



TOWN OF BLACK MOUNTAIN

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

Date: September 14, 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 Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 6:00 p.m. with the following members present:

Mayor Larry Harris
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Maggie Tuttle
Alderman Ryan Stone
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold - Town Manager
Ron Sneed – Town Attorney
Savannah Parrish - Town Clerk/Assistant to the Manager
Jessica Troutman – Planning Director
Jennifer Tipton – Senior Admin

Fred McCormick, reporter from the Valley Echo was also present.

Mayor Harris welcomed everyone and led the Pledge of Allegiance and an invocation.
Mayor Harris welcomed Alderman Pertiller.

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Town Manager Josh Harrold presented a certificate of appreciation to Jennifer Tipton for her dedication to the Town of Black Mountain. Ms. Tipton then exited the meeting.
- B. Mayor Harris read a proclamation honoring former Mayor Don Collins for his service to the Town of Black Mountain.
- C. Manager Harrold recognized Fire Chief Scottie Harris for his CFO designation.

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.

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile them and present them to the Mayor for consideration.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

Manager Harrold requested to add agenda item 7A – Art in the Afternoon Lease, and a closed session meeting to discuss personnel matters.

Motion: *To adopt the agenda as amended.*

Alderman Jennifer Willet moved to adopt the agenda as amended. The motion was approved by a vote of 5-0.

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 August 10, 2020 Regular Session Meeting, the minutes of the June 8, 2020 (Regular Session and Closed Session), the minutes of the June 10, 2020 Budget Workshop CIP Meeting, and the minutes of the June 22, 2020 Budget Public Hearing Meeting.*

B. Budget Amendment for Golf Course Bridge Repair

Motion: *To approve Budget Amendment #BA-FY-21-04 in the amount of \$28,000.*

C. Budget Amendment for Lake Tomahawk Forebay and Sedimentation Project

Motion: *To approve Budget Amendment #BA-FY-21-05 in the amount of \$50,000.*

D. Call for Public Hearing to Rezone 324 N. Fork Road

Motion: *To call for a public hearing to rezone 324 N. Fork Road from CR-1 (conservation residential) to TR-4 (town residential) from N. Fork Road to the middle of the creek (the west side of the property) and rezone the east side of the property from CR-1 (conservation residential) to SR-2 (suburban residential) to be held on Monday, October 12, 2020, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall at 160 Midland Avenue.*

E. Call for Public Hearing for Text Amendments to Amend Zoning Districts Intents and Purposes.

Motion: *To call for a public hearing for text amendments to intents and purposes of zoning districts to be held on Monday, October 12, 2020, 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 Clarify Prohibited Uses.

Motion: *To call for a public hearing for text amendments clarifying prohibited uses to be held on Monday, October 12, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Budget Amendment for Governor's Crime Commission Grant

Motion: *To approve Budget Amendment #BA-FY-21-06 in the amount of \$22,000.*

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

Alderman Maggie Tuttle moved to approve the consent agenda as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

Manager Harrold read the following citizen comments:

• Charlotte McRanie, 251 Valley Ridge Lane, Black Mountain

1) If a town document such as this is going to be discussed at the Board of Aldermen meeting, the document in question should either be attached to the agenda or be readily accessible on the town website. Neither is true in this instance. I have searched the town website and could not locate the Town Charter and had to request a copy from the Town Manager. The copy sent to me was dated 2000 and did not include the legislative changes made in 2019. He also did not provide me with a copy of that legislation changing the charter – I obtained a copy of that legislation from another Town citizen. The town charter needs to be updated as soon as possible and placed on the town website prior to any discussions about changes.

2) Given that a quorum of the Board of Alderman is now comprised of appointed not elected aldermen, any discussion much less votes, regarding changes in the Town Charter should be postponed until at least December when four of the five Aldermen will be elected Aldermen.

3) A number of town citizens have begun to educate themselves about the Town Charter and state statutes as they relate to the provisions surrounding aldermen and mayoral vacancies, appointments, and special elections. Given the interest of the citizens in this issue, it seems only reasonable to ask that after the election the Board of Aldermen convene a Town Hall to solicit public input and discussion on these issues prior to proceeding with any proposed changes to the Town Charter. And once any proposed changes have been drafted, a Public Hearing should be held with significant adequate notice of the draft changes to the Town citizens – e.g. 30-60 days – so that the citizens have time to digest and evaluate the proposed changes and prepare comments for the Public Hearing.

• Doug Hay, 209 E College St.

I would like to start by thanking the members of the Board of Aldermen for prioritizing a discussion on the Town Charter. I believe that several issues need to be addressed, including aligning ourselves with the NC School of Government's recommendations around Aldermen

appointments and putting vacant seats up for election during the next regularly scheduled election.

But I also firmly believe that any changes to the Town Charter should be made after citizen input. The first step could be to publish an updated version of the Town Charter publically for the community to read. If you are suggesting any changes, I encourage the Board to first engage the community and allow for at least 60 days of citizen input on any changes before voting on them.

Also, as you know, a voting majority of Aldermen were appointed to their positions and not elected by the people of Black Mountain. We are less than 50 days from an election where the people have an opportunity to elect three of the five seats. I encourage you not to rush any changes this close to the election and allow for the newly elected board to adopt any changes to the Town Charter, especially considering the NC General Assembly, which would need to approve any changes, is not back in session until next year.

Thank you for your time and consideration, and thank you again for opening up a discussion on the Town Charter.

- Kathy Phillips

I understand that discussion of the Town's Charter is on the Agenda this evening. First, a copy of the Town Charter along with any amendments should be posted on the Town's website. Second, I feel very strongly that the current Board should not be discussing or making changes to the Town Charter especially as it relates to appointments of empty seats. This should wait until after the election when the new Board will have a majority of members elected by the citizens of Black Mountain.

*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.*

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS

A. Art in the Afternoon Lease

Ms. Sulzman was unable to make her lease payments in July and August, but has since been able to open. She asks that the Board of Alderman waive her missed lease payments. She will begin payment in September.

Motion: *To approve the Art in the Afternoon Lease Agreement update*

Jennifer Willet moved to approve the Art in the Afternoon Lease update. The motion was approved by a vote of 5-0.

8. NEW BUSINESS

A. Utility Payment Plans

Manager Harrold presented a past due utility payment plan. Manager Harrold recommended allowing citizens six months to make their accounts current. There is also a possibility of acquiring CDBG funds to assist in making payments.

Mayor Harris asked what time other municipalities were allowing citizens to make their accounts current. Manager Harrold responded that Hendersonville was allowing 12 months. Alderman Jennifer Willet recommended allowing citizens of Black Mountain 12 months to make their accounts current.

Motion: *To approve utility payment plans for past due water customers as amended.*

Alderman Jennifer Willet moved to approve utility payment plans for past due water customers as amended, extending the amount of time for citizen to pay from six months to 12 months. The motion was approved by a vote of 5-0.

B. Town Charter Discussion

Mayor Harris first clarified that there was no legislation on the agenda for changes to the Town Charter. This is merely a discussion on filling vacant seats on the board. Attorney Ron Sneed presented information concerning the Town's charter and specifically the regulations surrounding special elections. Attorney Sneed referenced Chapter 160A, Article 5 of the state's general statutes that says if an appointment is made more than 90 days from the next election date, the appointed official would serve until the next election. This differs from the town charter that says the appointed official would serve until the end of the seat's initial term. Attorney Sneed said the town should refer to the statute when considering any future changes, specifically in reference to term length for appointments.

Manager Harrold stated that he believes that the public wanted increased citizen input concerning the appointment of aldermen to vacant seats. He mentioned the application process that went into filling Alderman Willet's seat on the board as a possibility moving forward. Mayor Harris stated that in the future the board should focus on an ordinance proposing term length and appointment regulations. Alderman Maggie Tuttle asked that the charter be added to the website.

9. PUBLIC HEARING

A. Blue Ridge Road Small Area Plan

A motion to open the public hearing was approved by a vote of 5-0.

Jessica Troutman entered the meeting to present the Blue Ridge Road Small Area Plan. Drew Draper, planning manager with Raleigh's Weatherill Engineering, says the plan will

be used by the town as a reference in future decision making for developing land by the road. Mr. Draper stated that the public supports maintaining the town's heritage.

The plan recommends two-lane roadways with a curb and gutter, a sidewalk, and a multiuse path on the connecting to a greenway. Additional roundabouts were also supported as an alternative for high traffic areas. The planning board approved the Blue Ridge Road Small Area Plan on July 27, 2020.

There were no public comments.

Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Motion: *To open the public hearing to adopt the Blue Ridge Road Small Area Plan and presented [or as amended].*

Alderman Jennifer Willet moved to approve the Blue Ridge Road Small Area Plan as presented. 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 - None
- B. Town Manager – Josh Harrold - None

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Motion: *To move into closed session to discuss personnel matters.*

Alderman Maggie Tuttle moved to approve closed session meeting to discuss personnel matters. The motion was approved by a vote of 5-0.

A motion to return to open session was approved by a vote of 5-0.

Motion: *To approve the follow salary increases*

The following employees each receive a raise of \$1,500.00 per year:

James Bingham
George Bond
Chris Burnette
Bobby Davis

Robert Frame
Chance Hensley
Will Lonon
Derek McKinney
Carl Patton

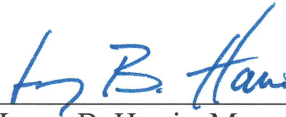
Tausha Millwood's salary will increase from \$41,558.40 to \$45,926.40. Jamey Matthews' salary will increase from 72,355.40 to 79,988.74.

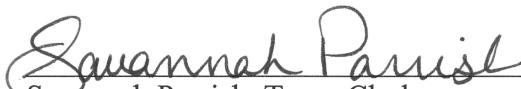
Alderman Jennifer Willet moved to approve the salary increases. The motion was approved by a vote of 5-0.

12. ADJOURNMENT

There being no further business, Mayor Larry Harris adjourned the meeting at 7:23 p.m.

ATTEST:


Larry B. Harris, Mayor


Savannah Parrish, Town Clerk


Josh Harrold, Town Manager

