



TOWN OF BLACK MOUNTAIN

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

Date: October 12, 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
Jamey Matthews – Public Works Director
Jessica Troutman – Planning Director
Jennifer Tipton – Senior Admin

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Pastor Richard White of Christ Community Church offered the invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Mayor Harris read resolutions awarding retiring Police Sergeant Stacy Ayers and Police Major Rob Austin their service sidearm and badge.

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

- A. Annual Streets & Parks Report – Jamey Matthews, Public Works Director.
Public Works Director, Jamey Matthews presented the annual report to the Board which is attached to and included in these minutes. Director Matthews always gave a brief summary of the first weeks of sanitation. He stated that it was going well and would continue to improve

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 September 14, 2020 Regular Session Meeting and Closed Session Meeting.*

B. Resolution to Award Badge & Service Weapon to Police Sergeant Stacy Ayers # R-20-07

Motion: *To adopt Resolution #R-20-07 awarding retiring Police Sergeant, Stacy Ayers his badge and service weapon as provided in NC G.S. 20-187.2.*

C. Resolution to Award Badge & Service Weapon to Police Major Rob Austin # R-20-08

Motion: *To adopt Resolution #R-20-08 awarding retiring Police Major, Rob Austin, his badge and service weapon as provided in NC G.S. 20-187.2.*

D. Budget Amendment for Governor's Crime Commission Grant.

Motion: *To approve Budget Amendment #BA-FY-21-07 as presented, increasing 10-10-5100-180 (Forfeiture Funds) by \$88,000 and increasing 10-00-3907-000 (Fund Balance Approp. - Police) by \$88,000.*

E. Call for Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential).

Motion: *To call for a public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall at 160 Midland Avenue.*

F. Call for Public Hearing for Text Amendments to Road Standards (Land Use Code).

O-20-15

Motion: *To call for a public hearing for text amendments road standards in the Land Use Code to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Call for Public Hearing for Text Amendments to Water Improvements. #O-20-16

Motion: *To call for a public hearing for text amendments clarifying prohibited uses to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

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

*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 - None

8. NEW BUSINESS - None

9. PUBLIC HEARING

A. Text amendments to the intents and purposes of the zoning districts.

Planning Director Jessica Trotman presented the purpose of the text amendments.

Alderman Jennifer Willet moved to open the public hearing. The motion was approved by a vote of 5-0.

There being no discussion or public comment, Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Ryan Stone made a motion to adopt Ordinance #O-20-12 as presented. The motion was approved by a vote of 5-0.

- B. Rezone 324 N. Fork Road (PIN #0700-92-8001) from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.**

Planning director Jessica Trotman the information. This rezoning was requested by the property owner to increase the density level. The Planning Board heard this rezoning and has concerns. A motion was made by the Planning Board to do a split zoning, and that passed 5-1.

Alderman Ryan Stone moved to open the public hearing. The motion was approved by a vote of 5-0.

Town Manager Josh Harrold read a comment from the property owner.

Sam Decker, 324 N. Fork Road: I am requesting the town board rezone my entire property to TR-4. I voluntarily came into the Town with the understanding that it would be zoned how I wanted it. In 2010 without notifying me they changed it to CR-1. I didn't find this out till last year. I would like the entire property to be zoned TR-4 so I or my children can sell the property for the highest value someday.

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

Alderman Ryan Stone made a motion to deny the rezoning request. The motion failed by a vote of 1-4.

Alderman Maggie Tuttle moved to approve Sam Decker's request to zone the entire property to TR-4. After Manager Harrold read the Statement of Consistency, Alderman Tuttle withdrew her motion.

After some discussion, Alderman Tim Rained moved to continue this issue to the November 2020 meeting. The motion was approved by a vote of 5-0.

- C. Text amendments clarifying prohibited uses.**

Planning Director Jessica Trotman presented the text amendments and their purpose. The wording needed to be changed in order to align more closely with new case law.

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

There being no comments or discussion, Alderman Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Jennifer Willet moved to adopt Ordinance #O-20-11 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 – The Town Attorney will begin working on the Watson Property matter as instructed by the Board of Aldermen.
- B.** Town Manager – Josh Harrold – Manager Harrold would like to hold a Greenway Workshop for the Board of Aldermen in order to provide a more thorough update.

The Manager would like to issue a stormwater survey to the citizens so that they can provide input.

The Chamber of Commerce canceled the Christmas Parade and Holly Jolly due to COVID-19 concerns. They will be working with businesses downtown on alternatives.

The Manager contacted WastePro about a potential emergency contract when Town of Black Mountain trucks are damaged or being repaired.

Sales tax from August 2020 increased 4% from August 2019.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Ryan Stone thanked the beautification committee for decorating the Town for autumn. He also encouraged citizens to vote.

Mayor Harris offered his appreciation to retiring members of BMPD, Stacy Ayers and Rob Austin.

12. CLOSED SESSION AGENDA

Alderman Maggie Tuttle moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:14 p.m.

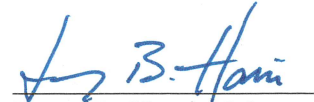
Alderman Ryan Stone moved to exit the closed session meeting. The motion was approved by a vote of 5-0.

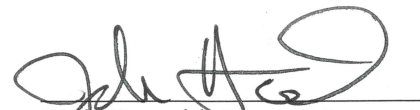
13. ADJOURNMENT

There being no further business, on a motion by Alderman Ryan Stone, with a vote of 5-0, Mayor Larry Harris adjourned the meeting at 7:33 p.m.

ATTEST:


Savannah Parrish, Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager