TOWN OF BLACK MOUNTAIN

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

Date: March 9, 2020 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 Tim Raines

The following staff members were present:
Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance.

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 advised the Town has received the Tree City USA Award for the 15th year in a row. Mayor Collins recognized Public Works staff (Jamey Matthews, Chris Sloan, and Gabe Martin) for attending trainings and becoming certified to reduce costs to the Town. Mayor Collins also recognized Fred McCormick, local reporter, for starting a local online news source The Valley Echo and encouraged citizens to visit the website at https://www.thevalleyecho.com/community-news

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation – Mayor Don Collins presented a proclamation honoring the service of the late Alderman Carlos L. Showers, to his wife, Shelia Showers. The proclamation expresses the deep appreciation on behalf of the Board of Aldermen and citizens of the Town of Black Mountain for the valuable service which Alderman Showers provided to the Town. The proclamation was presented in memoriam of **CARLOS L. SHOWERS** and a copy will be placed within the records of the Town of Black Mountain.

B. Proclamation - Mayor Don Collins presented a proclamation honoring the Black Mountain Beautification Committee commending them for 20 years of service to the Town.

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.*

The following citizens addressed the Board of Aldermen with comments: Marilyn Sobanski; Weston Hall; Theresa Fuller; Elaine Loutzenheiser.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

Jamey Matthews, Public Works Director presented the Public Works Annual Water Report to the Board of Aldermen. The report is made part of and included in these minutes.

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, Josh Harrold presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

Motion: *To adopt the minutes of February 6, 2020 (Agenda Session), February 10, 2020 (Regular Session), and February 10, 2020 (Closed Session).*

B. Budget Amendment for Attorney Fees **#FY20-14**

Motion: *To approve Budget Amendment #FY20-14 as submitted increasing expense account 1000-4100-040 (Professional Services) by $25,000 and increasing the revenue account 1000-3905-900 (Fund Balance Appropriated) by $25,000.*

Vice Mayor Maggie Tuttle moved to approve consent items A-B as presented.

The motion was 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

A. 2020 Sanitation Contract

Manager Harrold recalled previous conversations regarding this item reminding everyone the current sanitation contract with Waste Pro expires on September 30, 2020. Manager Harrold stated the town received one RFP from Waste Pro Inc. to continue to provide sanitation services to the town at a cost of $1,073,650 for the same level of service. Manager Harrold stated the cost estimate for the end of this fiscal year with Waste Pro is $796,200 (for current services) which is $16.26 per household. Manager Harrold stated the new proposal will increase to $21.93 per household for the same level of service if adopted. Manager Harrold stated he has spoken with Waste Pro and was able to negotiate a reduction to their proposal to $963,000 which is $19.67 per household. Manager Harrold stated he has conducted research of other municipalities and visited them to observe operations and said he has put together an informal budget to compare costs of in-house sanitation operations. Manager Harrold stated he anticipates the first year cost of service to be $12.58 per household or $616,100 for the same service level in year 1. Manager Harrold stated this figure does not include debt payments for equipment. Manager Harrold presented cost estimates for increases after year one showing estimates increasing to #13.62 in year 2, $14.25 in year 3, and so on up to year 10. Manager Harrold stated all of these costs are cheaper than the initial cost with Waste Pro. Alderman Larry B. Harris inquired regarding trucks and costs. Manager Harrold stated there is a capital reserve line set aside in this proposed budget for $75,000 annually to go toward purchasing trucks when needed in the future (around year 5).

Manager Harrold stated the proposed budget includes five new staff, one pickup truck with a hopper, two 25 yard rear loaders, and a 26 yard knuckle boom truck for brush pick up. Manager Harrold stated he feels staff has worked very hard on this budget and it is very lean. Manager Harrold stated he does have reserves about purchasing two trucks initially due to the potential of needing a backup truck. Manager Harrold stated these trucks cost approximately $160-175,000 each new but stated there may be options to rent or short term lease in the event an additional truck is needed or one truck is down for maintenance. Manager Harrold provided a conceptual operations plan indicating very similar routes and service as what is currently being offered in town. Manager Harrold stated garbage pickup would continue 4 days a week and recycling every other week and said on days the recycling truck is not running it would be picking up brush or bulky items. Manager Harrold stated there were over 900 brush pick-ups in one month in 2018. Mayor Collins stated the Board is aware changes will need to be made regarding brush pick up amounts and said this will be forthcoming. Alderman Harris discussed capital budgeting stating he is in favor of the addition of a third garbage truck into the budget. Manager Harrold stated the year 1 cost would be $16.14 with an additional truck. Alderman Harris thanked Waste Pro for their service to the Town but reminded everyone of the Board's due diligence to the tax payers. Mayor Collins stated he preferred to start out with a very lean budget. Alderman Harris stated he preferred having a contractual agreement in place with Waste Pro in the event of an accident or similar situation reducing availability of trucks in town for service.

Alderman Larry B. Harris moved to reject the bid provided by Waste Pro Inc. for solid waste pick up.

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

B. NC Highway 9 Sidewalk Construction Contract Approval

Attorney Ron Sneed recalled previous discussions regarding Phase II sidewalk installation along Highway 9 which is proposed to cross properties from Dogwood Drive to Jane Jacob Drive including crossing property owned by Sikes Regan. Attorney Sneed stated Mr. Regan has asked for brick pavers instead of concrete at a cost difference of $65,000. Attorney Sneed recalled discussions Mr. Regan and the preference of the Board of Aldermen not to pay the additional cost. Attorney Sneed stated Mr. Regan was unwilling to grant an easement or pay the additional cost of brick. Attorney Sneed advised the only option would be to reject the bid and continue on with Phase III of the sidewalk which will bypass this section.

Alderman Ryan Stone moved to reject the contract to Southern Appalachian Grading and Excavating, Inc. and to instruct the Town Manager to move forward with bidding Phase III of Highway 9 sidewalk project.

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

8. ORGANIZATIONAL MEETING

A. Appointment of Alderman for the Town of Black Mountain to an unexpired term ending 2020

Board members thanked everyone who expressed interest in seeking appointment to the Board. Alderman Tim Raines stated many qualified candidates expressed interest in appointment and said this was an unenviable task he and the Board has been given but said it is necessary and expressed interest in establishing a procedure for future boards to allow for a special election if this occurred again. Attorney Sneed clarified a local act through the NC General Assembly would be required. Alderman Ryan Stone agreed with Alderman Raines and stated he felt the process should be up to the citizens to choose a successor. Mayor Collins stated he feels the choices of appointments in the past few years have been good ones and said he appreciates the leadership of each and every one of them.

Alderman Larry B. Harris moved to appoint Cheryl Milton as Alderman to the Town of Black Mountain Board of Aldermen.
The motion failed by a vote of 1-3.

Vice Mayor Maggie Tuttle moved to appoint Jennifer Willet as Alderman to the Town of Black Mountain Board of Aldermen.
The motion passed by a vote of 3-1.

The Oath of Office of Appointed Alderman, Jennifer Willet was issued by Mayor Don Collins following the meeting.

B. Appointments of representatives and alternates to represent the Town of Black Mountain on boards/committees of outside agencies.

1. Black Mountain- Swannanoa Chamber of Commerce Executive Board:

Alderman Larry B. Harris moved to appoint Town Manager, Josh Harrold to serve as member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.
The motion was approved by a vote of 4-0.

2. Asheville Regional Housing Consortium:

Vice Mayor Maggie Tuttle moved to appoint Alderman Ryan Stone to serve as alternate member of the Asheville Regional Housing Consortium.
The motion was approved by a vote of 4-0.

3. Friends of the Fonta Flora State Trail Executive Board:

Vice Mayor Maggie Tuttle moved to appoint Alderman Larry B. Harris to serve as member of the Friends of the Fonta Flora State Trail Executive Board.
The motion was approved by a vote of 4-0.

9. NEW BUSINESS

A. Compliance with NC G.S. Chapter 160D- *Attorney Ron Sneed*

Attorney Sneed stated the NC General Assembly has made procedural improvements and simplified many processes for development ordinances and gave municipalities a deadline of January 1, 2021 to come into compliance with the new rules and regulations. Attorney Sneed stated this will be a fairly large amount of work and will steer the Town into having a Unified Development Ordinance (UDO) in the future. Attorney Sneed stated there is a 13 page checklist which will need to be reviewed and implemented. Attorney Sneed stated the Comprehensive Planning process will also inform this process. Attorney Sneed stated he and staff will create the first draft of the revisions which then will go to the Planning Board for recommendations. The Chapter 160D Resource Page created by the UNC School of Government may be found here: https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019

B. Resolution to Provide Matching Funds for Ninth Street Bridge Replacement ***#R-20-03***

Manager Harrold reminded everyone that municipal bridges are inspected every two years by the NCDOT and said the Ninth Street Bridge has received a low score by NCDOT engineers and is in need of replacement. Manager Harrold stated the estimate to replace the bridge is around $467,000 and said funding may be applied for in the 2020 cycle of the Surface Transportation Block Grant (STPG) to assist in replacing. Manager Harrold stated this is a 20% match commitment if awarded.

> ***Alderman Larry B. Harris moved to approve Resolution #R-20-03 committing to matching funds, if awarded, in the amount of in the amount of $91,400, which is twenty-percent (20%) of the total request of the grant application for 2020 STBG to provide funding for construction for the Ninth Street Bridge Replacement. The motion was approved by a vote of 4-0.***

10. 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.*

11. COMMUNICATION FROM STAFF

A. Town Attorney – Attorney Sneed gave an update on the Hemphill property stating all of the beneficiaries have signed documents to convey the property to the Town for use as a park. Attorney Sneed stated he expects this to be completed by early May.

B. Town Manager – Manager Harrold stated staff continues to meet with Buncombe County regarding the COVID-19 emergency response. Information may be obtained at https://www.buncombecounty.org/covid-19/default.aspx

Manager Harrold also stated Advisory Boards and Commissions applications are being accepted and are due by April 24th. The applications are available on the Town's website.

12. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris read communications from David Fann, President & Director of Avadim Health, Inc. regarding the Avadim Project. Alderman Harris stated this economic development project is still underway but is in a quiet period at this time according to President Fann. A copy of the email is attached to and included in these minutes.

Alderman Harris also read communications from Mike Clark, NCDOT Division Project Engineer regarding the I-40/Blue Ridge Road Interchange Project stating the design process is underway but right of way acquisition has been delayed until the spring of 2021 due to state funding. Construction is currently scheduled in 2023. A copy of the email is attached to and included into these minutes.

Mayor Collins addressed Cheryl Milton thanking her for her service to the town on the Zoning Board.

13. ADJOURNMENT

Alderman Larry B. Harris moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:18 p.m.
The motion was approved by a vote of 4-0.

Alderman Larry B. Harris moved to return to open session at 7:22 p.m.
The motion was approved by a vote of 4-0.

Alderman Larry B. Harris moved to increase Chris Kuhn's salary by $2,992.94 annually due to promotion to Police Lieutenant.
The motion was approved by a vote of 4-0.

There being no further discussion, on a motion by Larry B. Harris, with a vote of 4-0 Mayor Don Collins adjourned the meeting at 7:24 p.m.

ATTEST:

Angela Reeee, Assistant to Manger/Town Clerk

Don Collins, Mayor

Town of Black Mountain

Public Works Department

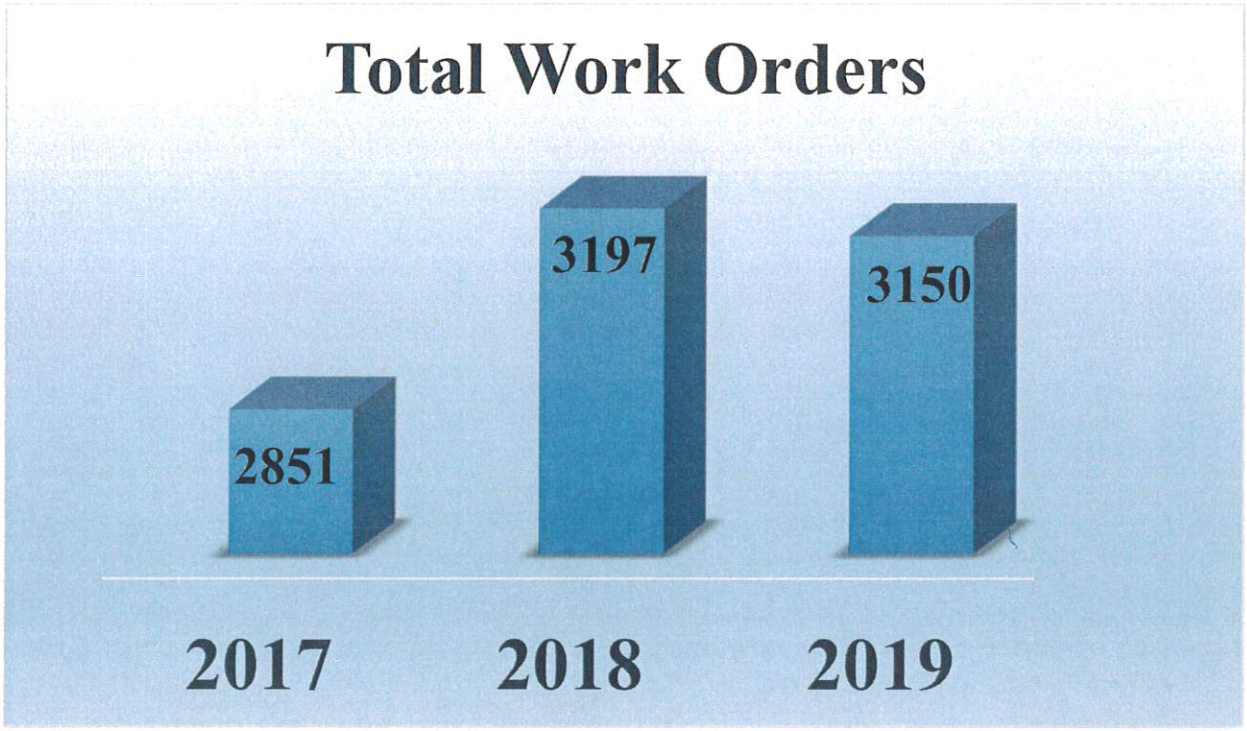
Annual Water Operations Report 2019

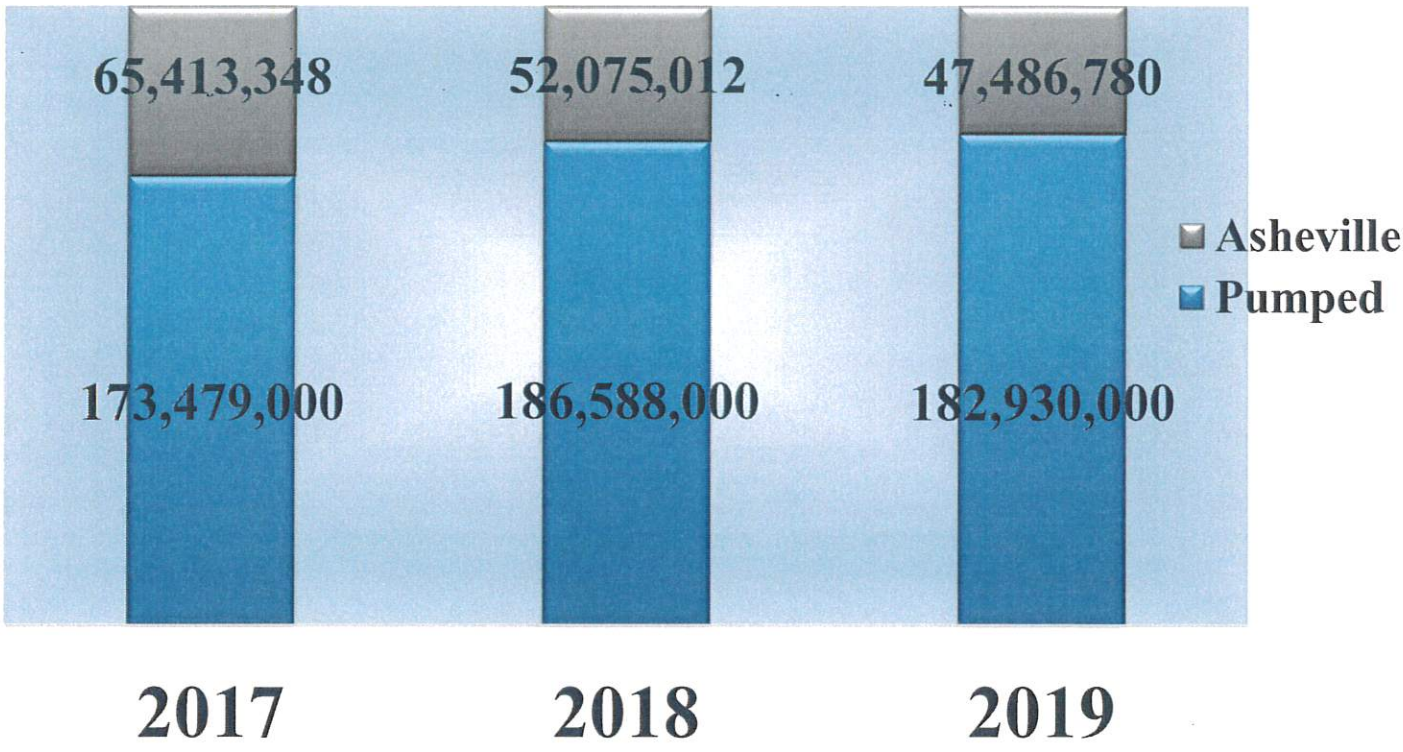
- **2019 Water Operations Projects**
  - Replaced Well Pumps 17,19 & 20
  - Refurbished Well 1
  - Refurbished Timber Park Pump Station
  - Installed new pumps at Chapel and Pinnacle Pump Stations
  - Generators online at Pump Stations
  - Installed air relieve valve on Lookout Terrace
  - Installed cut in valves on Ninth St, Tenth St and Montreat Rd
  - Eliminated 2" line under Black Mountain Ave. bridge
  - Took over 6" water line & taps from Asheville (Blue Ridge Assembly Dr.)
  - Installed 6" water line on Black Mountain Ave. for 304 Black Mountain Ave. sprinkler system
  - Created maintenance plan for The Settings water system with H.O.A.

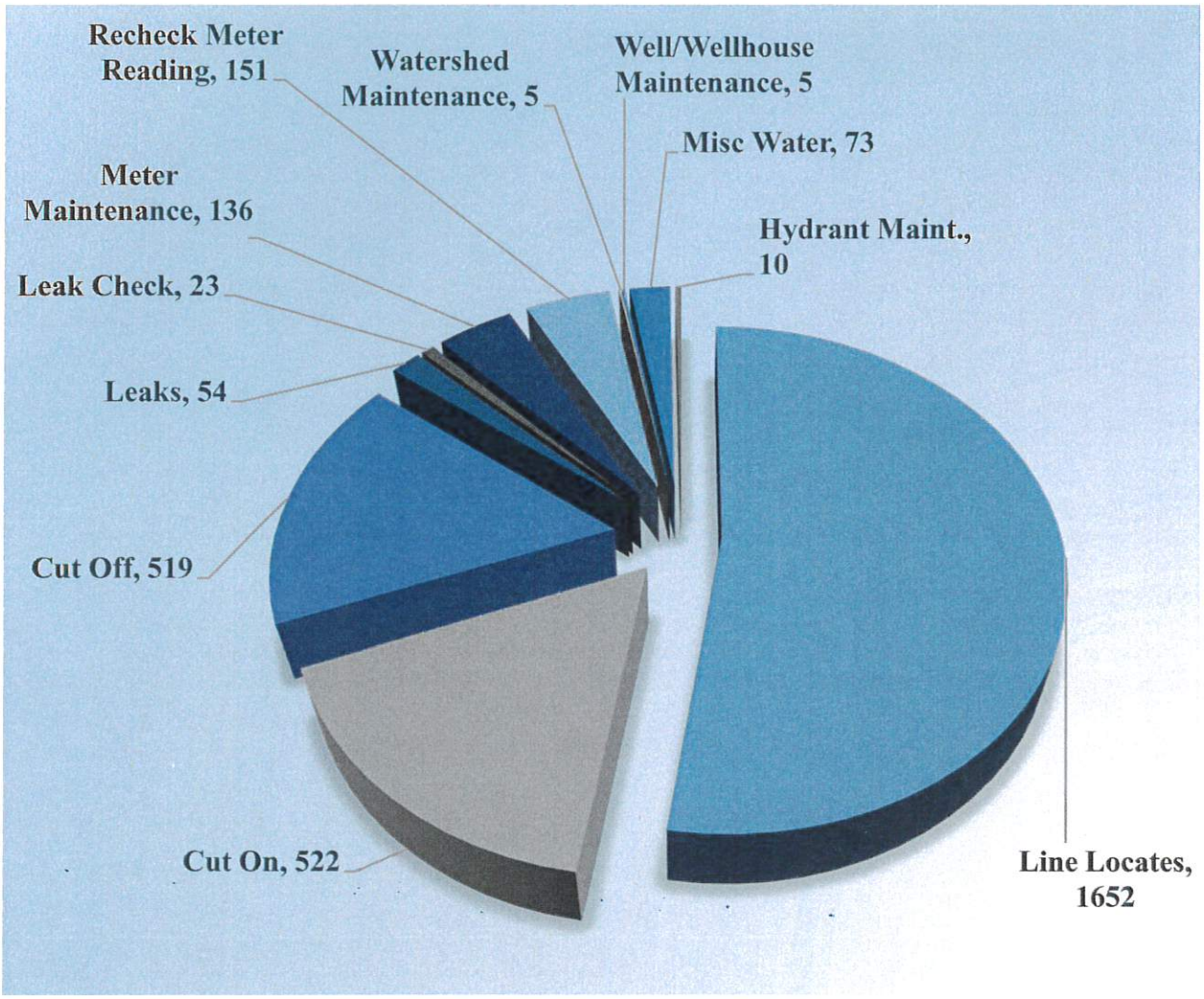
- **Work Orders Completed**

During 2019, the Public Works Department completed a total of 3150 water operations work orders. Below is a breakdown of the work orders completed.

Description	
Line Locates	1652
Cut On	522
Cut Off	519
Leaks	54
Leak Check	23
Meter Maintenance	136
Recheck Meter Reading	151
Watershed Maintenance	5
Well/Well house maintenance	5
Miscellaneous Water	73
Hydrant Repair/Maintenance	10
Total	**3150**


Total Work Orders
2851
3197
3150
2017
2018
2019


65,413,348
52,075,012
47,486,780
173,479,000
186,588,000
182,930,000
Asheville
Pumped
2017
2018
2019



2020 Year to Date Highlights

- Asheville takeover
- Automated meters
- Asheville connection pump station

Josh Harrold <josh.harrold@townofblackmountain.org>

Fwd: IPO Update. Avadim

5 messages

Larry Harris <larryh@85peachtree.com> Fri, Feb 21, 2020 at 8:53 AM
To: Josh Harrold <josh.harrold@townofblackmountain.org>, Erica Anderson <erica@landofsky.org>, Don Collins <donaldcollins@charter.net>,

FYI Regarding Avadim and it's initial public offering of stock

Begin forwarded message:

From: David Fann
Date: February 20, 2020 at 2:56:20 PM EST
To: David Fann Joe McGuire , Steve Woody
Subject: IPO Update

Dear Avadim Friends and Family:

As most of you are aware, our IPO has been delayed. However, our public registration is still active and the IPO process is fluid and ongoing. Unfortunately, this also means we are still in a quiet period. We will update everyone as we can. We continue to focus on building shareholder value for all of us.

Sincerely,

David Fann

President & Director

Avadim
HEALTH

Avadim Health, Inc.

Currently, we have been notified that we can move forward with the design of the I-4409 Blue Ridge Road project, however, Right of Way acquisition will be delayed until early spring 2021. Locally, we will push to meet this milestone, as we are aware of the importance of this project to the Town of Black Mountain. Regarding the delay, I know you are getting many questions from your constituents. Please do not hesitate to forward any calls or complaints to me and I will do my best to explain the current situation. Further, we are updating our project website to reflect the new milestone dates and timelines. Hopefully, the website revisions will be complete in the coming days and will help with questions. I will let you know when the revisions have been made and the site is up.

Please let me know if you have any further questions.

Thanks,

Mike Clark
Division Project Engineer
NC Department of Transportation

55 Orange Street
PO Box 3279
Asheville, NC 28802+3279