TOWN OF BLACK MOUNTAIN

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

Date: **February 12, 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.

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(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 Jeremie Konegni
Alderman Ryan Stone
Alderman Carlos Showers - Absent

The following staff members were present:
Matt Settlemyer, 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
Casey Conner, Recreation Services Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. Reverend Mike Macdonald of Black Mountain United Methodist 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.

In his announcements Mayor Collins asked citizens to keep Aldermen Carlos Showers and his wife in their thoughts and prayers due to an accident Mrs. Showers suffered.

2. PROCLAMATION AND AWARD RECOGNITION - NONE

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.*

***Doug Brock** of 269 Old Lakey Gap Rd., Black Mountain* addressed the Board of Aldermen asking the Board of Aldermen to consider bringing back horses in Black Mountain by amending the zoning code to allow grazing animals in urban residential zones.

***Julie White** of 205 Ninth Street, Black Mountain* addressed the Board of Aldermen recalling a meeting she attended with Asheville Design Center in reference to the proposed daycare facility on White Pine Drive and stated she was concerned of rumors she was hearing regarding proponents of the daycare attending Land of Sky meetings as well as intentions of the Board of Aldermen to relocate the Fire Department to the new Public Services facility. Ms. White encouraged everyone to work with The Design Center on a plan before decisions are made.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES –NONE

A. Fire Department Annual Report *by Steve Jones, Fire Chief*

Fire Department Chief, Steve Jones delivered the annual Fire Department report to the Board of Aldermen stating overall calls for service have increased by 7.5%. Chief Jones stated staff responded to 1,525 calls in the town and 887 calls in the rural district totaling 2,412 calls for 2017. He stated 58% are rescue and EMS calls. Chief Jones stated each call costs approximately $708. Chief Jones stated the monetary value of fire exposures is approximately $3,719,955, which is considerably lower than previous years due to types of fires. Chief Jones stated there was approximately $497,000 property loss mainly due to aging buildings and new construction techniques. Chief Jones stated twenty years ago you would have about 70 minutes to get out of a burning home and today you have about 3 minutes. He stated this was due to cheaper construction techniques. Chief Jones stated staff performed 527 inspections in 2017 and with new changes to the building code he is expecting significant changes in the number of inspections required. Chief Jones thanked the Board of Aldermen for the purchase of the newest fire truck and stated it has been put to good use and they are receiving positive feedback from the public. Chief Jones discussed activities staff have attended throughout the year such as 911 Sunday. Chief Jones discussed grant funding stating staff has applied for a Prevention and Safety Grant as well as Personal Protective Equipment Grant and did not receive either. Chief Jones stated the washer and dryer being used in the fire house is a standard set and is not effective. Chief Jones discussed an article on cancer among firemen stating a new commercial washer and dryer would greatly benefit firemen and reduce the amount of carcinogens present on their clothing which is linked to cancers.

Chief Jones stated having a schedule of replacement safety equipment is also a necessity to prevent types of cancers related to carcinogens staff is exposed to. Chief Jones discussed fundraising activities by the Volunteer Firefighters Association encouraging everyone to visit bmvfire.org to make donations. He stated all proceeds are returned to the fire department to purchase needed equipment and items. Chief Jones discussed other outreach activities including nursing home visits, Christmas parade, Halloween, Safety Saturday, Town Hall Day, Open House, Walk to School Day, and NC Legislative Day. Chief Jones recognized Sterling Poe and congratulated him on receiving the Firefighter of the Year Award and his 50 Years of Service Award. Chief Jones encouraged citizens to attend the annual Safety Saturday which will be held on Saturday, May 19th at 10:00 a.m. at Ingles in Black Mountain. Chief Jones stated the shred truck will also be there and encouraged citizens to bring their documents to be shredded for free. Car seat placement will also be available. Chief Jones stated a grand total of $25,033.44 was raised at the annual Deck the Trees at the Monte Vista Hotel and the Fire Department tree earned the most donations. He stated all proceeds go to the Swannanoa Valley Christian Ministry for heating assistance in the community.

B. Economic Development Update *by Erica Anderson, Economic & Community Dev. Director, Land of Sky*

Economic & Community Development Director, Erica Anderson delivered a brief overview on the water sewer infrastructure at the new Avadim facility and the Black Mountain Commerce Park. Director Anderson prepared a detailed brief of this report which is made part of and included in these minutes. Director Anderson stated the total project cost is $1.65 million dollars and the Town has received grant awards in the amount of $827,580 from the US Dept. Economic Development, $775,000 from the Golden Leaf Foundation, and $52,580 local funds from Commerce Park. Alderman Larry B. Harris confirmed the general timeframe for water/sewer infrastructure construction would be approximately April 2018. Alderman Harris stated NCDOT will begin work on the access road about the same time. Alderman Harris and Manager Settlemyer clarified that the water and sewer work would take approximately 8-9 months and the access road would take approximately 3-4 months. Alderman Harris thanked and recognized Director Anderson for the hard work she put into applying and administrating the grant and for all the work she has put into this project.

5. CONSENT AGENDA

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

Town Manager Settlemyer presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

> ***Motion:*** *To adopt the minutes of January 4, 2018 (Agenda Session), and January 8, 2018(Regular Session).*

B. Proposal to award contract to audit accounts of the Town of Black Mountain for the July 1, 2017 – June 30, 2018 time period.

> ***Motion:*** *To approve terms of the contract for FY2017-18 auditing and financial reporting with Gould Killian CPA Group, P.A. of Asheville, NC in the amount of $25,400 as presented, and to authorize the mayor and manager to execute the agreement on behalf of the Town.*

C. Budget Amendment to Purchase Police Equipment (from restricted ABC distribution funds) **# FY2018-06**

Manager Settlemyer stated this budget amendment is for additional safety equipment for the Police Department and comes from restricted ABC distribution funds for this purpose.

> ***Motion:*** *To approve Budget Amendment #FY2018-06 as submitted, increasing the expenditure account 1010-5100-190 (ABC Distribution Expenditure) by $13,000 and increasing the revenue account 1000-2990-000 (Fund Balance Appropriated) by $13,000.*

D. Resolution of Support for Children and Friends Inc. to Request Grant Funding by Filing Application with SECU **#R-18-03**

Manager Settlemyer recalled the previous MOU signed by the Board in November 2017 and stated this resolution is to support Children and Friends filing an application with State Employees Credit Union for Grant Funding. Manager Settlemyer clarified that this resolution does not commit the Town to any funding and merely lays out what the previously signed MOU stated for purposes of applying for grant funding.

> **Motion:** *To adopt the resolution as presented.*

E. Text Amendment to the August 8, 2016 Board of Aldermen Regular Session Minutes

Manager Settlemyer recalled some debate over the sanitation contract and stated this motion has been derived to represent the intent of the Board of Aldermen.

> **Motion:** *To amend the August 8, 2016 Board of Aldermen Regular Session Minutes, Item 8B, Recommendation of Award of Solid Waste Contract to Waste-Pro USA, Inc., adding the following language to the minutes:*

The Black Mountain Board of Aldermen acknowledges and ratifies the current contract as negotiated by Town Manager Settlemyer pursuant to Board of Aldermen authorization and believes it accurately reflects the discussion from the August 8, 2016 Board of Aldermen meeting and is consistent with Aldermen Harris' motion.

There was no discussion by the Board.

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

Alderman Ryan Stone moved to approve consent item A-E as presented.

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

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 – NONE

8. NEW BUSINESS

A. Capital Project Ordinance Amendment (Watershed Restoration Capital Project Fund)

#O-18-01

Manager Settlemyer reminded everyone that a capital project fund was set up to address watershed restoration and stormwater runoff. Manager Settlemyer stated the project ordinance amendment is necessary to reflect staff receiving a $60,000 grant from the Land of Sky and a $5,000 Pigeon River grant for the continuation of this project. Manager Settlemyer stated the amendment also reflects $40,000 of the Town's matching funds and $15,000 which was leftover funds from the previous year. Manager Settlemyer stated the overall project equates to $100,000 to make stormwater improvements at the golf course parking lot, Black Mountain library and for a small pilot project on Church Street.

Alderman Larry B. Harris moved to approve capital project ordinance #O-18-01 for watershed restoration as presented.

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

B. Budget Amendment for Capital Project Ordinance #O-18-01, Watershed Restoration Capital Project Fund **# FY2018-07**

Manager Settlemyer stated this budget amendment is necessary to reflect the capital project ordinance amendment as discussed above.

Vice Mayor, Maggie Tuttle moved to approve Budget Amendment #FY2018-07 as submitted, increasing the revenue accounts, 6300-3700-705 (Land of Sky Grant) by $60,000, and 6300-3700-955 (Transfer from GF) by $20,000, and increasing the expenditure accounts, 6300-4200-040 (Prof Services) by $5,000 and 6300-4200-730 (Capital Outlay) by $75,000.

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

C. Resolution of the Town's Intent and Desire to Accept the Offer of the Hemphill Property for Use as a Town Park and Resolving Not to accept the 1.7 Acre Non-Contiguous Parcel **#R-18-04**

Manager Settlemyer stated this resolution is to acknowledge the intent to develop the Hemphill property as a park.

Attorney Sneed stated the Conservancy needs the commitment of the Board of Aldermen to develop the property as a town park in order to proceed with the project. Attorney Sneed recalled prior discussions regarding the cash value of the Hemphill Estate and stated the 1.7 acre, non-contiguous parcel would not be an asset to the Town as there is no access to it and it is very steep and unsuitable for use as a park. Manager Settlemyer stated discussions have begun with staff on the potential uses of the park. There was no further discussion by Board members.

Alderman Larry B. Harris moved to adopt Resolution #R-18-04 as presented.

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

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 advised the Board of Aldermen he is expecting to receive a judgment in the Watson case later this week.

B. Town Manager –Town Manager Settlemyer stated horses and grazing animals are allowed in 9 of the 12 zoning districts. He stated they are not allowed in CB (Central Business) UR-8 (Urban Residential) and Neighborhood Mixed Use. Manager Settlemyer stated the Planning Director presented information to the Planning Board regarding the proposed text amendment and conservation of open space. Manager Settlemyer stated the Planning Board decided not to take up the amendment for consideration and felt the current zoning ordinances are adequate.

Manager Settlemyer reminded the Board of Aldermen staff has received a letter from the Local Government Commission earlier today approving the financing the Foam and Fabric property.

Manager Settlemyer also discussed the stakeholder meeting with Asheville Design Center stating staff, representatives from the Black Mountain Greenways Commission, The Community Garden, Disc Golf, Black Mountain Recreation Commission, JM Teague Engineering, Black Mountain Fire Department, and Children and Friends met to discuss a comprehensive master plan for the area. Manager Settlemyer clarified funding is coming from private entities and the Greenways Foundation.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Vice Mayor Maggie Tuttle stated she attended the Annual Swannanoa Valley Dr. Martin Luther King Jr. Prayer Breakfast and encouraged citizens to watch the video of the speaker, George Logan, a native of Black Mountain, NC, and son of Wayne Logan and lifelong Black Mountain resident Lillian Logan. Vice Mayor Tuttle stated she felt his speech was relevant to issues in today's society and encouraged everyone to watch it. The Town will post a video to their social media page when the video is published. Mayor Collins and Alderman Harris agreed.

Alderman Ryan Stone gave a brief update of the January MPO meeting stating grant funding has been awarded for the downtown parking study which will begin soon. Alderman Stone stated he has also spoken with Cole Hood, Project Engineer with NCDOT, who stated they are still in the design process for the I-40 Blue Ridge Road Interchange and no design has been formalized yet for the interchange. Alderman Stone assured the public that multiple designs will be presented to the public for public input and opinion when they are completed. He stated survey work is being conducted.

Alderman Stone addressed citizen comments regarding a design for the proposed I40-Blue Ridge Road Interchange stating he has spoken with the NCDOT project engineer, Cole Hood, and stated there is no design at this time and said the project is still in the earliest phases. Alderman Stone advised the public that survey work is being conducted at this time. Alderman Stone stated there will be an opportunity for community input regarding the interchange once design(s) have been completed. Alderman Stone thanked everyone who came to the meeting to express their concerns for open space and grazing animals. Alderman Stone stated preserving open space is a challenge in town but cautioned there is a process that should be followed regarding text amendments and asked citizens to respect the process and allow the Planning Board to do its job.

Alderman Stone spoke of supporting the resolution to support Children and Friends Inc. to apply for grant funding and stated he believes there is an overwhelming need in the region, county and

Town of Black Mountain
Building, Planning and Zoning
160 Midland Avenue • Black Mountain • North Carolina • 28711
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MEMORANDUM

Date: February 1, 2018

To: Black Mountain Board of Aldermen

From: Planning Staff

RE: Text Amendment Procedures

From the Town of Black Mountain Land Use Code
Section 1.5.1 Amendments to the land use code text and the zoning map
C. No text or map amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning board for review and recommendation.

From the North Carolina General Statute:
N.C.G.S 160A-387. Planning board; zoning plan; certification to city council
The planning board shall prepare or shall review and comment upon a proposed zoning ordinance, including both the full text of such ordinance and maps showing proposed district boundaries. The planning board may hold public hearings in the course of preparing the ordinance. Upon completion, the planning board shall make a written recommendation regarding adoption of the ordinance to the city council. The city council shall not hold a public hearing or take action until it has received a recommendation regarding ordinance from the planning board.

Response from Planning Board
The proposal from Mr. Doug Brock regarding changes to 5.4.1 of the Land Use Ordinance has been tabled twice during Mr. Brock's tenure as a member of Planning Board. At the Planning Board's regular January meeting the board members discussed the topics included in the amendment to determine Planning Board's interest moving forward. The Planning Board decided 5.4.1 is sufficient and is not interested in pursuing a text amendment from staff at this time.

town for adequate child care facilities and thanked the Board of Aldermen for their fellow support of the resolution.

Mayor Collins addressed comments regarding open space in the town recalling a lifetime of memories of area farms and hay fields. Mayor Collins recalled a farm being located where the new hotel is being built today, a large hay field where the Montreat Recreation Center is today, lush pasture land where White Insurance, Cheshire Fitness, Jacobs Cottages, The Settings, Llama Vista, and now Sweet Birch are today. Mayor Collins stated he was the last person to use all those properties before they were sold and developed. Mayor Collins stated he is extremely aware of the importance of open space but also aware of property owner's rights and said most of them are getting elderly and retiring and they have a right to sell their property. Mayor Collins stated Highland Farms used to be a livestock farm, 9 South was also a livestock farm, Forest Hills development was the most beautiful farm in the town, Tudor Croft was a horse farm, Meadowbrook apartments used to be a large hay field and Cheshire was the site of the old Ager Farm. Mayor Collins stated he grew up here and has watched growth spread down highway 9 adding businesses like Bi-Lo, Ingles, Denny's and Wendy's. Mayor Collins stated things are not that fast paced but are steady and said development will continue as long as people are willing to move to this type of community with wonderful people, a great climate, and recreation opportunities. Mayor Collins said we shouldn't expect to stop growth but agreed proper management is necessary. Mayor Collins stated he has had numerous complaints filed against him on his horses and high hay fields and said not everyone wants horses next to their homes. Mayor Collins stated no one has been affected more by the loss of green spaces and pasture lands than him and said he was not upset over it because the property owners have paid taxes on their lands all their lives and now are doing what is best for their families.

12. ADJOURNMENT

There being no further business, Mayor Don Collins adjourned the meeting at 7:08 p.m.

ATTEST:

Don Collins, Mayor

Angela L. Reece, Town Clerk

Matt Settlemyer, Town Manager

TOWN OF BLACK MOUNTAIN

AMENDED 2/12/18

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

Date: **August 8, 2016** Time: **6:00 p.m.** **Regular Session Minutes**

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(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members present:

Mayor C. Michael Sobol
Alderman Don Collins
Alderman Larry B. Harris
Alderman Carlos Showers
Vice Mayor Ryan Stone
Alderman Margaret Tuttle

The following staff members were present:
Matt Settlemyer, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk
Ron Sneed, Town Attorney
Rob Austin, Police Lieutenant
Steve Jones, Fire Chief
Josh Harrold, Planning Director
Jamey Matthews, Public Services Director
Steve Padgett, Police Chief- Absent
Casey Conner, Recreation Services Director- Absent

Mayor C. Michael Sobol led the Pledge of Allegiance followed by the invocation given by Dr. William Henderson, Pastor, First Baptist Church Black Mountain.

Mayor Sobol 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 and click on "Town Board Video Stream" at any time and view the most recent regular meeting of the Board of Aldermen.

In his announcements, Mayor Sobol recognized Planning Director, Josh Harrold, for his participation in the Spartan Race this past week.

2. PROCLAMATION AND AWARD RECOGNITION – None at this time.

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.*

***Phil Bisesi** of 15 Hi View Drive Black Mountain* addressed the Board of Aldermen urging them to consider a resolution in support of Cities of Peace in September. Mr. Bisesi thanked the Board for their support in previous years.

***Chris Sheehan** of 74 Locust Street Black Mountain* addressed the Board of Aldermen with concerns regarding the invalidation of the tattoo ordinance #O-16-14 on August 5, 2016 after staff discovered a clerical error in publicizing notice of the public hearing.

***Marilyn Sobanski** of Rainbow Recycling* addressed the Board of Aldermen and Citizens encouraging participation in the Hard-2-Recycle event which is being held on Saturday September 17 at Madden's Ace Hardware parking lot on Highway 70 in Swannanoa from 10 a.m. to 2 p.m. More information can be obtained by contacting info@rainbowrecycling.org.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

A. Black Mountain Police Department Semi-Annual Report – Rob Austin, Lieutenant

Lieutenant Rob Austin delivered the Black Mountain Police Department Semi-Annual Report stating calls for service have increased 20% in the last 6 months totaling 12,895. Lieutenant Austin stated there were 262 total arrests, 548 total arrest charges, and 20 D.W.I charges, and 186 total drug violations. Lieutenant Austin stated the increase is partially due to focused efforts to clean up high crime areas in Town. Lieutenant Austin discussed reserve hours stating the cost savings was $11,229.20 for the past 6 months. Lieutenant Austin stated Operation Medicine Drop was very successful resulting in collection of 10,647 dosage units. Lieutenant Austin also discussed participation in Safety Saturday and youth relations at Black Mountain Primary School. Lieutenant Austin thanked the community for all their support stating it is an honor to serve the Citizens of Black Mountain.

B. Black Mountain Fire Department Semi-Annual Report – Steve Jones, Chief

Fire Chief Steve Jones delivered the Black Mountain Fire Department Semi-Annual Report stating emergency response calls for service have remained steady for the reporting period totaling 1,005. Chief Jones stated exposures totaled $15,465,950 and property loss was $1,492,700. Chief

Jones stated the Fire Department performed 326 inspections and logged 15,380 hours of service. Chief Jones stated the Fire Department if now being dispatched by Buncombe County Communications which serves all emergency services in Buncombe County. Chief Jones stated the move was due to resources and would produce quicker call response times by an average of 2 minutes per call. Chief Jones spoke about community support and stated all of Black Mountain's emergency service workers are grateful for the outpouring of support from the community. Chief Jones thanked the community for their support and stated it is an honor to serve the Citizens of Black Mountain.

C. Black Mountain Swannanoa Chamber of Commerce Update – Bob McMurray, Director

Bob McMurray presented the Chamber of Commerce update to the Board of Aldermen. Director McMurray encouraged citizens to attend the 39th Annual Sourwood Festival and thanked Black Mountain Public Services, Police, Fire, EMS and volunteers for making the festival safe and pristine for citizens and their families. Director McMurray thanked Alderman Carlos Showers for his role as Ex-Officio Board Member as well as over 40 volunteers who run the center. Director McMurray stated the center has had 26,000 visitors in the past year and logged 193,398 visits on the Chamber's website. He stated the website is currently being redesigned and will be upgraded in the coming weeks to feature a mobile friendly platform. Director McMurray encouraged citizens and visitors to check out the new website http://www.exploreblackmountain.com/ for small business information as well as relocation information and calendar of events.

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

> ***Motion:*** *To adopt the minutes of July 7, 2016 (Agenda Workshop), and July 11, 2016 (Regular Session).*

B. Call For Public Hearing to Close a Portion of an Un-Opened, Platted Right-of-Way Known as Ridgedale Avenue.

> ***Motion:*** To call for the public hearing to close a portion of an unopened, platted right-of-way known as Ridgedale Avenue to be held on Monday, September 12, 2016 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue. ***#R-16-09***

There were no discussion on these items.

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

Alderman Ryan Stone moved to approve consent item A-B as presented. The motion was unanimously 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

There was no unfinished business.

8. NEW BUSINESS

A. Request to Award Bid for purchase of Custom Fire Pumper Truck

Motion: To Award Contract to KME, Inc. for purchase of custom pumper truck in the amount of **$481,000**.

Town Manager Settlemyer recommended the Board award contract to KME, Inc. for purchase of the custom pumper fire truck in the amount of $481,000. Fire Chief Steve Jones addressed the Board of Aldermen and public stating the Town's insurance rating is a Class 4 and in order to maintain this rating each fire engine is required to have 4 firemen on it. Fire Chief Jones stated a custom truck is built to accommodate 4 firemen and their gear, is built to last longer than a commercial truck, and has better radius and roll over protection. Fire Chief Jones stated a custom truck is a better choice due to safety and accessibility on mountainous terrain. Town Manager Settlemyer reminded everyone the Town has set aside $425,000 in the Capital Reserve Fund which would bring the total down to $468,250 if the Board chooses to put a down payment on the truck in the current fiscal year which would produce a cost savings of $12,750. Manager Settlemyer compared similar custom truck purchases this year by the City of Asheville at $548,125.00, and the City of Kings Mountain at $548,174.00 stating Fire Chief Jones and staff have done a good job at keeping the cost low with few amenities.

Alderman Don Collins moved to Award Contract to KME, Inc. for purchase of custom pumper truck in the amount of $481,000. The motion was unanimously approved by a vote of 5-0.

B. Recommendation of Award of Solid Waste Contract to Waste-Pro USA, Inc.

Motion: To accept the proposal for solid waste collection from Waste-Pro USA.

Town Manager Settlemyer stated the Town received two proposals for the solid waste contract, one from Republic, and the other from Waste-Pro USA, Inc. Town Manager Settlemyer stated he and staff reviewed the proposals and and feel certain Waste-Pro USA, Inc. would be the best choice

to continue services without additional fees or reduction of services. Manager Settlemyer stated the Town currently pays $12.00 per customer with Republic Services. The proposal from Republic Services increased to $25.00 per customer for the same level of service with an alternate proposal of $17.00 with a reduced level of service. The proposal from Waste-Pro is $15.04 per customer for the level of service.

The following representatives from Waste Pro USA Inc. addressed the Board of Aldermen: Robert Allen, Director of Government Relations; Bob TenHaaf, Regional Vice President; and Chip Gingles, Division Manager. Mr. TenHaff stated Waste-Pro has been in business since 2001 and now operates in 9 states in the south east with most business coming from municipal government. Mr. TenHaff stated the company has spent significant time and resources equipping trucks with the new third-eye camera system and air-track technology which allows safety, tracking, and communication capability for staff to monitor compliance and service delivery. Mr. Gingles stated the plan for transition would include becoming familiar with Town streets and problem areas and developing attainable solutions to ensure efficient and safe service delivery to all areas. Mr. Gingles stated Waste-Pro USA Inc. is very safety oriented. Alderman Larry B. Harris clarified the timeframe for the transition would be October 1, 2016 which is the end date for the contract with Republic Services. Mayor C. Michael Sobol inquired about disposal fees in the proposal and the difference between this fee and the tipping fee the Town pays at the land fill. Town Manager Settlemyer stated the RFP did not require the tipping fee to be included as part of the proposal. Mr. TenHaaf stated Waste-Pro USA Inc. would eliminate the disposal fee as discussed. This results in an $11.46 per customer proposal. Alderman Carlos Showers clarified the current cost of service and Consumer Price Index (CPI) adjustment. Town Manager Settlemyer stated the cost of the contract can increase or decrease based on CPI and landfill fees in the future.

Alderman Larry B. Harris moved to authorize the Town Manager to approve the proposal for solid waste collection from Waste-Pro USA at $11.46 as discussed for a four year term.
The motion was unanimously approved by a vote of 5-0.

These minutes were amended by the Black Mountain Board of Aldermen at their regular session meeting on Monday, February 12, 2018 to include the following language:

The Black Mountain Board of Aldermen acknowledges and ratifies the current contract as negotiated by Town Manager Settlemyer pursuant to Board of Aldermen authorization and believes it accurately reflects the discussion from the August 8, 2016 Board of Aldermen meeting and is consistent with Aldermen Harris' motion.

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 one 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 – Ron Sneed – None at this time.
B. Town Manager – Matt Settlemyer – None at this time.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris expressed thanks to the Black Mountain Police and Fire Department staff for their service and thanked staff for their time and effort putting together the waste disposal contract.

12. CLOSED SESSION

Alderwoman Maggie Tuttle moved to enter into closed session to discuss litigation matters as permitted in NCGS 143-318.11(a)(3) at 7:12 p.m.
The motion passed unanimously by a vote of 5-0.

Alderman Larry B. Harris moved to return to open session at 7:37 p.m.
The motion passed unanimously by a vote of 5-0.

13. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 7:40 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor (Amended 2/12/2018)

Matt Settlemyer, Town Manager