



TOWN OF BLACK MOUNTAIN

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

Date: December 10, 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 Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk –absent
Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
John Wilson, Deputy Fire Chief

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. Public Works Director Jamey Matthews 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 extended his thanks and appreciation to the Public Works Department and Fire Department for their efforts in clearing the snow over the past couple of

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days. Mayor Collins stated snow removal is dangerous, especially given the nature of the recent snow being heavy and deep and asked for understanding and patience from the public.

2. PROCLAMATION AND AWARD RECOGNITION

Alderman Ryan Stone moved to table proclamations and award recognition until the January 14, 2019 meeting.

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

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.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

A. Rainbow Recycling, Marilyn Sobanski

Ms. Sobanski stated the annual Hard 2 Recycle Event will be held on Saturday December 29, 2018 from 10:00 a.m. to 1:00 p.m. in Hopey's parking lot off of US Highway 70. Ms. Sobanski stated the inclement weather date will be January 5, 2019.

B. Flat Creek Greenway Update, Josh Harrold

Manager Harrold recalled the heavy rains and flooding over the summer stating a 120 foot section of greenway along Flat Creek has been destroyed. Manager Harrold reminded everyone that the Town was not granted any moneys from FEMA for repairs and stated the cost to repair this section would be approximately \$12,000 to \$17,000. Manager Harrold stated the damaged asphalt would need to be removed and the base regarded. He said work could begin in the next few weeks to prepare the base with Board Approval.

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 November 19, 2018 (Agenda Session), and November 19, 2018 (Regular Session), and November 19, 2018 (Closed Session).*

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B. Budget Amendment for Downtown Streetscape Grant Reimbursement #FY2019-09

Manager Harrold stated this budget amendment is necessary to reflect reimbursement for the Downtown Streetscape Grant. Manager Harrold stated between the two fiscal years the Town spent \$43,124.77 on Downtown Streetscapes and was reimbursed exactly one half of this amount (\$21,562.39).

Motion: *To approve Budget Amendment #FY2019-9 as submitted increasing expense account 1010-5400-730 (Capital Outlay) by \$12,502 and increasing revenue accounts 1000-3355-300 (Downtown Streetscape Grant) by \$9,623 and 1000-3905-900 (Fund Balance Appropriated) by \$2,879.*

C. Budget Amendment for Black Mountain Commerce Park Infrastructure Capital Project Fund

#FY2019-10

Manager Harrold stated this budget amendment establishes the original budget for the Capital Project Ordinance referred later in the agenda under New Business.

Motion: *To approve Budget Amendment #FY2019-10 as submitted increasing expense accounts 6700-4200-040 (Professional Services) for \$110,000 and 6700-4200-730 (Capital Outlay) for \$1,545,160 and increasing revenue accounts 6700-3740-711 (Golden Leaf grant) for \$775,000 and 6700-3740-712 (EDA Grant) for \$827,580 and 6700-3745-715 (Commerce Park Match) for \$52,580*

D. Resolution Retiring Canine- Brisco #R-18-26

Manager Harrold stated this resolution is necessary to transfer ownership of the retiring canine, Brisco to his handler, Sgt. Chris Staton.

Motion: *To approve Resolution R-18-26 as presented.*

E. Call for Public Hearing for Text Amendments to Noticing Requirements #O-19-03

Manager Harrold stated this amendment will make noticing requirements consistent throughout the code of ordinances.

Motion: *To call for the public hearing for text amendments to noticing requirements, multiple sections, to be held on Monday, January 14, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue*

F. Call for Public Hearing for Text Amendments to Right-of-Way Closure #O-19-04

Manager Harrold stated this amendment will also incorporate consistent noticing requirements for right of way closures and will allow for Fire Department recommendation regarding any proposed closure.

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Motion: *To call for the public hearing for text amendments to right of way closure proceedings to be held on Monday, January 14, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Resolution for Real Property Dedication for Recreational Use #R-18-28

Manager Harrold recalled the purchase of the Chuck Campbell property for Black Mountain Veterans Park in anticipation of a potential PARTF grant award and stated the Town has been awarded the PARTF grant and now this resolution is necessary to reflect deed restrictions on the property for recreational use only in order to comply with grant restrictions.

Motion: *To approve Resolution #R-18-28 as presented.*

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

Vice Mayor Maggie Tuttle moved to approve consent items A-G 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. Agreement for Wholesale Purchase of Water from City of Asheville

Alderman Larry B. Harris recalled brief discussions regarding the water line transfer agreement during the agenda setting meeting and stated he recommends proceeding with the wholesale water purchasing agreement in a similar fashion with the City of Asheville. Alderman Harris stated he feels water availability for the Avadim expansion project should be secured by November 2019 and suggested the Board approve Town Attorney Ron Sneed to proceed with drafting an agreement. The Board agreed.

8. NEW BUSINESS

A. Adoption of the schedule for the Board of Aldermen Agenda Workshop and Regular Session Meetings for 2019.

There was no discussion regarding the schedule of regular meetings.

*Alderman Larry B. Harris moved adopt the 2019 schedule of regular meetings of the Black Mountain Board of Aldermen as presented.
The motion was approved by a vote of 5-0.*

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

1. Black Mountain Center for the Arts:

There is one Member to be filled for the Black Mountain Center for the Arts.

Vice Mayor Maggie Tuttle moved to appoint Town Manager Josh Harrold to serve as member of the Black Mountain Center for the Arts.

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

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

There is one Alternate to be filled for the Black Mountain- Swannanoa Chamber of Commerce Executive Board.

Alderman Carlos Showers moved to appoint Alderman Tim Raines to serves as alternate member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.

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

3. French Broad River MPO Technical Coordinating Committee (TCC):

There is one Alternate to be filled for the French Broad River MPO Technical Coordinating Committee (TCC).

Alderman Larry B. Harris moved to appoint Town Manager Josh Harrold to serve as alternate member of the French Broad River MPO Technical Coordinating Committee (TCC).

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

4. Metropolitan Sewer District (MSD):

There is one Member to be filled for the Metropolitan Sewer District.

Alderman Larry B. Harris moved to appoint Bob Watts to serve as member of the Metropolitan Sewer District for a three year term ending in 2021.

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

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5. Asheville Regional Housing Consortium:

There is one Alternate to be filled for the Asheville Regional Housing Consortium.

Alderman Larry B. Harris moved to appoint Alderman Carlos Showers to serve as alternate member of the Asheville Regional Housing Consortium.

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

C. Parks & Recreation Facilities Rental Contract Revision

Recreation Director Joshua Henderson stated currently there is no policy in place for long term rentals of recreation facilities. Director Henderson stated one rental was set up in 2012 for 52 weeks and has only been used 22 weeks with no notice being given for cancellations. Director Henderson recommending approval of this policy to require prepaying for rentals and requiring a credit card to be held on file for cancellations.

Alderman Larry B. Harris moved to approve the revised facilities rental contract as presented.

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

D. Parks & Recreation Fee Schedule Amendment

Recreation Director Joshua Henderson stated staff is asking the Board to approve a requirement of proof of residency for individuals seeking reduced rate fees for rentals by showing an ID or utility bill.

Vice Mayor Maggie Tuttle moved to approve the amended Parks & Recreation fee schedule as presented.

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

**E. Establishment of Capital Project Fund for Black Mountain Commerce Park
#O-18-10**

Assistant Town Manager/Finance Director Dean Luebbe stated this ordinance is required by law in order to establish a capital project fund over multiple fiscal years. Mr. Luebbe stated the project cost is approximately \$1.6M and is totally grant funded through the EDA and GoldenLeaf Foundation. Alderman Larry B. Harris stated the Land of Sky (Erica Anderson) will serve as the project grant manager.

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Alderman Larry B. Harris moved to approve Ordinance #O-18-10, establishing a capital project fund for the Black Mountain Commerce Park infrastructure.

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

F. Swannanoa River Stabilization Veterans Park (Headwaters Engineering Contract)

Town Manager Harrold recalled receiving Pigeon River grant funding for the project and reminded everyone the Town's match is \$5,000 to conduct the streambank stabilization study at Veterans Park. Manager Harrold stated the total project cost is approximately \$33,000 and said staff will seek out other funding sources as the project moves forward.

Vice Mayor Maggie Tuttle moved to approve the contract with Headwaters Engineering as presented.

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

G. Black Mountain Tennis Court Update

Town Manager Harrold recalled a 2007 master plan which included 6 courts below the dam in Cragmont Park. Manager Harrold stated the courts located at Lake Tomahawk have drainage and flooding issues. Manager Harrold stated he has received estimates of \$120,000 to raise and repair these courts. Manager Harrold stated he has inquired of estimates to rebuild the courts at Cragmont Park but has not received those as of this report. Manager Harrold stated he has received an estimate to mill and resurface the courts at Cragmont Park in the amount of \$30,000. He stated crack filling is approximately \$500.00 per gallon and said the Town has been paying for this but said someone from the BMTA (Black Mountain Tennis Association) has been installing it. Manager Harrold stated the BMTA is requesting the courts at Lake Tomahawk be raised and repaired and are also requesting two new courts to be built at Cragmont Park within the next 3-5 years following. Mayor Collins inquired if the \$130,000 includes both parks and Manager Harrold stated this estimate was only for the courts at Lake Tomahawk. Alderman Larry B. Harris stated the cost estimates could be considered for the FY2019-20 budget. Alderman Carlos Showers stated he feels the town has gotten into a position of fixing instead of repairing town facilities and stated this is what happened with the swimming pool and 19th hole. Alderman Showers stated this property belongs to the town and he feels the town should take care of its investment. Alderman Showers stated he has spoken with the BMTA and said they understand this will not be completed within the next year and said they are trying to raise funds to help but said ultimately this is the Town's responsibility to take care of our facilities. Mayor Don Collins stated this could be budgeted in a CIP and planned for. Alderman Ryan Stone asked Manager Harrold to seek out information for the Board regarding life span of new courts verses resurfaced courts along with the estimate for new courts.

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

Public Works Director, Jamey Matthews addressed the Board and citizens advising everyone to use caution if they must travel. Director Matthews stated the recent snow is very wet and heavy and is causing problems for the plows as it is packing and forming ice. Director Matthews stated he is receiving many calls from citizens asking why their roads are not being scraped and he stated this is due to the ice and design of the plow. Director Matthews stated crews are working as hard as they can go and have cleared 80-90% of the Town's roads. Director Matthews stated stranded motorists have blocked some roadways making it impossible for our plows to pass by. Director Matthews stated crews have visited Timber Park and Pennacle Drive have not been successful at scraping those areas yet due to the hazards the very steep terrain is causing but said crews are standing by to take care of those areas as soon as the thawing process begins and the ice melts somewhat. Mayor Collins asked Director Matthews to explain the mechanics of the snow plows. Director Matthews stated there are springs on the plowing mechanism that allow it to fold inward for safety purposes rather than flipping the plow over when it hits solid objects, ice or heavy snow. Director Matthews stated one employee was injured during this event due to the scraper blade hitting a curb under the snow. Director Matthews stated this is the first snow event in 11 years where an employee has been hurt and again asked for the public's patience and understanding.

- A. Town Attorney – Attorney Ron Sneed recalled the Hemphill property that was placed in a land conservancy to be donated to the Town to be used as a park and stated the conservancy does not wish to hold title to the land while the town is using it as a park and wishes to deed it to the Town with a reverting clause if the Town stops using it as a park then it is to be returned to the conservancy. Attorney Sneed also stated Attorney Begley was working on an alternate point of access through Sunset Drive. Attorney Sneed stated he will be working with Recreation Director, Joshua Henderson to form a usage plan to present to the conservancy.
- B. Town Manager – Manager Harrold reminded the Board of Aldermen of a public input meeting organized by Asheville Design Concept for the Dr. John Wilson Community Garden master plan on Saturday December 15th from 2:00 p.m. to 5:00 p.m. at the Black Mountain Public Library.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Vice Mayor Maggie Tuttle reminded citizens that the Christmas Parade has been rescheduled for Saturday December 15th at 2:00 pm.

Alderman Larry B. Harris thanked Public Works Director Jamey Matthews and staff for their efforts in the recent snow event. Alderman Harris also thanked police and fire staff.

Alderman Carlos Showers reminded citizens of the NCDOT public input meeting on December 13th at the Lakeview Center from 4:00 p.m. to 7:00 p.m. and encouraged citizens

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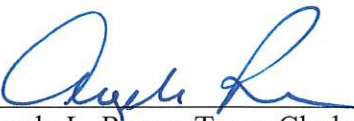
to come give their input and view the project proposal for the I40- Blue Ridge Road Interchange.

Mayor Collins thanked all town staff for their hard work during the snow event and stated he understands what it is like to operate heavy equipment in those types of conditions and said it was not an easy task.

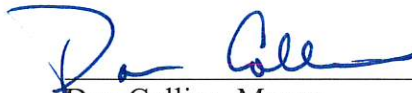
12. ADJOURNMENT

There being no further business, on a motion made by Alderman Carlos Showers and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 6:49 p.m.

ATTEST:



Angela L. Reece, Town Clerk



Don Collins, Mayor