



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, July 9, 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 9, 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.

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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 Luebke, 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. Mayor Don Collins reminded the public of the walk with County Commissioners which resulted in a \$400,000 grant.

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

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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), 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

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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

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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 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