



TOWN OF BLACK MOUNTAIN

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

Date: August 10, 2020 Time: 6:00 p.m.

Regular Session Minutes

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 **Conserve resources; print only when necessary.**

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Town Clerk 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 Jennifer Willet
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to the Town Manager/Town Clerk
Ron Sneed, Town Attorney
Jennifer Tipton, Senior Admin
Jamey Matthews, Public Works Director
Jessica Trotman, Planning Director

Mayor Collins welcomed everyone and led the Pledge of Allegiance. Mayor Collins encouraged everyone to participate in the 2020 Census.

Alderman Larry Harris moved to approve adding item 8C – Riverwalk Greenway Update to the agenda. Motion was approved by a vote of 5-0.

2. PROCLAMATIONS, AWARDS & RECOGNITION

There were no proclamations, awards, or recognitions.

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3. CITIZEN COMMENTS

Peter Fraser – A community of excellence should have a vehicle noise ordinance and it should be enforced.

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.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

None.

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 13, 2020 (Regular Session).*

B. Call for Public Hearing for Blue Ridge Road Small Area Plan.

Motion: *To call for the public hearing for the Blue Ridge Road Small Area Plan to be held on Monday, September 14, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

C. Budget Amendment for Recognition of Insurance Proceeds

Motion: *To approve Budget Amendment FY 2021 - #3 as submitted, increasing expenditure account 30-91-8100-330 (Water Supplies) by \$13,350.28, increasing expenditure account 30-91-8100-150 (Maintenance & Repair – Wells) by \$10,000.00, and increasing revenue account 30-91-3840-800 (Insurance Settlement) by \$23,350.28.*

*Alderman Maggie Tuttle moved to approve consent items A-C as presented.
Motion was approved by a vote of 5-0.*

6. CITIZEN COMMENTS

Marilyn Sobanski - In the Solid Waste Ordinance up for adoption, I think the definition of Household Garbage needs work. There are items generally considered garbage that are NOT subject to putrefaction, such as aluminum foil, non-recyclable plastics (which may be containers

not accepted by the recycler, plastic silverware, plastic wrap, for example), drink glasses (not recyclable), etc. I think the definition needs to be broadened to include such items.

7. UNFINISHED BUSINESS

- A.** Offer to Purchase Town Property on Flat Creek Rd. and East Street PIN Numbers 0710-41-9092-00000 and 0710-41-9003-00000, for \$20,000.00.

Manager Josh Harrold addressed the Board concerning the possibility of using this property as a park. It would be possible for this property to be used as recreation space for the Town.

Mayor Don Collins suggested retaining ownership of the property. Mayor Collins introduced a motion to reject the offer to purchase the town property. The motion was approved by a vote of 5-0.

8. NEW BUSINESS

- A.** Amendment of Solid Waste Ordinance

Manager Josh Harrold highlighted several changes to the ordinance. There was a discussion between the aldermen concerning adding fees for additional services. There was also some discussion concerning constraints on staffing. Public Works Director Jamey Matthews entered the Board room to discuss the potential of charging citizens a fee for additional trash and/or brush pickup. Director Matthews expressed concerns about the ability of the staff to pick up additional waste due to constraints on their time.

Alderman Larry Harris moved to approve and adopt Ordinance #O-20-10 as amended to expand the definition of household garbage. The motion was approved by a vote of 5-0.

- B.** Designating the Riverwalk Greenway in honor of former Alderman Carlos Showers.

Manager Josh Harrold addressed concerns from the Greenway Commission as they were supportive of the idea, but concerned that adding an additional name could be confusing. Mayor Don Collins expressed support for designating the Riverwalk Greenway in honor of former Alderman Carlos Showers. He reminded the Board of Alderman's Showers' many accomplishments. Alderman Ryan Stone offered alternative ideas to honor Alderman Showers.

Alderman Larry Harris moved to approve Designating the Riverwalk Greenway in honor of former Alderman Carlos Showers. The motion was approved by a vote of 5-0.

- C.** Riverwalk Greenway Update

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Manager Josh Harrold began by offering a brief history of the project. The Town currently has \$350,000 for that fund by allocating \$80,000 each year since 2015. This year due to COVID-19 related budget restraints only \$50,000 was allocated. The Town also has \$400,000 which was received from Buncombe County. This brings the total to \$750,000 of the \$1.2 million match. Manager Harrold explained the timeline and complexity of federally funded projects and communication that had taken place with NCDOT and Norfolk Southern Railway.

9. PUBLIC HEARING

A. Public Hearing for Text Amendments to Adopt Stream Buffer Ordinance.

Planning Director Jessica Trotman entered the meeting. She explained the importance of stream buffers. The ordinance will not impact to existing development. The streams are identified of USGS maps.

There were no public comments.

Alderman Maggie Tuttle moved to approve ordinance #O-20-08 Text Amendments to Adopt Stream Buffer Ordinance. The motion was approved by a vote of 5-0.

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 – Ron Sneed

The Town of Black Mountain owns the Hemphill Property as the deed has been recorded. The estate is in the process of being closed. This adds approximately 26 acres to the Town for recreational use.

The Watson property was partially destroyed in a windstorm. However, part of it is still standing. Attorney Sneed asked the Board if he should continue with the process of condemnation. The Board directed Attorney Sneed to continue toward demolition.

B. Town Manager – Josh Harrold

After being notified of available funds by Land of Sky, the Town of Black Mountain submitted a grant request vehicle replacements. The Town was approved for two (2) dump truck replacements.

The 19th Hole will be ready for business by the end of August. The Town Manager continues to check in every day.

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Flooding caused damage to a bridge at the golf course. It will likely be \$20,000 to repair the bridge.

The executive order from the governor suspending late payments has ended. Manager Harrold asked the Board for direction on how to proceed with the collection of payments. Manager Harrold suggested payment plans be made available to citizens. A plan will be brought to the Board in September.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

After offering a brief history of the accomplishments of the Board during his tenure, Mayor Don Collins resigned, effective immediately. Mayor Collins exited the meeting at approximately 7:18 p.m. Vice Mayor Maggie Tuttle then took control of the meeting. Vice Mayor Tuttle nominated Alderman Larry Harris to fill the remainder of Don Collins' term. Alderman Tim Raines seconded the motion.

Alderman Maggie Tuttle moved nominate Alderman Larry Harris to fill the remainder of Mayor Don Collins' term as mayor. The motion was approved by a vote of 4-1 with Alderman Ryan Stone voting in opposition.

Alderman Stone then exited the meeting at approximately 7:22 p.m.

Alderman Larry Harris was sworn in by Town Clerk Savannah Parrish.

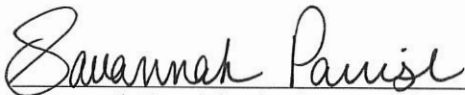
Alderman Jennifer Willet to appoint Mr. Archie Pertiller to fill the seat left vacant by Mayor Larry Harris. The motion was approved by a vote of 4-0.

Alderman Stone's departure from the meeting defaulted to an affirmative vote.

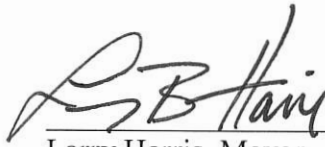
There being no further business Mayor Larry Harris adjourned the meeting at 7:29 p.m.

12. ADJOURNMENT

ATTEST:



Savannah Parrish, Assistant to Manger/Town Clerk



Larry Harris, Mayor

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 10, 2020

SUBJECT: Call for Public Hearing for Blue Ridge Road Small Area Plan

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5B
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Due to the upcoming 1-40 Interchange and potential use and zoning changes along Blue Ridge Road, the Town contracted with Wetherill Engineering to conduct a Blue Ridge Road Small Area Plan. The plan focused on both transportation and land uses. There were two public meetings as well as two additional thirty-day comment periods. The plan will be used as a guiding document for future development and potential rezonings along Blue Ridge Road.

MOTION FOR CONSIDERATION: To call for the public hearing for the Blue Ridge Road Small Area Plan to be held on Monday, September 14, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS:N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the meeting on Monday, September 14, 2020 or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: August 10, 2020

SUBJECT: Budget Amendment for Recognition of Insurance Proceeds

#BA-FY-21-03

AGENDA INFORMATION:

Agenda Location: CONSENT AGENDA
Item Number: 5C
Department: Finance
Contact: Kirk Medlin, Finance Director
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The Town received an insurance settlement as a result of the vandalism which occurred at the Water Tower. This amount is being added to the FY 2021 budget in order to provide additional funding for supplies and the maintenance of our wells, both of which could go over budget if this amendment is not made.

MOTION FOR CONSIDERATION: To approve Budget Amendment FY 2021 - #3 as submitted, increasing expenditure account 30-91-8100-330 (Water Supplies) by \$13,350.28, increasing expenditure account 30-91-8100-150 (Maintenance & Repair – Wells) by \$10,000.00, and increasing revenue account 30-91-3840-800 (Insurance Settlement) by \$23,350.28.

FUNDING SOURCE: N/A

ATTACHMENTS: Budget Amendment – FY 2021 - #3

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2021-3
Fiscal Year 2020-2021

Dept.	Account #	Account Name	Debit	Credit	Comments
	30-91-8100-330	Water Supplies	13,350.28		This allows money from the water tank vandalism insurance settlement to be allocated to Water Fund where additional funds may be necessary in FY 21.
	30-91-8100-150	Maintenance & Repair - Wells	10,000.00		
	30-91-3840-800	Insurance Settlement		23,350.28	

Totals: 23,350.28 23,350.28

BD # _____

Journal # _____

Fiscal Yr _____

Date _____

Entered By: _____

Approved By: _____

Date _____

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 10, 2020

SUBJECT: Offer to Purchase Town Property

AGENDA INFORMATION

Agenda Location:	UNFINISHED BUSINESS
Item Number:	7A
Department:	Town Attorney
Contact:	Ron Sneed, Town Attorney
Presenter:	Town Attorney

BRIEF SUMMARY: Fred and Linda Alexander have offered to purchase two lots on Flat Creek Road and East Street lying within the floodway and flood zone, PIN Numbers 0710-41-9092-00000 and 0710-41-9003-00000, for \$20,000.00

MOTION FOR CONSIDERATION: To approve and adopt Resolution #R-20-12 as submitted to accept the offer from the Alexanders, subject to the notice and upset bid requirements of NCGS Section 160A-369.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution #R-20-12 to accept offer subject to upset bid requirements.

MANAGER'S COMMENTS AND RECOMMENDATIONS:

June 29, 2020

W Fred Alexander
513 Tomahawk Ave.
Black Mountain, N.C.
770-823-0976

Mr. Harrold,

We hope you are doing well. Our town is lucky to have dedicated & professional leadership during such difficult times.

My wife Linda and I recently acquired a partial of land off East Street in Black Mountain. It has several issues, but we have planted several hundred blueberry plants and Christmas trees, and are enjoying our time working there. The Town of Black Mountain owns some nearby land that would be useful to us in our endeavors.

We desire to purchase from the TOBM 2 contiguous lots; PIN's 0710 419 0920000, and 0710 419 0030000. These lots are on the south side of East street as it crosses Flat Creek. These lots are virtually unbuildable because of major floodway that covers one lot, and a very large MSD sewer easement that covers the other lot into the setbacks, they would make a fine addition to our agricultural pursuits. We are proud to bring more agriculture back into town. We are willing to pay the town \$20,000 for this land. We have completed due diligence and are able to complete the purchase now.

We will also cheerfully donate an easement back to The TOBM for continuation of the greenway up Flat Creek. We think this transaction is one that will be in the mutual interests of all the citizens of Black Mountain.

Enclosed, you will find a check payable to The Town of Black Mountain for \$1000, to be applied to the purchase, if accepted by the Board of Aldermen. We have no knowledge of the government regulations controlling such a sale, and have asked Mr. Ron Sneed to assist us in pursuing this important matter.

We look forward to hearing from you soon,

Sincerely,

Fred and Linda Alexander

LINDA H ALEXANDER
WILLIAM F ALEXANDER
513 TOMAHAWK AVE
BLACK MTN, NC 287112861

66-7704/2531

1152

DATE June 30, 2020

PAY TO
THE ORDER OF

Town of Black Mountain \$ 1000.00
one thousand dollars & no/100's

DOLLARS



Security Features
Included.
Details on Back.

State Employees' Credit Union®

Black Mountain, North Carolina

107

Pin# 07104190920000

MEMO

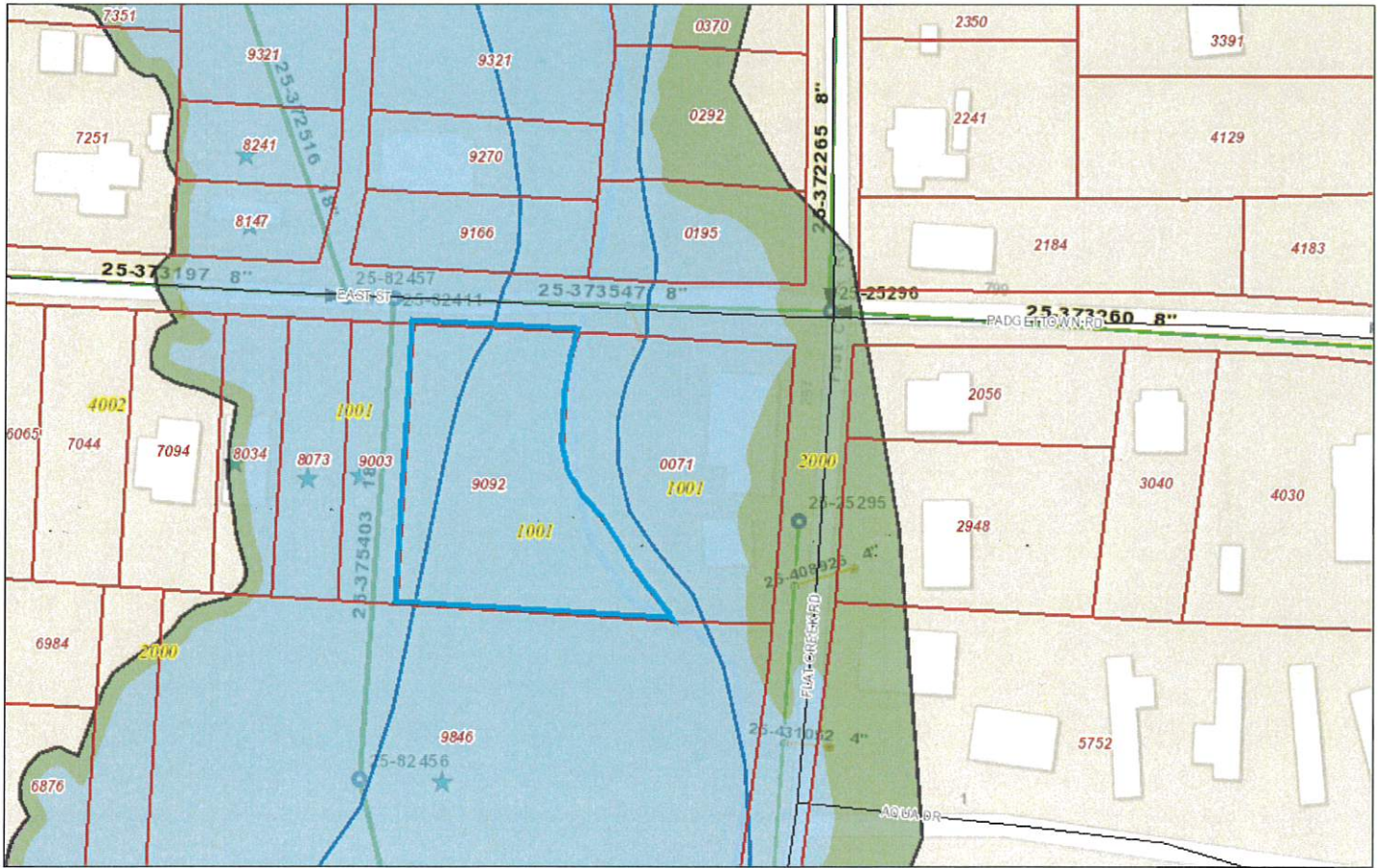
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Linda H Alexander NP

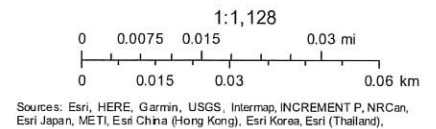
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SPECIALTY UNIT

Buncombe County



June 30, 2020



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 10, 2020

SUBJECT: Amendment of Solid Waste Ordinance

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8A
Department:	Town Manager
Contact:	Town Manager
Presenter:	Town Manager

BRIEF SUMMARY: The proposal is an amendment of the Solid Waste Ordinance, Chapter 40 of the Code of Ordinances, to update the ordinance and to have it accurately reflect how solid waste services will be handled when the Town takes over operation of such services.

MOTION FOR CONSIDERATION: To approve and adopt Ordinance #O-20-10 as submitted.

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance #O-20-10

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**AN ORDINANCE TO AMEND CHAPTER 40 - SOLID WASTE, OF THE CODE OF
ORDINANCES OF THE TOWN OF BLACK MOUNTAIN**

BE IT HEREBY ORDAINED by the Board of Aldermen that Chapter 40 - Solid Waste, of the Code of Ordinances of the Town of Black Mountain is hereby revoked in its entirety and the Code of Ordinances is further amended by the adoption of the following new Chapter 40.

CHAPTER 40 - SOLID WASTE

Sec. 40-1. - Definitions

- (a) Assisted Leaf Collection – From October 1st and January 31st residents who are age 70 or older, or residents with a disability AND whose home has a tax value of less than \$200,000 qualify for assistance.
- (b) Back Door Service – A service provided at no extra cost to handicapped individuals provided they show proof with a doctor's note and verification that no able-bodied persons reside at the residence requesting such service.
- (c) Bulky Items – Items included but not limited to: items of furniture, chairs, tables, couches, mattresses, cabinets, dressers, etc.
- (d) Business Establishment - Any retail, corporation, landlord, wholesale, institutional, religious or governmental establishment, and/or other entity engaged in a for-profit endeavor exclusive of residences as described above, which may generate garbage or other refuse.
- (e) Collection - The act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables, and bulky items.
- (f) Construction Materials – Any waste generated from packaging exclusive or manufacturing, industrial waste, building construction materials, remodeling/renovation materials or debris or demolition operations.
- (g) Hazardous waste - A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness. Also to include waste that poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (h) Household Garbage – Any waste generated at a household, single family or multi-family residence subject to putrefaction or not capable of being recycled and originating within the residential establishment.

- (i) Lead acid battery - Any battery containing lead, acid, or both.
- (j) Loose leaves - Tree/plant foliage that has fallen from tree/plants and has been placed along the street in rows or piles, not in container for collection.
- (k) Medical waste - Any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research or pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect July 1, 1989, or those substances excluded from the definition of solid waste in this section, to include sharps.
- (l) Missed Service – Any reported or discovered missed collection that upon investigation is determined to be have been missed by the sanitation crew's negligence.
- (m) Oil - Any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.
- (n) Recyclable Items - Those items which are capable of being recycled, can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: aluminum cans, steel cans, milk jugs and other bottles marked on the bottom with a number 1 thru 7, glass bottles and jars (clear, brown and green), corrugated cardboard, newspapers including all inserts, magazine and telephone books. Mixed paper consisting of junk mail, cereal boxes, etc., deposited into a blue recycling bag and tied or into a clearly marked recycling bin
- (o) Residence – Any structure used as a dwelling place by a single family home or a multi-family unit within the corporate limits of the Town requiring curbside collection.
- (p) Sharps - means and includes needles and syringes with attached needles.
- (q) Sharps container - A container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.
- (r) Town - The area within the city limits of the Town of Black Mountain.
- (s) White goods - Inoperative and discarded appliances, including but not limited to, refrigerators, ranges, water heaters, freezers, washers, dryers, dehumidifiers, dishwashers, trash compactors, television sets, and window air conditioners.
- (t) Yard Waste - Plant material consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, tree trunks, stumps, roots, dirt, rocks or clearing activities. It

also does not include any material generated by any commercial lawn maintenance, landscaping, and/or tree companies.

Section 4-2. - Rules and regulations authorized.

The Public Works Director may make such rules and regulations not inconsistent with this chapter as he deems advisable to safeguard the health and welfare of the citizens of the Town in the disposal of garbage, ashes and other refuse.

Section 4-3. - Ownership of materials.

Wet and dry garbage, recyclable materials, yard waste, bulk trash, large appliances and other authorized materials which are properly placed by an owner or occupant of a property at curbside for collection, are deemed to be abandoned by such person(s) and become the property of the Town or its authorized agent. Unauthorized materials may be denied pickup by the Town and shall become considered litter after a period of forty-eight (48) hours.

Section 4.4. - Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the town limits.

Section 4-5. - Littering.

State law reference— Littering, G.S. § 14-399 et seq.; authority to regulate, collect, etc., solid wastes, G.S. §160A-303.1.

- (a) It shall be unlawful to throw, place or deposit any refuse in any street, public place or on any private property within the Town limits, except in approved containers as provided in this ordinance, or as approved by the Public Works Director or his designee.
- (b) It shall be unlawful to place stumps on any property, public or private, anywhere within the corporate limits of the Town.
- (c) No solid waste or any other waste or offensive or disease-producing material shall be dumped in any lot or space within the Town limits for the purpose of filling or for any other purpose.
- (d) It shall be unlawful for any person to throw any garbage, peelings or miscellaneous litter upon any of the sidewalks in the Town or upon the floors of any public buildings or other public places. It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers of any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property.

Section 4-6. - Refuse not collected by the Town.

- (a) No building materials or refuse from building operations, construction materials or remodeling projects generated/performed by a professional contractor will be collected by the Town. The contractor is responsible for disposal.
- (b) The Town will not collect yard waste and yard debris from landscape and maintenance projects performed by landscaping companies.
- (c) Owners of dead animals shall be responsible for their removal and disposal.
- (d) Animal or human excreta will not be collected by the Town.
- (e) Neither infectious waste nor hazardous waste will be collected by the Town.
- (f) Items banned from landfills, such as, but not limited to: tires; lead acid batteries; paints; lubricants; oil filters; anti-freeze; wooden pallets shall not be collected by the Town. Items not approved for placement in landfills may be taken to the county's household hazardous waste recycling facility or other approved sites.
- (g) Oxygen tanks and other medical equipment; propane tanks, all oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats, batteries, etc. shall not be collected by the Town.
- (h) The Town reserves the right not to service any authorized container that is contaminated and/or does not meet code requirements.

Section 4-7. - Refuse from outside corporate limits.

No refuse, collected outside the corporate limits of the Town, shall be disposed of at any location within the Town.

Section 4-8. - Collection routes and schedules.

The Public Works Director or his designee shall establish collection routes and schedules and may alter these routes and schedules from time to time. The Public Services Director or his designee may establish and revise from time to time a policy relating to the number of times per week the Town will collect solid wastes from various classifications of premises and the maximum number of solid waste containers that the Town will service on any one (1) premises. No owner or occupant of any premises shall prohibit or prevent weekly solid waste collection services at the premises.

Section 4-9. - Service for persons who are physically disabled.

Back door service for the physically disabled may be considered by the Public Works Director or his designee. As a courtesy, back door service is available for weekly garbage and bi-weekly recycling pick

up, provided that prior approval has been granted by the Public Works Director. The Town also reserves the right to periodically verify the need to back door service to residents who have been approved to receive the service. The Town reserves the right to continue or discontinue the special collection service. The Public Works Director his designee shall have the authority to determine the proper location for collected items for disabled residents.

Section 4-10. - Curbside collection service.

- (a) Household garbage shall be collected once per week.
- (c) Recyclable items shall be collected bi-weekly.
- (d) Yard waste shall be collected weekly by request only.
- (e) White Goods shall be collected weekly by request only.
- (f) Bulk items shall be collected once per month by request only. Additional pick-ups may be requested for a fee of \$25 per item.
- (g) The Town reserves the right to suspend, delay, or alter the time of collection of one or all services temporarily should snow, ice, storms, flooding, extreme heat/cold or other conditions make it unsafe for the public or employees during collection operations.
- (h) Town-served curbside collection services will be provided under the following conditions:
 - (1) *Curbside collections scheduling.* Town-served curbside collection services will be provided on a day designated for collection by the Public Works Director or his designee. Solid waste should not be placed at the curbside prior to 5:00pm the day before the scheduled collection day.
 - (2) *Eligibility for service under this section.* Eligibility for solid waste services will be evaluated on a case-by-case basis by the Public Works Director or his designee. Solid waste services may be denied to any location by the Public Works Director or his designee.
 - (3) *Limitations.*
 - a. Residential collection of up to six (6) bags shall be provided once per week at curbside or at the edge of the vehicular travel way as practicable without interfering with or endangering the movement of vehicle or pedestrians. The Board of Aldermen may by resolution establish a separate charge for picking up quantities in excess of six (6) bags.
 - b. The Town will not provide collection of bulk items resulting from the eviction or departure of tenants at any rental property. The landlord of each location will be responsible for the disposal and fees associated with such disposal.
 - c. The Town will not provide collection of bulk items from any residence or business establishment that has a dumpster.
 - (4) *Placement of solid waste.*
 - a. In order to collect solid waste, the owner or occupant of each business, or household shall place all refuse between the curb or traveled portion of the street and the property

line closest to the curb of the premises from which the same is **placed at or before 7:00 a.m., on the day fixed for collection.** It is recommended to place all solid waste into trash cans with lids to prevent wildlife from creating a mess. Solid waste will be collected and removed on the day fixed therefore by the Public Works Director or his designee. Public notice shall be given of any change of collection day. Town collection personnel shall not provide service if denied reasonable access by parked vehicles, equipment, fixed objects, low hanging wires or other obstructions.

b. The following rules shall apply for the removal of solid waste:

1. No wooden boxes, barrels, or any other wooden receptacle, or any other receptacles except approved containers shall be used for collection of wet or dry garbage or recyclables. Solid waste collectors may remove all such wooden boxes and other receptacles, if so used. The customer will be notified of the nonconforming container and its use as a means of collection by town forces will be terminated. Any exceptions shall be evaluated on a case-by-case basis by the Public Services Director or his designee.
 2. For the purpose of collection, placement of containers will be at ground level, and the use of underground containers will not be permitted.
- (5) **Missed Service** – The Town will provide missed stop pick up for any resident, that after investigation by the Public Works Director or his designee is deemed to be due to the negligence of the Sanitation crew, if the Town is notified of the miss within 24 hours of the missed pick up. No missed service pick up will be provided for residents who do not have their items out by 7:00 am on their scheduled day of collection.
- (6) **Spilled materials.** Spilled materials or overflow not caused by the Town shall be cleaned up immediately after such spillage or overflow by the property owner or occupant. Spilled solid waste materials caused by the Town shall be cleaned up immediately after such spillage occurs by said crew.
- (7) **Recycling collection service.** Only recyclable materials should be placed in the containers. Mixing garbage, yard waste or other materials with recyclables will result in a notice of violation and no collection. Containers shall comply with items (c) and (d) above.
- (8) **Yard waste collection service.**
- a. Yard waste collection shall be provided to residential units and small businesses by request only as approved by the Public Works Director or designee.
 - b. Yard waste shall be separated from all other refuse prior to collection. The Town shall collect yard waste as stated in (g)(1) above so long as it is properly prepared or bagged and in compliance with these regulations.
 1. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside provided that they are placed in approved containers (cans or bags) for collection. Such containers shall be in good condition and of such size and weight that when full, do not weigh more than fifty (50) pounds each and are such that one (1) individual can easily pick up each container, one (1) at a time, for disposal.
 2. Limbs and large shrubbery to be collected by the Town shall be no longer than six (6) feet in length and three (3) inches in diameter and placed in an **orderly manner** at the

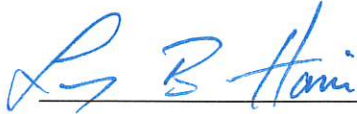
Section 4-11. - Medical waste and Sharps.

- (a) No medical waste not properly disposed of shall be deposited or permitted to be deposited in the waste stream. The Director of Public Works shall terminate solid waste collection services to any establishment at which a violation of this section occurs. Such termination is not a penalty, but shall nevertheless be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this ordinance.
- (b) Sharps shall be disposed of properly in a sharps container. Any residential or business establishment whose refuse contains sharps that are not placed in the appropriate containers will be refused service for the safety of all employees.

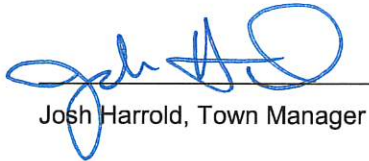
I move the adoption of the foregoing ordinance.

Alderman

READ, APPROVED AND ADOPTED by a vote of 5 to 0, the 10th day of August, 2020.



Larry Harris, Mayor



Josh Harrold, Town Manager

ATTEST:



Savannah Parrish, Town Clerk

curb. Brush piles containing small debris (leaves, grass clippings, etc) will not be collected and the homeowner will be responsible for properly sorting debris.

3. The Town will collect a maximum of 4 cubic yards (approximately 6ft long by 4ft high by 4ft wide) of brush at each address weekly by request only. To prevent unsightly brush piles residents **should not** place more than the weekly maximum of 4 cubic yards at the curb each week for pick up. The Board of Aldermen may by resolution establish a charge for pickups of larger amounts or for additional pickups in excess of one per week.
 4. The Town will not collect yard waste and yard debris from landscape and maintenance projects performed by landscaping companies.
 5. The Town will not collect scrap lumber/wood as part of yard waste collection. These items are considered construction materials and will need to be disposed of by the property owner.
 6. Tree trunks or tree stumps will not be collected by the Town.
 7. Loose leaves shall be bagged or placed in approved containers. Although residents who use reusable bags may request their bags to be emptied and left, the Town **does not** guarantee the bags will be left and assume no responsibility for bags that are taken.
 8. Residents who qualify for Assisted Leaf Collection program may place loose leaves at the edge of the road twice per season (not in the road, ditch line or curb line) for collection. The resident is responsible for getting the leaves to the edge of the road and calling to schedule a pick up. No Town employee will be allowed on private property to remove leaves or yard debris. No other yard waste shall be included or mixed with loose leaves (no sticks, brush, or bagged leaves/grass).
 9. Residents must call the Town in order to request a pick up for yard waste.
- (9) *Large appliance (white goods) collection.* Collection of large appliances (white goods) shall be provided as follows:
- a. White goods collection will be provided to residential units and small businesses as approved by the Public Works Director or designee.
 - b. White goods collection will not be provided to commercial establishments or industries.
 - c. Residents must call the Town in order to request a pick up for appliance collection.
 - d. Items not approved for placement in landfills may be taken to the county's household hazardous waste recycling facility or other approved sites.
 - e. Any resident requesting collection of a television will need to pay the current landfill disposal fee of \$10 before the pickup is scheduled. This fee is based on the landfill's fee schedule and is subject to change. Payment can be made at the Public Works office located at 304 Black Mountain Ave.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: August 10, 2020

SUBJECT: Riverwalk Greenway designated as Carlos Showers Riverwalk Greenway

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8B
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The Riverwalk Greenway extends from Hwy 70 to In the Oaks Trail off Vance Ave. Mayor Collins suggested to name the section that extends from Hwy 70 to NC 9 after former Aldermen Carlos Showers.

MOTION FOR CONSIDERATION: To approve naming Riverwalk Greenway the Carlos Showers Riverwalk Greenway from Hwy 70 to NC 9.

FUNDING SOURCE: N/A

ATTACHMENTS: N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve as presented.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 10, 2020

SUBJECT: Public Hearing for Text Amendments to Adopt Stream Buffer Ordinance

AGENDA INFORMATION

Agenda Location:	New Business
Item Number:	9A
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The Stream Buffer Ordinance is largely derived from the Environmental Protection Agency's model and widely used with success across North Carolina. The purpose of the buffer area is to maintain vegetation along the banks. The roots from the plants help stabilize the bank, reducing erosion and sedimentation which protects water quality downstream and owner's property. This ordinance will support our overall stormwater effort, preventing development from occurring in close proximity to surface waters which are noted as being "blue line streams" by the Army Corps of Engineers. Generally, development will not be able to occur within 30' of top of bank though some accommodation may be made at the staff level, reducing the buffer to 15' if necessary. Recreational activities are allowed within the buffer area.

MOTION FOR CONSIDERATION: To adopt the draft ordinance as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed #O-20-08

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt the draft ordinance as presented.

ORDINANCE #O-20-08

Chapter 20

Article IX

Stream Buffer Protection Standards

Section 20-380. Stream buffer protection standards.

The primary objective of stream buffer protection standards is to maintain land adjacent to streams in an undisturbed vegetative state in order to enhance and maintain water quality, protect stream channel wetlands, minimize stormwater runoff, reduce sedimentation and erosion, conserve plant and wildlife habitat and protect wildlife movement corridors. The standards contained in this section will further this objective (1) by regulating water temperature through shading of the stream bed, (2) by limiting sedimentation from streambank erosion and stormwater flow, and (3) by supporting aquatic life through the provision of organic debris such as leaves and twigs.

Section 20-381. Applicability and Jurisdiction.

Except as modified in this section, stream buffer protection standards shall apply to all watercourses depicted as a solid blue line on the most recent USGS seven-and-one-half minute quadrangle topographic maps that cover the Town of Black Mountain. Stream buffers shall be clearly indicated on all development plans, including concept plans, preliminary plans and final plans, and on all preliminary and final plats.

Section 20-382. Stream buffer size.

Stream buffers shall apply on each side of the stream and shall measure 30 feet horizontally from the top of the stream bank in a direction perpendicular to the stream flow.

Section 20-383

To avoid a loss of effectiveness in protecting streams, the stream buffer shall remain in natural undisturbed forest vegetation and no development or land-disturbing activities shall be undertaken therein except as provided in Section 20-385. Furthermore, there shall be a 20-foot transitional area immediately landward of the stream buffer which may be graded, landscaped, and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized. Certain uses of land, as specified in Section 20-385, below, may be permitted within the stream buffer so long as they meet the requirements of that Section and are designed and constructed to minimize the amount of intrusion into the stream buffer and to minimize clearing, grading, erosion and water quality degradation. Nothing herein is intended to preclude the removal of downed vegetation from the stream bed in order to improve stream flow dynamics. If it is necessary to remove downed or dead vegetation, it should be cut and the root ball left in place to help maintain stability of the shoreline. Nothing herein is intended to [or shall] preclude any activity specifically authorized pursuant to Section 401 and/or Section 404 of the Clean Water Act.

Section 20-384. Stream buffer protection measures.

To prevent adverse impacts to required stream buffer areas and to assure the stream buffer remains undisturbed and protected during and after land disturbing activities and development, adequate protections shall be in place prior to and after land disturbing activities and development commences.

- (a) When land disturbing activity or development is to take place within 50 feet of the outside edge of the stream buffer, temporary stream buffer protective barriers shall be in place prior to the land disturbing activity or development work commencing.
- (b) Prior to commencing any land disturbing activity or development on a site, the Planning Director or his/her designee shall inspect and approve the installation of stream buffer protective barriers.
- (c) Stream buffer protective barriers shall consist of:
 - 1) A fence which is at least three feet high and constructed in a post and rail configuration, using two-by-four posts and one-by-four rails.
 - 2) A fence with two-by-four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing; or
 - 3) Certain erosion and sedimentation control devices such as silt fencing may also serve as the stream buffer protective barrier.
- (d) All contractors shall be made aware of the stream buffer designated for protection. Unless otherwise provided by ordinance, no disturbance shall occur within the stream buffer including the following:
 - 1) Clear-cutting of trees and other vegetation;
 - 2) Selective cutting of trees and/or the clearing of other vegetation;
 - 3) Removal or disturbance of existing vegetation;
 - 4) Grading;
 - 5) Filling;
 - 6) Storage, parking or operating motorized vehicles;
 - 7) Storage of debris or materials, including topsoil;
 - 8) Use, storage or application of herbicides and/or pesticides;
 - 9) Draining the stream buffer area by ditching, underdrains or other systems.
- (e) Stream buffer protective barriers shall be maintained throughout the developer's activities.
- (f) For planned developments and commercial uses, permanent boundary markers, in the form of signage approved by the Planning Department, shall be installed once the land disturbing activity or development is complete. Clearly visible stream buffer boundary markers shall be placed along the outside edge of the stream buffer and spaced at a maximum of every 100 feet.

- (g) Prior to issuing a certificate of occupancy for Planned Developments, documentation shall be in place to inform property owners of the stream buffer presence and location along with management and maintenance requirements. Documentation shall be in a form that will run with the property such as inclusion in covenants, conditions and restriction documents or deed reference.

Section 20-385. Exceptions.

Subject to prior written authorization by the Planning Director or his/her designee, the following activities may be undertaken within the stream buffer provided they meet all the standards specified herein as well as other applicable provisions of the Land Use Code:

- (a) Crossings by streets, driveways, culverts, railroads, recreational features, intakes, docks, utilities, bridges or other facilities shall be allowed provided that they are designed to minimize the amount of intrusion into the stream buffer. Streets and driveways may run generally within and parallel to the stream buffer only where no other access to the property is feasible and when their design minimizes the amount of intrusion into the stream buffer. Crossing with a width of 40 feet or more are permitted only when it has been demonstrated that there is no practical alternative.
- (b) Stream buffers may be used for passive recreational activities, such as unpaved or paved trails or greenways, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, are located outside of the stream buffer. Where practical, such activities shall be kept at least 15 feet from the stream bank.
- (c) Clearing and revegetating the stream buffer pursuant to a plan approved by the Planning Director when it has been demonstrated that such clearing and revegetation will improve stream buffer's pollutant removal efficiency.
- (d) Stormwater control structures and temporary erosion control structures shall be considered utilities for the purposes of this section and may be allowed in stream buffers, provided that:
 - 1) The property owner or applicant demonstrates to the satisfaction of the Planning Director or his/her designee that such facilities cannot be practicably located outside of the stream buffer, and that any proposed stormwater control structure is sited and designed to minimize disturbance of the stream and stream buffer.
 - 2) Alternate methods of stormwater and erosion control shall be considered prior to approval of such structures in the stream buffers.
 - 3) A vegetated buffer of a width approved by the Planning Director or his/her designee shall be required around the stormwater control structure.
 - 4) Any land disturbed for these structures shall be revegetated with appropriate native species in accordance with a revegetation plan approved by the Planning Director or his/her designee.
- (e) Sanitary sewer lines, on an alignment generally parallel to the stream, may be allowed in stream buffers, provided that:

- 1) The property owner or applicant demonstrates in writing to the satisfaction of the Public Services Director that the sanitary sewer lines cannot be practicably located outside of the stream buffer.
 - 2) Design and construction specifications minimize damage to the stream and the possibility of line leakage.
 - 3) The sewer line is located at least 15 feet from the top of the stream bank; and
 - 4) The sanitary sewer plan and a plan for revegetating the stream buffer disturbance shall be approved by the Public Works Director.
- (f) Streams may be piped, thereby exempting the piped section of the stream from stream buffer requirements, provided such piping complies with the permitting/certification requirements of the Clean Water Act and any other applicable state and federal regulations. Piping undertaken for the purpose of accommodating public roads, railroads, greenways, recreational facilities and private roads and drives should be designed so that the right-of-way or roadway-and-shoulder width is not more than is necessary considering the design capacity for the facility and so that the proposed stream piping is not substantially in conflict with the other objectives of this Section. Where stream piping is approved, a vegetated buffer area or other device shall be provided at any intake or discharge structure. All buffers and physical improvement related to the stream piping shall be located entirely on the site or, pursuant to easement, on lands adjacent to the site.
- (g) Selective removal of invasive exotic species in accordance with a plan approved by the Planning Director or his/her designee.
- (h) View corridors are allowed so long as the soil is undisturbed and the natural forest floor, ground cover and understory vegetation are left intact. Pruning associated with the creation and maintenance of a view corridor is exempt. Thinning of the overstory and mid-canopy trees is permissible with the written authorization of the Planning Director or his/her designee.

Site plan approval by the Planning Director or his/her designee shall be required for any of the stream buffer intrusions described above. When any of the activities described above involves land clearing, the cleared area shall be revegetated pursuant to an approved plan. However, where a site plan is not required by any other provision of the Land Use Code, the Director of Public Works is authorized to approve plans for stream piping and erosion control structures in stream buffers.

Section 20-386. Minimum lot size requirements.

Land within the stream buffer can serve to minimum lot size and setback requirements if there is sufficient buildable area remaining on the lot.

Section 20-387. Diffuse flow requirement.

Diffuse flow of runoff shall be maintained in the stream buffer dispersing concentrated flow and reestablishing vegetation.

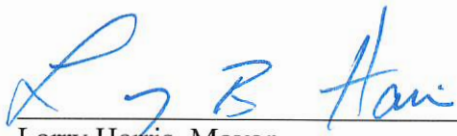
- (a) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the 20-foot setback area defined in Section 20-383, above.
- (b) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

Section 20-388. Special provisions pertaining to certain residential uses.

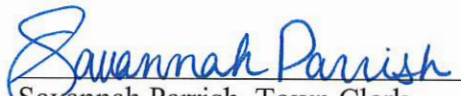
For certain residential uses as prescribed herein, the stream buffer shall be reduced to fifteen feet and the transitional area described in Section 20-383 shall be reduced to fifteen feet. To qualify for these special provisions, a proposed development must meet the following criteria:

- (a) Use of the lot must be limited to a one- or two-family residential dwelling.
- (b) The lot may not exceed one acre in area.
- (c) The amount of impervious surface allowed on the lot shall not exceed 25% of the lot or 3,000 square feet, whichever is greater.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0, on this the 10th day of August, 2020.


Larry Harris, Mayor

ATTEST:


Savannah Parrish, Town Clerk