



TOWN OF BLACK MOUNTAIN

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

Date: **December 14, 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 Angela Reece 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 B. Harris
Vice Mayor Maggie Tuttle
Alderman Archie Pertiller
Alderman Ryan Stone
Alderman Jennifer Willet
Alderman Tim Raines
Alderman-elect Doug Hay
Alderman-elect Pam King

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney
Fred McCormick, Reporter – The Valley Echo
Steven D. Cogburn, Buncombe County Register of Deeds

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Dr. William Henderson of First Baptist Church led the invocation.

Manager Josh Harrold addressed the Board to request an item be added to the consent agenda. Item 5D – call for public hearing to rezone a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

Alderman Ryan Stone moved to add Item 5D to the Consent Agenda.

The motion was approved by a vote of 5-0

2. PROCLAMATION AND AWARD RECOGNITION

Mayor Larry B. Harris presented proclamations in honor of outgoing Vice-Mayor Maggie Tuttle and outgoing Alderman Jennifer Willet for their service to the Town of Black Mountain. The proclamations are made part of these minutes.

Outgoing Vice-Mayor addressed the Board of Aldermen to express her thanks for their dedication to the Town, and stated that it has been her privilege to serve.

Outgoing Alderman Jennifer Willet also addressed the Board to express to thanks for serving on the Board of Aldermen, and congratulated the newly elected board members.

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.

I would like to thank the fellow board members for your service to this town, especially Maggie Tuttle, whose strong leadership has turned this town about-face from bickering and embarrassing board meetings to ones of mutual respect and something this town can be proud of.

To the new board...congratulations. You have taken on the leadership of a town that is almost \$3 million better off financially. The previous board worked diligently to plan prudently which resulted in less debit and a larger fund balance. We have a great team of town employees which are some of the best in the state of North Carolina lead by Josh Harrold. I know we all care about Black Mountain. Keep your tax rates low, spend wisely, and make your decisions for the group of the whole town, not the squeaky wheels. I wish you all the best. Thank you for your service. We count you – Don Collins

4. 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 November 5, 2020 (Agenda Session), November 9, 2020 (Regular Session), and October 29, 2020 (Greenway Update).*

B. Call for Public Hearing

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Motion: *To call for Public Hearing for Text Amendments to Village of Cheshire Master Plan*

C. Call for Public Hearing

Motion: *To call for a public hearing for voluntary annexation for a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing

Motion: *To call for a public hearing to rezone a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, 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 items A-D as presented.*

Vice Mayor Maggie Tuttle moved to approve consent items A-D as presented.

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

5. UNFINISHED BUSINESS

6. ORGANIZATIONAL MEETING

- A.** Oath of Office and Installation of Aldermen-Elect, Pam King
Steven D. Cogburn, Clerk of Superior Court
- B.** Oath of Office and Installation of Aldermen-Elect, Doug Hay
Steven D. Cogburn, Clerk of Superior Court
- C.** Oath of Office and Installation of Aldermen-Elect, Archie Pertiller
Steven D. Cogburn, Clerk of Superior Court

Mayor Harris called for a 5 minute recess after the installation of the new Aldermen. Outgoing board members Maggie Tuttle and Jennifer Willet exited the meeting at this time.

D. Appointment of Vice-Mayor for the Town of Black Mountain

Nomination: **Alderman Ryan Stone**

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By: Doug Hay

Motion: *To appoint Ryan Stone as Vice-Mayor to the Town of Black Mountain Board of Aldermen.*

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

E. 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 Board appointment and one Alternate to be filled for the Black Mountain Center for the Arts.

Nomination for Member: Archie Pertiller

By: Pam King

Motion: *To appoint Archie Pertiller to serve as **member** of the Black Mountain Center for the Arts.*

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

Nomination for Alternate Member: Pam King

By: Ryan Stone

Motion: *To appoint Pam King to serve as **alternate** member of the Black Mountain Center for the Arts.*

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

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

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

Nomination for Member: Doug Hay

By: Ryan Stone

Motion: *To appoint Doug Hay to serve as **member** of the Black Mountain Swannanoa Chamber of Commerce Executive Board.*

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

Nomination for Alternate Member: Tim Raines

By: Ryan Stone

***Motion:** To appoint **Tim Raines** to serve as **alternate** member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.*

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

3. Land of Sky Regional Council Board of Directors:

There is one Board appointment and one Alternate to be filled for the Land of Sky Regional Board of Directors.

Nomination for Member: Larry B. Harris

By: Doug Hay

***Motion:** To appoint **Larry B. Harris** to serve as **member** of the Land of Sky Regional Board of Directors.*

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

Nomination for Alternate Member: Ryan Stone

By: Archie Pertiller

***Motion:** To appoint **Ryan Stone** to serve as **alternate** member of the Land of Sky Regional Board of Directors.*

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

4. French Broad River MPO Board of Directors:

There is one Board appointment and one Alternate to be filled for the French Broad River MPO Board of Directors.

Nomination for Member: Larry B. Harris

By: Ryan Stone

***Motion:** To appoint **Larry B. Harris** to serve as **member** of the French Broad River MPO Board of Directors.*

Nomination for Alternate Member: Ryan Stone

By: Pam King

Motion: To appoint **Ryan Stone** to serves as **alternate** member of the French Broad River MPO Board of Directors.

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

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

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

Nomination for Member: Jessica Trotman

By: Tim Raines

Motion: To appoint **Jessica Trotman** to serve as **member** of the French Broad River MPO Technical Coordinating Committee (TCC).

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

Nomination for Alternate Member: Josh Harrold

By: Archie Pertiller

Motion: To appoint **Josh Harrold** to serve as **alternate** member of the French Broad River MPO Technical Coordinating Committee (TCC).

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

6. Metropolitan Sewer District (MSD) Board of Directors:

There is one Board appointment to be filled for the Metropolitan Sewer District (MSD) Board of Directors.

This appointment was tabled until the January 11, 2021 Regular Session Meeting.

7. Asheville Regional Housing Consortium:

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

Nomination for Member: Jessica Trotman

By: Doug Hay

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Motion: *To appoint **Jessica Trotman** to serve as **member** of the Asheville Regional Housing Consortium.*

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

Nomination for Alternate Member: Archie Pertiller

By: Tim Raines

Motion: *To appoint **Archie Pertiller** to serve as **alternate member** of the Asheville Regional Housing Consortium.*

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

It was stated that Aldermen Archie Pertiller has interest in being the primary member for the Asheville Regional Housing Consortium. Mayor Harris instructed Manager Harrold and the Town Clerk to add this item to the agenda of the January 11, 2021 Regular Schedule Meeting.

8. Friends of Fonta Flora Board

There is one Board appointment to be filled for the Friends of Fonta Flora Board.

Nomination for Member: Pam King

By: Archie Pertiller

Motion: *To appoint **Pam King** to serve as **member** of the Friends of Fonta Flora Board.*

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

Motion: *To appoint **Doug Hay** to serve as **alternate member** of the Friends of Fonta Flora Board.*

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

- F. Adoption of the schedule for the Board of Aldermen Agenda Workshop and Regular Session Meetings for 2021.**

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Motion: *To adopt the 2021 schedule of regular meetings of the Black Mountain Board of Aldermen as presented [or as amended].*

Alderman Pam King moved to approve the 2021 schedule of regular meetings of the Black Mountain Board of Aldermen as presented.

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

G. Filing of 2020 Buncombe County Municipal Election Results

Motion: *To enter the 2020 Buncombe County Municipal Election Abstract of Votes into the minutes as part of the Town's record.*

Alderman Archie Pertiller moved to enter the 2020 Buncombe County Municipal Election Abstract of Votes into the minutes as part of the Town's record.

The motion was approved by a vote of 5-0. The abstract of votes is made part of these minutes.

H. Appointment to fill vacancies on Town Boards and Commissions

1. **Historic Preservation Commission** – (1) vacancy/ unexpired term ending June 30, 2023

Nomination: Matthew Turner

By: Doug Hay

Motion: *To appoint Matthew Turner to fill an unexpired term ending June 30, 2023 by a vote of 5 for and 0 against.*

2. **Planning Board** - (1) vacancy/ unexpired term ending June 30, 2021

Nomination: Kathy Phillips

By: Ryan Stone

Motion: *To appoint Kathy Phillips to fill an unexpired term ending June 30, 2021 by a vote of 5 for and 0 against.*

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Alderman Pam King thanked the applicants, and asked that at a future meeting the Board discuss the process by which applications are received and vacancies filled. Mayor Harris agreed it would be a good topic to discuss, along with concerns about the charter. Mayor Harris suggested a workshop meeting, and instructed the Town Clerk to poll the Board for a date and time.

7. 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.

8. NEW BUSINESS

A. Amendments to Chapter 48 of the Code of Ordinances

#O-20-14

Manager Harrold explained that this makes needed updates to language in the Land Use Code. The current ordinance still speaks to impact fees, which are prohibited by general statutes. The proposed amendment just removes the section regarding impact fees. The ordinance also requires that anyone outside of city limits who is contiguous has to make an application for annexation to receive water service, which is also prohibited by general statutes. The proposed amendment just removes the section regarding making an application for annexation.

Alderman Ryan Stone moved to approve and adopt Ordinance #O-20-14 as presented. The motion was approved by a vote of 5-0.

B. Tuition Reimbursement Policy

Manager Harrold explained that the Tuition Assistance Program Policy improves the process by which the funds are made available, and puts new guidelines in place for how the Town will reimburse employees who seek out educational opportunities not covered as training.

Alderman Archie Pertiller moved to approve the Tuition Assistance Program Policy. The motion was approved by a vote of 5-0.

C. Acceptance of waterlines and easements associated with Avadim project, and conveyance of interest in sewer lines and easements associated with Avadim project.

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Attorney Ron Sneed addressed the Board concerning the Avadim project. As part of the infrastructure development that has been constructed as part of the Avadim project, the sewer and water lines were installed under the auspices of the Town within easements that were held in the name of Buncombe County. Now that those parts of the infrastructure are complete, the easements and the lines in those easements need to be conveyed to the appropriate parties. The sewer lines will be maintained and will become a part of the Metropolitan Sewerage District and the new lines and the easements need to be conveyed to MSD

Alderman Tim Raines moved to approve the conveyance of the sewer lines and easements to MSD and authorize the Mayor and Town Clerk to execute that conveyance and to approve and accept the conveyance of the water line easements from the County and direct the Town Attorney to record that conveyance in the Office of the Register of Deeds for Buncombe County. The motion was approved by a vote of 5-0.

D. Water Connection Tampering Ordinance

#0-20-21

The Town Attorney informed the Board that there has been a minor problem with water tampering, and the meter being broken. The proposed ordinance clarifies exactly the definition of tampering and how the Town will enforce the police.

Alderman Ryan Stone moved to approve the proposed ordinance amendment as submitted (or amended). The motion was approved by a vote of 5-0.

E. Proposed conveyance of interest in easement

In June 2019, the proposal was made for the town to disclaim its interest in a portion of the Hemphill property for an area that was not integral to the development of a park on the Hemphill property and a small strip along the boundary of the property of Mike Begley to allow the estate of Mary Hemphill to retain and sell that portion to generate money for the estate and to accommodate plans for the use of the Begley property, for which accommodation the Town will receive an easement for a second access to the property by way of Sunset Drive. After passage of the resolution, it was discovered that a part of the property that Begley anticipated as being available for his use was a small piece of land that is approximately 50 feet long and 25 feet wide that is now the northern end of a platted but unopened street as shown on the plat recorded in Plat Book 198 at Page 10A, Buncombe County Registry. The request is for the Town to disclaim any interest in this portion of that easement by execution of a non-warranty deed to Mr. Begley.

Alderman Ryan Stone moved to approve the proposed conveyance of interest in easement as amended to make it contingent upon Mr. Begley's purchase of the property. The motion was approved by a vote of 5-0.

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9. PUBLIC HEARING - NONE

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each Public Hearing.

10. COMMUNICATION FROM STAFF

A. Town Attorney – None

B. Town Manager – Manager Harrold reminded the Board of Aldermen of steps being taken to mitigate the spread of COVID-19 in Town Offices. Town offices are not currently open to the public, but appointments are available. Staff members receive temperature checks each mornings, and the buildings are thoroughly cleaned. There have been two confirmed cases among staff members.

He addressed concerns about holding indoor soccer and stated that the Recreation and Parks department is following guidance from the North Carolina Department of Health and Human Services. Recreation and Parks have guidelines in place that require social distancing, mask wearing, temperature checks, and have a plan for disinfecting. Alderman Hay asked what precautions would be taken if a soccer player tested positive for COVID-19, and the Manager explained that contact tracing would take place, and likely the season would end early. Aldermen Pertiller suggested sign-up sheets at each game and practice so the Town can easily contact the participants should the need arise.

Manager Harrold also extended gratitude to Noah Lewkowicz from Boy Scout Troop 50 for choosing Lake Tomahawk as the location to complete his Eagle Scout project. Noah updated the playground at Lake Tomahawk with a new handicap accessible surface and swing.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Pam King thanked the poll and election workers for their efforts during the election. She also encouraged the public to stay safe during the holiday season.

Alderman Doug Hay thanked the public for the opportunity to serve on the Board.

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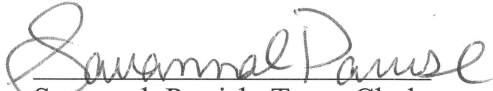
Alderman Ryan Stone requested the Board hear presentations from Dan Pierce who is working on a monument to railroad workers, and to consider a resolution of support. The Sunshine Group from Owen High School would also like to make a presentation. Alderman Stone agreed there should be a workshop to discuss appointments and the Town Charter. He also congratulated the new board members, and wished the public a Merry Christmas.

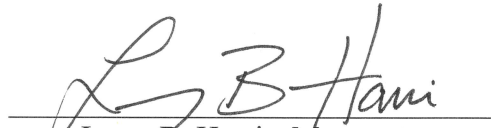
Mayor Harris welcomed Pam King and Doug Hay to the Board of Aldermen, and thanked the Town employees for their service to the Town. He wished the public a Merry Christmas.

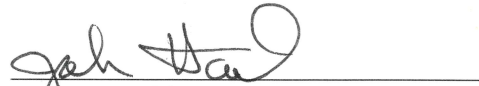
12. ADJOURNMENT

There being no further business, Mayor Larry B. Harris adjourned the meeting at 7:35 p.m.

ATTEST:


Savannah Parrish, Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager