



TOWN OF BLACK MOUNTAIN

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

Date: **January 8, 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 Jeremie Konegni
Alderman Carlos Showers
Alderman Ryan Stone

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 Trent Holbert of Black Mountain gave the invocation.

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

Black Mountain Board of Aldermen
Regular Session Minutes – January 8, 2018

In his announcements Mayor Collins encouraged citizens to recycle their Christmas trees at the Dr. John Wilson Community Garden at 99 White Pine Dr. Black Mountain through January 15, 2018.

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation by Mayor Don Collins Honoring Dr. Martin Luther King Jr.

Mayor Collins read the proclamation in honor of Rev. Dr. Martin Luther King Jr. and encouraged citizens to attend the 28th Annual Memorial Prayer Breakfast at 8:00 a.m. at Camp Dorothy Walls, Black Mountain hosted by the local Martin Luther King, Jr. Memorial Corporation.

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.*

Mayor Collins reminded citizens that comments in reference to the Public Hearing (Item 9A) should take place during the public hearing and said any other comments would be appropriate during this time. There were no citizen comments.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES –NONE

A. Library Board Annual Report by Attorney Ron Sneed

Attorney Sneed praised the new Library Director, Melisa Pressley and encouraged everyone to attend the upcoming events to celebrate 50 years of having the Black Mountain Library and the work citizens such as Betty Tyson put into its creation. Attorney Sneed stated he is a member of the Library Board and explained the function of that board and said the funding the Town allocates each month supports the facility maintenance. Attorney Sneed stated the current building is the most energy efficient building in the system and thanked the support of the Board of Aldermen to make this possible.

B. Police Department Semi-Annual Report by Shawn Freeman, Police Chief

Police Chief Shawn Freeman presented the semi-annual report to the Board of Aldermen. Chief Freeman praised staff for making the transition seamless. In his report, Chief Freeman stated the Black Mountain Police Department (BMPD) received 26,911 calls for service in 2017 which represents 32.15% overall increase over the last five years. Chief Freeman attributed this to a more proactive patrol, P.A.C.E. Team and motivated officers as well as a 3.78% growth in the population. Chief Freeman discussed street drug arrest totals and stated the seizures account for an

Black Mountain Board of Aldermen
Regular Session Minutes – January 8, 2018

estimate of \$274,732 street drug value which has been removed from our streets. Chief Freeman stated BMPD has received a grant from the Bureau of Justice in the amount of approximately \$11,000.00. Chief Freeman stated staff has also applied for a GCC no-match grant in the amount of \$24,500 to be used for mobile data terminals and in-car printers to reduce the cost to the town. Chief Freeman discussed ongoing community initiatives including Coffee with a Cop, community meetings, social media outreach, community policing strategies as well as the Elder Check Program. Chief Freeman stated the Elder Check program is being implemented and will allow single elderly folks to enroll who will contact BMPD each day by 11:00 a.m. to check in to let officers know they are ok. If BMPD does not receive a call from a participant they will send officers to check on the individual. Chief Freeman discussed community partnerships with local merchants and citizens which allowed BMPD staff to send much needed supplies to Collier County Florida in the wake of Hurricane Irene. He stated BMPD officers with the help of Precision Graphics staff passed out all the donated supplies and served over 700 meals to those in need. Chief Freeman expressed gratitude and pride of the merchants and citizens of Black Mountain stating that they again pulled together to collect supplies to provide 12 families with full Thanksgiving meals which included ham and all the trimmings. He stated they were also able to provide 10 elderly persons with large boxes of groceries. Chief Freeman stated he has been blessed with the work ethic of the staff and outreach of the community in Black Mountain.

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. There was no discussion on this item.

A. Adoption of Minutes

Motion: *To adopt the minutes of December 7, 2017 (Agenda Session), and December 11, 2017(Regular Session).*

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

Vice Mayor Maggie Tuttle moved to approve consent item A 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 – NONE

8. NEW BUSINESS

A. Resolution to Modify Municipal Boundaries of the Towns of Black Mountain and Montreat

Town Manager Settlemyer discussed the proposed resolution to de-annex property belonging to the Town of Montreat to allow them to construct a new town hall. Manager Settlemyer reminded everyone that municipalities do not have the authority to de-annex property and stated the resolution is a joint resolution asking the NC General Assembly to de-annex the property and modify the municipal boundaries. Manager Settlemyer stated government facilities are an approved use and currently allowed under SR-2 zoning in the Town of Black Mountain and stated there will be no cost or commitment to the Town. Manager Settlemyer stated the Town of Montreat has agreed to complete the remaining portion of sidewalk along this portion of their property if the boundary modification is approved. There was no discussion by the Board. **#R-18-02**

Alderman Larry B. Harris moved to adopt Resolution #R-18-02 calling on the North Carolina General Assembly to modify the municipal boundaries of the Towns of Black Mountain and Montreat as presented.

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

B. Town of Black Mountain Statement of Policy

Manager Settlemyer presented the Town of Black Mountain Statement of Policy to the Board of Aldermen and stated administrative services policies have been revised and compiled into one document for easier access and revision. Manager Settlemyer stated this policy has not been updated since 1994 and gave examples of services the town no longer offers as well as new procedures and services. Manager Settlemyer stated the adopted policy will be placed on the website. There was no discussion by the Board.

Alderman Larry B. Harris moved to adopt the revised Town of Black Mountain Statement of Policy as presented.

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

C. Appointment to fill vacancies on Town Boards and Commissions

1. **Historic Preservation Commission** – (1) vacancy/ unexpired term ending June 30, 2018

Black Mountain Board of Aldermen
Regular Session Minutes – January 8, 2018

Vice Mayor Maggie Tuttle moved to appoint Nel Ruffin to fill an unexpired term ending June 30, 2018.

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

9. PUBLIC HEARING

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

- A. Public Hearing to discuss approval of Resolution #R-18-01 authorizing the Town of Black Mountain to file an application for approval of a financing agreement as Authorized by N.C.G.S. Section 160A-20 by the North Carolina Local Government Commission for the financing of the purchase of property located at 304 Black Mountain Avenue, Black Mountain, NC, such property being shown on the Buncombe County Tax maps as Pin #0619-34-0581.

Mayor Don Collins stated this Public Hearing (Item9A) is to authorize the Town of Black Mountain to file a financing agreement with the Local Government Commission regarding the Town's purchase of the property at 304 Black Mountain Avenue. The offer to purchase was approved by the Board of Aldermen at a called meeting on November 2, 2017. Tonight's discussion will focus solely on the financing arrangement associated with the purchase. Comments during the Public Hearing should adhere to the financing portion of this purchase. Any other comments regarding the property (or other town business) are, of course, welcome during the Citizen Comment portion of tonight's meeting.

***Alderman Carlos Showers moved to open the public hearing.
The motion was unanimously approved by a vote of 5-0.***

Charlotte McRaine of 795 Lakey Gap Rd. Black Mountain addressed the Board of Aldermen expressing her concerns of the sale of the current public services building and the terms and conditions of the proposed financing. Ms. McRaine urged the Board of Aldermen to sell the current public services property as soon as it is vacant in order to reap the maximum financial benefit.

Lisa Milton of 406 West State Street, Black Mountain addressed the Board of Aldermen asking the Board of Aldermen not to sell the current public services building property. Mrs. Milton stated the needs of the community have grown and she feels the potential uses for the property outweigh the need to sell it.

Town Manager Settlemyer advised the Board of Aldermen the bid from BB&T bank is the lowest bid to borrow \$1.5 million dollars at 3.49% interest for a 15 year term. Manager Settlemyer reminded the Board of Aldermen the financing of this property is independent of selling the current public services property and said the comments offered should be considered at a later time.

***Alderman Larry B. Harris moved to close the public hearing.
The motion was unanimously approved by a vote of 5-0.***

Black Mountain Board of Aldermen
Regular Session Minutes – January 8, 2018

Alderman Larry B. Harris stated both public comments were appreciated and will be considered at the appropriate time. Alderman Ryan Stone clarified the next steps in this process with Assistant Town Manager Luebke stated there are a number of documents to be submitted prior to approval by the Local Government Commission but a closing date could be as early as mid-March. Alderman Larry B. Harris clarified this resolution is an intent to apply for financing to purchase the property and not the contract.

Alderman Larry B. Harris moved to adopt Resolution #R-18-01, authorizing the Town of Black Mountain to make application to the North Carolina Local Government Commission for approval of a financing agreement authorized by N.C.G.S. 160A-20 for financing the purchase of property located at 304 Black Mountain Avenue, Black Mountain, NC, and described on the Buncombe County Tax maps as Pin #0619-34-0581, as presented [or as amended].

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

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Attorney Ron Sneed recalled the donation of property by Mary Hemphill to the town through the Appalachian Conservancy to be used for a park stating the Planning Director and Recreation Director are putting together a preliminary plan for uses on the property. Attorney stated there are some legal considerations with the estate cash value which are being worked through before a final plan can be implemented.

Attorney Sneed also gave an update on the Watson case for non-residential building code compliance violations stating the case has been presented in Superior Court at a hearing in October 2017. Attorney Sneed stated he has filed a brief and Judge Coward stated he indicated a decision would be made soon.

- B. Town Manager – Town Manager Matt Settlemyer followed up on the Hemphill property donation discussion stating staff is preparing to provide a list of uses of the property to the Board of Aldermen at their February meeting.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Jeremie Konegni stated he visited the Public Services department today and after observing and speaking with staff he believes the purchase of the Foam and Fabric building is beneficial to the Town.

Alderman Larry B. Harris thanked Police Chief Shawn Freeman and stated the Board of Aldermen are appreciative for the outreach and community support being demonstrated.

Alderman Ryan Stone thanked colleagues at the Town of Montreat for attending the meeting and stated the Board is glad to help move the Town of Montreat forward.

Black Mountain Board of Aldermen
Regular Session Minutes – January 8, 2018

Alderman Carlos Showers recognized and thanked town staff for all their efforts to help citizens in town and for their quick responses to problems.

Mayor Don Collins also thanked and praised Police Chief Shawn Freeman stating he has heard nothing but good reports from citizens in town on the police department. Mayor Collins also thanked citizens Charlotte McRaine and Lisa Milton for their comments and reminded them that the board has cut debt in half going from 14 debts to 4. Mayor Collins assured them the Board will make every effort to pay off their debts early to save the tax payers the maximum amount of money.

12. ADJOURNMENT

There being no further business, Mayor Don Collins adjourned the meeting at 7:09 p.m.

ATTEST:



Angela L. Reece, Town Clerk



Don Collins, Mayor



Matt Settlemyer, Town Manager