor Collins commended town staff for providing an excellent emergency response during and after the event and stated they compiled a comprehensive list of damaged property. Mayor Collins stated town staff visited all locations in town that had damages and reported 57 possible private properties having differing types of damage. He said the list was provided to Buncombe County Emergency Management for preparation of additional damage assessments for private property owners in town. Mayor Collins stated throughout the event town staff contacted the following agencies attempting to seek assistance.

- U.S. Army Corps of Engineers- Asheville Regulatory Field Office
- USDA – National Resource Conservation Service Area Engineer (Waynesville Field Office)
- NC Rural Water Association (Water & Wastewater Systems)
- Buncombe County Soil & Water Conservationist
- Buncombe County Emergency Management
- Baptist Disaster Relief NC Chapter

Mayor Collins stated these agencies were responsive to our need but were simply overwhelmed due to massive area flooding in the region. The Town Clerk requested an update from the damage assessment teams and received a reply on July 9, 2018 from State of North Carolina Voluntary Agency Liaison Individual Assistance Program Coordinator NC Division of Emergency Management as follows:

The possible availability of assistance is one I am unable to answer, other than the North Carolina Volunteer Organizations (NC VOAD) activated the “211” system in order to assist those affected by the storm. Those that need assistance can dial 211, and they will reach an operator that can help connect them to a volunteer group or organization in the area that may be able to assist them in the cleanup and rebuild process.

Here are the following numbers specifically for Black Mountain:

- Mobile Homes 43
- Single Family Homes 4
- Businesses 5
- Culverts Damaged 3
- Driveways Damaged 1

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Many of the mobile homes affected by the flooding had damaged or missing skirting, with standing water on the lots. The single family homes appeared to be affected to minor damage, with the exception of one home with a flooded basement.

When asked, the businesses affected in Black Mountain we visited stated they were closed one day. The storage facility stated several of the units were flooded, causing the renters to have damaged or destroyed personal items in storage.

This is pulled from the damage assessment worksheets generated during the damage assessments done in Black Mountain June 25, 2018.

Mayor Collins stated the Town of Black Mountain will continue to cooperate with State and Federal agencies until the State of Emergency is lifted and said town staff have been working vigorously to repair and address areas of immediate danger and are cooperating with the U.S. Army Corps of Engineers. He said town staff have consulted area engineers regarding the section of greenway on Flat Creek that has been washed away but are awaiting approval and notification if any state of federal assistance will be given. Mayor Collins apologized for any inconvenience this is causing to citizens visiting the greenway and asked for patience and understanding while a solution is reached. Mayor Collins stated we are unable to perform repair work on the greenway until we receive notifications regarding assistance and permitting. Public Works staff have placed barricades along the affected section for citizen safety.

2. PROCLAMATION AND AWARD RECOGNITION

A. Oath of Office for Advisory Board and Commission Members

Town Clerk, Angela Reece administered the oath of office to Boards and Commissions Members.

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.*

E. V. Gouge of Fairway Dr., Black Mountain addressed the Board of Aldermen commending Alderman Carlos Showers, Public Services Director Jamey Matthews, and Town Clerk Angela Reece for a job well done in their collaboration to fix the fountain at the Grey Eagle Monument in Town over the Fourth of July Holiday Weekend. Mr. Gouge stated the fountain and monument was the center of many visitors and holds special memories for townspeople.

Jessica Ringle of Carefree Lane., Black Mountain addressed the Board of Aldermen expressing her concerns for her neighbor's private property after the flooding. Mrs. Ringle stated Carefree

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Lane is badly affected by the flooding and asked the Board and citizens for any help to restore that area.

Mark Soroken of Pearson Lane, Black Mountain addressed the Board of Aldermen stating he feels the Parks and Recreation Department has lost two valuable people.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

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

A. ABC Board Annual Report, Bill Christy, Chair

Bill Christy addressed the Board of Aldermen and provided an update of the renovation on the ABC Store stating the facility has not been updated since the 1980's. Mr. Christy stated the ABC Store currently provides a \$54,000 annual distribution to the town and he expects the renovation will allow more funding to be allocated. Mr. Christy stated the gross sales was a little over \$2M last year.

B. Greenways Commission Annual Report, Leslee Temple

Leslee Temple presented the Annual Greenways Report to the Board of Aldermen. Ms. Temple stated over the last year fundraising activities were very successful and stated the Greenways Challenge hosted 214 runners, 30 volunteers and netted \$6,500.00. Ms. Temple stated they received a \$10,000 grant to fund public art pieces in the park. Ms. Temple stated they were able to raise over \$400.00 at their tailgate market bringing the total in their account to \$37,193.00.

Planning Director Jessica Trotman gave an update on the River Walk Greenway Phase II. Director Trotman stated she approached the Land of Sky to request an additional allocation to continue the River Walk Project. Director Trotman stated staff has asked for \$2.25M initially and has now requested an additional \$750,000 in order to fully fund the project and streamline the contracting process. Alderman Larry B. Harris clarified that the total contract amount will be approximately \$4.5M and will require a 20% town match. Alderman Harris stated this is a multi-year project and will connect the greenway system in the town to include a crossing underneath the railroad and Highway No. 9 and Highway 70. Alderman Harris stated the first section will begin on Black Mountain Avenue to connect to the downtown area. Director Trotman was able to secure a right-of-way easement from the new hotel developer to continue the greenway through Into The Oaks.

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 May 14, 2018 (Closed Session), May 21-22, 2018 (Closed Session), June 7, 2018 (Agenda Session), June 11, 2018 (Regular Session),*

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June 11, 2018 (Closed Session), June 21, 2018 (Special Call), June 21, 2018 (Closed Session)), June 28, 2018 (Closed Session), and June 29, 2018 (Special Call).

B. Salary & Compensation Rate Adjustment Request (Parks & Recreation Interim Director)

Manager Moore stated he felt it was prudent to have leadership in place in the Recreation Department and stated he has assigned additional duties as Interim Recreation Director to Jamey Matthews and is recommending the Board of Aldermen approve a 10% salary adjustment for the period in which these duties occur and that it be retroactive to June 18, 2018.

Motion: *To approve as presented.*

C. Acceptance of a portion of Louisa Street as a Publicly Maintained Street

Motion: *To accept dedication of a portion of Louisa Street in accordance with approved subdivision plan dated January 9, 2014.*

D. Call for Public Hearing to Close an Unopened, Platted Street near Carver Avenue *R-18-10*

Motion: *To call for the public hearing to close an unopened, platted street near Carver Avenue to be held on Monday, August 13, 2018 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

E. Resolution of Approval for Crosswalks Improvements

#R-18-11

Planning Director Jessica Trotman stated the Planning Board Chair brought safety concerns to her regarding a downtown crosswalk stating a child had a near miss recently. Alderman Larry B. Harris clarified this is the crosswalk near the Merry Wine Market. Director Trotman stated she contacted NCDOT traffic engineers who came out for a site visit. Director Trotman stated the engineers recommended removal of the crosswalk due to it not having a signal and being hard to see. There is another crosswalk within very close proximity which is signaled. Director Trotman stated NCDOT agreed to re-paint the other crosswalks making them more visible and add additional signage. She stated engineers also recommended removal of a van parking space near the crosswalk for site distance and agreed to improve the existing crosswalk signage and signaling so it is less confusing. Director Trotman stated there was a crosswalk on Broadway Avenue that NCDOT will not paint back as it was unsafe and not approved. This is not part of the proposed resolution. She stated a business owner has approached her requesting a crosswalk be installed in for the safety of patrons crossing in that area. Director Trotman stated NCDOT has agreed to come back at a later date to visit this area in greater detail to see if a crosswalk is warranted.

Motion: *To adopt Resolution #R-18-11 supporting DOT improvement to downtown crosswalks.*

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

Vice Mayor Maggie Tuttle moved to approve Consent Items A-D as submitted.

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.*

There were no citizen comments.

7. UNFINISHED BUSINESS

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

Manager Moore stated the town produces approximately half a million gallons of water per day from its wells and purchases approximately 180,000 gallons per day from the City of Asheville with the contractual right to purchase up to 200,000 gallon per day. Manager Moore stated the City of Asheville will turn over 600 water customers and 13 miles of water lines in two stages to the Town of Black Mountain. He stated about a month ago the RFQ (request for qualifications) process was opened up and Civil Design Concepts was awarded the contract. Jesse Gardner addressed the Board of Aldermen stating he is also the project engineer for the Avadim Project which is being funded by the EDA (Economic Development Authority) and Golden Leaf Foundation. Mr. Gardner stated NCDOT has awarded a contract to update Access Road which connects the Commerce Park to Blue Ridge Road and said construction could begin this week. Mr. Gardner stated the utilities contracts will be bid out in late July or early August and said construction could begin as early as September. Mr. Gardner discussed the construction schedules for installing waterlines and utilities and stated he believes the water pumping station could be completed as early as September or October of 2019 allowing for purchase of additional water from the City of Asheville. Alderman Larry B. Harris inquired of the timeframe for Avadim groundbreaking and Mr. Gardner stated they have applied for wetlands permits through the US Army Corps and permits through Buncombe County for stormwater and grading and could potentially start breaking ground in September or October 2018. Mr. Gardner stated Avadim is projected to use up to 25,000 gallons per day initially and up to 150,000 to 200,000 gallons per day at full buildout. Mayor Don Collins inquired as to what the maximum usage could be and Mr. Gardner stated there is talks of a phase two in the future. Manager Moore discussed contracting for future needs stating right to purchase a certain amount of water at a determined rate. Manager Moore presented cost projections to the Board of Aldermen which are made part of and included in these minutes. Manager Moore stated the Board will need to decide what figures they are comfortable with while factoring in new water customers. Manager Moore stated he has contacted Avadim to further try to pin down some numbers and recommended continuing this discussion. Alderman Larry B. Harris stated he feels the Board of Aldermen should consider future needs when deciding how much to purchase and said he would like to see projections of costs and future growth revenues as they factor into water rates.

8. NEW BUSINESS

A. Approval of Motorola Solutions Lease to Purchase for Police Communication Equipment

Manager Moore recommended approval of the lease to purchase police communication equipment. Alderman Larry B. Harris stated funding for this has been allocated in the current budget. Police Shawn Freeman stated the current radio system is an analog system and is not compatible with other radio systems in the county. Chief Freeman stated this equipment is needed for officer safety and to enhance service to the citizens of Black Mountain.

Alderman Larry B. Harris moved to approve Motorola Solutions Lease to Purchase for Police Communication Equipment as presented.

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

B. Approval of Resolution #R-18-12, Motorola Solutions Lease to Purchase

Manager Moore discussed this item first stating he recommended the resolution to purchase be approved prior to discussing approval of the lease.

Alderman Larry B. Harris moved to approve Resolution #R-18-12 as presented.

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 – Attorney Ron Sneed reminded the Board of Aldermen he is also a member of the Library Board and stated the town owns the building and said the county operates the Library by agreement since the 1980's. Attorney Sneed stated parking issues have necessitated the need for a formal agreement between the town and the library and said he will bring this item back in front of the Board for discussion and approval.

B. Interim Town Manager – Ron Moore addressed the Board of Aldermen thanking them for the opportunity to serve as Interim Town Manager and advised he is working with staff to proceed with the move into the new building on Terry Estate Drive. Manager Moore stated he is looking toward space needs and long range planning for the facility and advised the Board there is a need for a sprinkler system to be installed in the near future.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Carlos Showers addressed citizens regarding the issue of transparency, specifically regarding personnel matters. Alderman Showers stated staff and Board members are prohibited by NC General Statutes from disclosing personnel matters and stated no one has been asked to

Black Mountain Board of Aldermen
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leave employment with the town and anyone who has left recently has done so of their own accord. Alderman Showers stated the Board supports all the employees in the town and encouraged the public to go and visit with staff and encourage them. On a lighter note Alderman Showers stated the intersection by Louisa's Kitchen has been made into a four way stop again and encouraged citizens to use caution.

Vice Mayor Maggie Tuttle stated she has received an email of concern regarding the NC DOT sign for the closure on Highway 9. Vice Mayor Tuttle stated the sign references a closure at Shumont and stated many citizens do not know how far down that is.

Alderman Larry B. Harris advised the Cherry Street One-Way study is near completion and stated the Planning Director will be reaching out to the merchants with the results soon.

Alderman Ryan Stone reminded everyone of the special call meetings on July 12, 2018 and encouraged citizens to come give their input in the town manager search. Alderman Stone reiterated Alderman Showers' comments regarding town employees stating the Board is unwavering in the goal to make the departments the best they can be. Alderman Stone thanked the newly appointed Boards and Commission members for their devotion and service to the town.

Mayor Don Collins stated the town is mourning the loss of Rusty Lunsford who built the Cherry Street Bathrooms, and Mike Dockery who was always willing to give of his time to help folks in town. Mayor Collins stated these two individuals were treasures of the town and will be missed.

12. ADJOURNMENT

There being no further business, on a motion made by Vice Mayor Maggie Tuttle and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 7:26 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
SPECIAL CALL MEETING MINUTES
July 12, 2018

Town Manager Search

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday July 12, 2018 at 8:30 a.m. and again at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting was to allow the public to give their input in the Town Manager search process.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers
Alderman Ryan Stone
Alderman Jeremie Konegni - absent

The following staff members were present at the 8:30 a.m. session:

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

The Board of Aldermen discussed the Town Manager search profile with staff and citizens who were present.

Alderman Ryan Stone moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 9:43 a.m.

The motion was unanimously approved by a vote of 4-0

The Board of Aldermen discussed personnel matters relating to the Town Manager search.

Alderman Larry B. Harris moved to return to open session at 10:00 a.m.

The motion was unanimously approved by a vote of 4-0.

Black Mountain Board of Aldermen
Special Call Meeting Minutes - July 12, 2018

The following Board Members were present at the 5:00 p.m. session:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Ryan Stone

The following staff members were present at the 5:00 p.m. session:

Angela Reece, Town Clerk

The Board of Aldermen discussed the Town Manager search profile with staff and citizens who were present.

There being no further business, on a motion made by Alderman Ryan Stone and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 10:00 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN

SPECIAL CALL MEETING MINUTES

July 19, 2018

(Public Version)

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday July 19, 2018 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC and upon a motion duly made by Alderman Ryan Stone entered into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11 (a)(6) at 8:30 a.m. on Thursday July 19, 2018 in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers - absent
Alderman Ryan Stone
Alderman Jeremie Konegni

The following staff members were present:

Ron Moore, Interim Town Manager
Angela Reece, Town Clerk
Ron Sneed, Town Attorney– absent

Alderman Ryan Stone moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 8:30 a.m.

The motion was approved by a vote of 4-0

Alderman Ryan Stone moved to return to open session at 9:22 a.m.

The motion was approved by a vote of 4-0.

Manager Ron Moore updated the Board of Aldermen regarding water damage at the Lakeview Senior Center stating a contractor has assessed the building and has found no moisture in the walls in the basement but stated there is moisture in the upstairs portion. Manager Moore stated a bird next clogged the gutter and rain water made its way inside the building. Manager Moore stated he and Mr. Luebbe are filing a claim with the insurance company.

Black Mountain Board of Aldermen
Special Call Meeting Minutes - July 19, 2018

Manager Moore stated the One-Way study for Cherry Street was near completion.

***Alderman Larry B. Harris moved to add an item of business to discuss Cherry Street One-Way traffic study onto the special meeting notice for July 26, 2018.
The motion was approved by a vote of 4-0.***

There was no further discussion.

There being no further business, on a motion made by Alderman Larry B. Harris and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 9:42 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN

SPECIAL CALL MEETING MINUTES

July 26, 2018

(Public Version)

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday July 26, 2018 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC and upon a motion duly made by Vice Mayor, Maggie Tuttle entered into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11 (a)(6) at 9:05 a.m. on Thursday July 26, 2018 in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers - absent
Alderman Ryan Stone
Alderman Jeremie Konegni

The following staff members were present:

Ron Moore, Interim Town Manager
Angela Reece, Town Clerk
Ron Sneed, Town Attorney— absent

Manager Moore stated the One-Way study for Cherry Street was near completion. Planning Director Jessica Trotman addressed the Board of Aldermen to discuss options for One-Way striping on Cherry Street according to engineering and safety specifications. Director Trotman is facilitating a meeting on Friday July 30, 2018 with the business owners on Cherry Street to ascertain their delivery and parking needs before a final plan is presented for approval.

Vice Mayor Maggie Tuttle moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 9:05 a.m.

The motion was approved by a vote of 4-0

Alderman Larry B. Harris moved to return to open session at 9:42 a.m.

The motion was approved by a vote of 4-0.

Black Mountain Board of Aldermen
Special Call Meeting Minutes - July 26, 2018

There was no further discussion.

There being no further business, on a motion made by Alderman Ryan Stone and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 9:43 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN

SPECIAL CALL MEETING MINUTES

July 26, 2018

(Public Version)

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday July 26, 2018 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC and upon a motion duly made by Vice Mayor, Maggie Tuttle entered into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11 (a)(6) at 9:05 a.m. on Thursday July 26, 2018 in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers - absent
Alderman Ryan Stone
Alderman Jeremie Konegni

The following staff members were present:

Ron Moore, Interim Town Manager
Angela Reece, Town Clerk
Ron Sneed, Town Attorney— absent

Manager Moore stated the One-Way study for Cherry Street was near completion. Planning Director Jessica Trotman addressed the Board of Aldermen to discuss options for One-Way striping on Cherry Street according to engineering and safety specifications. Director Trotman is facilitating a meeting on Friday July 30, 2018 with the business owners on Cherry Street to ascertain their delivery and parking needs before a final plan is presented for approval.

Vice Mayor Maggie Tuttle moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 9:05 a.m.

The motion was approved by a vote of 4-0

Alderman Larry B. Harris moved to return to open session at 9:42 a.m.

The motion was approved by a vote of 4-0.

Black Mountain Board of Aldermen
Special Call Meeting Minutes - July 26, 2018

There was no further discussion.

There being no further business, on a motion made by Alderman Ryan Stone and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 9:43 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN

SPECIAL CALL MEETING MINUTES

(Public Version)

August 2, 2018

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday August 2, 2018 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC and upon a motion duly made by Alderman Ryan Stone, entered into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11 (a)(6) at 8:37 a.m. on Thursday August 2, 2018 in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers
Alderman Ryan Stone
Alderman Jeremie Konegni

The following staff members were present:

Ron Moore, Interim Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk
Travis Keever, Gould Killian Audit Firm
Ron Sneed, Town Attorney– absent

Alderman Larry B. Harris distributed a letter with enclosures that is made part of and included in these minutes. Alderman Harris briefly reviewed the enclosures and asked the board if there were any objections for staff moving forward with Mr. Keever's input for review and recommendations regarding disbursement procedures, credit card policies and where best to place authority over the finance officer for administrative supervision and the authority to hire and dismiss. There were no objections.

Alderman Ryan Stone moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 8:37 a.m.

The motion was approved by a vote of 5-0

Alderman Larry B. Harris moved to return to open session at 9:12 a.m.

Black Mountain Board of Aldermen
Special Call Meeting Minutes - August 2, 2018

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

There was no further discussion.

There being no further business, on a motion made by Alderman Carlos Showers and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 9:13 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor