



TOWN OF BLACK MOUNTAIN

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

Date: May 11, 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
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold, Town Manager
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney

The following staff members were present remotely using Zoom conference calling:

Susan Russo Klein, Attorney | Roberts & Stevens, P.A.
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director

The public was invited to attend the meeting remotely using Zoom software due to the Stay-Home Stay-Safe orders issued by Buncombe County and the Governor with respect to the COVID-19 Pandemic.

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

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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.

Attorney Ronald E. Sneed addressed the Board of Aldermen and Citizens recalling the previously adopted rules of procedure for electronic meetings stating the UNC School of Government has issued further guidance regarding open meetings procedures/remote meetings/public participation. The blog post is included and attached to these minutes. Attorney Sneed suggested the Board of Aldermen adopt these guidelines in the form of a policy. Attorney Sneed suggested the Board have a roll call, announce themselves each time they speak or make a motion, clarify the motion content so it is clear what is being voted on, and finally the Mayor should ask for a roll call of votes. Attorney Sneed stated these steps are necessary for the listening audience who may not have access to the agenda. Attorney Sneed stated the Legislature also clarified that remote meetings are only allowed during a declared local state of emergency.

2. PROCLAMATION AND AWARD RECOGNITION

A. Mayor Collins declared the month of May Building Safety Month.

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.*

There were no citizen comments submitted.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

Libba Fairleigh, Secretary of the Beautification Committee presented the Annual Report to the Board of Aldermen. Secretary Fairleigh stated this is the 20th year anniversary of the Beautification Committee and thanked the Board of Aldermen and staff for their support. Secretary Fairleigh stated they have about 30-35 members who attend meetings and another 30-35 who also volunteer. Secretary Fairleigh stated the Beautification Committee has worked tirelessly to beautify and improve Town aesthetics and said that Black Mountain has gained national recognition in Oprah Magazine, Our State Magazine, Southern Living, Trip Advisor, Livability, Country Living, and is listed among the Safest and Peaceful Cities in North Carolina. Secretary Fairleigh discussed various projects throughout the years such as repair of entrance signage, installation of the Howachyn Walkway on Cherry Street and the downtown benches and planters. Secretary Fairleigh stated the funding received from the Town enables the Committee to achieve their three major goals, 42 containers in the Historic District, 21 garden sites, and Town Square. Secretary Fairleigh stated the Committee hosts many fundraisers throughout the year to supplement Town funding and stated they have been forced to cancel them due to COVID-19. Some cancellations include the

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Annual Garden Show and sale which nets approximately \$4,500, Clothes Line Sale, and Raffle. Secretary Fairleigh thanked the Board of Alderman for their support. Mayor Collins thanked the Beautification Committee for all the work they do in Town. A copy of the power point presentation photos is attached to the agenda packet and available on the website for viewing.

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 March 9, 2020 (Closed Session) and April 13, 2020 (Regular Session & Closed Session).*

Vice Mayor Maggie Tuttle moved to approve consent item A as presented.

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. Phase II & III Asheville Water Line Transfer Discussion

Manager Harrold discussed Phase II & III Asheville Water Line Transfer recalling the passage of the agreement to take over 600 new customers from the City of Asheville stating Phase II is nearing completion in the next few weeks which includes the Avadim project and new pumping station on US HW70. Manager Harrold stated Phase II is running a few weeks behind due to COVID19 and additional work becoming necessary to prepare the system for Phase III. Manager Harrold reminded everyone this Phase will bring an additional 400 new water customers on board upon completion. Manager Harrold stated Phase III will begin approximately by June 1st.

Jesse Gardner, Project Engineer addressed the board via Zoom stating a decent amount of work will be necessary to bring the system into compliance in the Spring Hills area around the Golf Course and onto Oconeechee and on to the North Fork Rd. areas. Mr. Gardner stated the water lines in these areas are in disrepair and in need of work before Phase III can begin. Will have two connection points from the City of Asheville, one on US Hyw. 70 and another on North Fork Rd. Manager Harrold inquired regarding the costs for the additional work and Mr. Gardner confirmed

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the approximate cost would be an additional \$700,000. Mr. Gardner stated the current pumps are running 16-17 hours per day and are in compliance but stated the addition of customers is taxing the pumping station to the limit. Mr. Gardner also stated a limitation is single phase power and said three phase is needed to safely run the pumps. Alderman Larry Harris stated he was aware of the magnitude of maintenance that could be needed when accepting older water lines but said the cost is surprising. Alderman Harris inquired if Mr. Gardner was ever asked to produce an engineering estimate and Mr. Gardner stated he shared those figures with former Town Manager, Matt Settemyer years ago. Alderman Harris stated he does not recall these figures ever being reported at a board meeting. Alderman Harris stated it will be necessary to assess the Water Fund rate structure to see how the Town may address recovering costs for capital improvements. Alderman Harris stated over a ten year period of time 600 water customers time could add approximately \$1,000 each to water fund balance to recoup the investment but said it would be necessary to look at. Attorney Sneed stated System Development Fees will bring in a significant amount of money for water capital improvements. Manager Harrold stated there are other water system upgrades necessary to increase future capacity. Alderman Harris stated financing may be an option and Manager Harrold advised he has met with NC Rural Water Association to analyze water rates and said he will make a recommendation in the budget.

8. NEW BUSINESS

A. Resolution Supporting Implementation of a Compliant NPDES MS4 Stormwater Program #R-20-07

Manager Harrold stated the Town's MS4/NPDES permit was audited in February and the audit resulted in a notice of violation issued on February 28th. Manager Harold stated there are several corrective actions required by the Town, including adoption of Resolution R-20-07 which was provided by the State. Manager Harrold stated the resolution details how the Town will meet the requirements set forth in the Notice of Violation including the submission of a new stormwater management plan and allocation of resources necessary to implement a compliant program. Manager Harrold stated staff submitted a lengthy stormwater plan to the State which will take some time to get back. Planning

Planning Director Jessica Trotman presented a short presentation on Stormwater Utility which is made part of and included in these minutes. Director Trotman stated implementation of a stormwater utility would reduce the impact on the General Fund and is a predictable source of revenues for water capital projects. Director Trotman stated the NPDES M Stormwater Program is an unfunded mandate and said having a Stormwater Utility is necessary to come into compliance with this requirement without incurring noncompliance penalties from the State. Director Trotman recalled prior conversations reminding everyone that some penalties are \$25,000 per day. Director Trotman discussed rate structures (included in the presentation) stating they are based on the use of the parcel and not the size. Alderman Harris stated he would prefer a special call meeting at a later date to discuss the Stormwater Utility further. Alderman Larry Harris clarified part of the process of compliance with the NC General Statutes is to adopt the resolution to come into compliance and stated the details of the plan will need to be worked through.

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Alderman Larry B. Harris moved to approve Resolution #R-20-07 Affirming Support Regarding Implementation of a Compliant NPDES MS4 Stormwater Program.

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

B. Approval of 2020-21 rates for Black Mountain Golf Course

Manager Harrold provided staff recommendations for increases in golf rates stating increases would amount to \$8,000. We currently have 6 family memberships and 42 individual memberships totaling \$47,700.

Vice Mayor Tuttle suggested alternate rates and said she looked at the competitors rates and fees and feels the course will continue to be compatible. The amended rates are made part of and included in these minutes. Alderman Ryan Stone clarified that the Special Players Pass would be \$200. Alderman Larry B. Harris stated he was not in favor of increasing golf fees but commended Vice Mayor Tuttle for presenting reasonable fees. Alderman Harris stated anything involving fees is necessary to continue to work through to offset the burden on the General Fund.

Alderman Larry B. Harris moved to approve the 2020-21 rate schedule for Black Mountain Golf Course as amended.

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

C. FFCRA Paid Leave Extended Family and Medical Leave Policy

Susan Russo Klein, HR Attorney of Roberts & Stevens, P.A. addressed the Board of Aldermen presenting the FFCRA (Families First Corona Virus Response Act) Paid Leave Extended Family and Medical Leave Policy. Attorney Klein stated the Families First Coronavirus Response Act (FFCRA) requires the Town of Black Mountain to provide paid leave to employees affected by the COVID-19 pandemic. Attorney Klein stated while the Town has already notified employees of their rights under the FFCRA, this FFCRA Leave Policy will give employees much-needed guidance regarding their eligibility for up to 12 weeks of paid leave under the FFCRA. Alderman Larry B. Harris clarified the policy expires on December 31, 2020 unless extended further by FFCRA legislation.

Alderman Larry B. Harris moved to approve the Family First Corona Virus Response Act Paid Leave & Extended Family and Medical Leave Policy as presented.

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

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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 Sneed addressed the Board of Aldermen discussing public commenting periods for formal public hearings newly implemented by the General Assembly. Attorney Sneed stated if public comments are solely solicited by online means then the Board would need to recess the public hearings for 24 hours and reconvene to allow comments to come in before deciding on a matter.
- B. Town Manager – Manager Harrold reminded everyone of the budget workshop scheduled for Thursday May 28, 2020 at 8:30 a.m. and stated it will be a very lean budget. Manager Harrold stated he has concerns of liability and safety if pools and summer camps are to open later this year as well as concerns for the Fourth of July fireworks and Park Rhythms activities. Manager Harrold stated notices must be given to vendors and safety plans implemented. Manager Harrold encouraged citizens to fill out their US Census information and advised the deadline has been extended to October 31st.
www.2020census.gov

Additional information on COVID-19 may be obtained at
<https://www.buncombecounty.org/covid-19/default.aspx>

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Mayor Collins also encouraged citizens to fill out their census and said it is more important than ever to fill it out as the numbers are tied to federal funding.

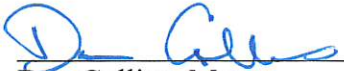
Alderman Larry B. Harris commended Manager Harrold for the challenges he has faced with the current COVID19 situation.

12. ADJOURNMENT

There being no further discussion, on a motion by Vice Mayor Maggie Tuttle, with a vote of 5-0 Mayor Don Collins adjourned the meeting at 7:38 p.m.

ATTEST:


Angela Reece, Assistant to Manger/Town Clerk


Don Collins, Mayor