



TOWN OF BLACK MOUNTAIN

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

Date: **January 11, 2021** Time: **6:00 p.m.**

Regular Session Agenda

*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.**

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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

- Welcome
- Pledge of Allegiance
- Invocation - Anthony Rodriguez, Valley Hope Church
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Martin Luther King, Jr. Proclamation.
- B. Deputy Chief John Wilson retirement.
- C. Proclamation in honor of Noah Lewkowicz for Lake Tomahawk project.

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. RAIL Committee Project Presentation

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 December 14th, 2020 Regular Session Meeting and the December 29th, 2020 Special Call Meeting.

B. Budget Amendment for Fire Department Generator

Motion: To approve Budget Amendment FY 2021 - #10 as submitted, increasing 10-10-5300-730 (Capital Outlay - Fire) by \$15,000 and increasing 10-00-3905-900 (Fund Balance Appropriated) by \$15,000.

C. Resolution to transfer to John Wilson the firefighting helmet and badge worn by him during his service with the Town of Black Mountain Fire Department.

Motion: To adopt the resolution as presented.

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

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

A. Asheville Regional Housing Consortium:

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

Nomination for Member: _____

By: _____

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

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

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

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the
Metropolitan Sewer District (MSD).

8. NEW BUSINESS

A. Town of Black Mountain COLA Increase.

Motion: To increase the cost of living raise for town staff from 1% to 3%.

B. Budget Amendment for COLA Increase.

Motion: To approve Budget Amendment FY 2021 - #11 as presented.

C. Buncombe County Dispatch Consolidation.

Motion: To approve the dispatch consolidation as presented.

D. Buncombe County Emergency Order.

9. PUBLIC HEARING

A. Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr.
ETAL #O-20-20

Motion:

*To open the public hearing for the proposed voluntary annexation for Buncombe
County PIN #0619-88-6353.00000.*

To close the public hearing.

To adopt Ordinance #O-20-20 as presented.

B. Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL #Z-O-
20-06

Motion:

To open the public hearing to rezone 99999 Laurel Drive from R-1 to UR-8.

To close the public hearing.

*To adopt **Zoning Ordinance #Z-O-20-06** (statement of consistency included) to rezone 99999 Laurel Drive from R-1 to UR-8.*

- C. Public Hearing to Close Portion of Unopened, Platted Right-of-Way Parallel and Between W. College Street and Goldmont Street **#R-20-10**

Motion:

*To open the public hearing for **Resolution #R-20-10** to Close Unopened, Platted Right-of-Way Parallel and Between W. College Street and Goldmont Street.*

To close the public hearing.

*To approve **Resolution #R-20-10** for the street closure.*

- D. Public Hearing for Text Amendments to Village of Cheshire Master Plan **#O-20-19**

Motion:

To open the public hearing for Ordinance #O-20-19 for amendments to the Village of Cheshire Master Plan.

To close the public hearing.

To adopt Ordinance #O-20-19 as presented [or as amended].

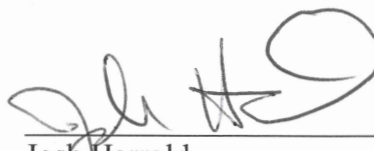
The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each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

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed
- B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Josh Harrold
Town Manager



Proclamation

Honoring Dr. Martin Luther King, Jr.

WHEREAS, Dr. Martin Luther King, Jr. inspired millions of Americans to participate in non-violent protests to support the ideals of equality for all and was a motivating force behind a civil rights movement that had as its goal the creation of a society tolerant of all races, cultures and nationalities; and

WHEREAS, the ideals of Dr. King and of Black Mountain's commitment to human rights are worthy of reflection and serve as a reminder that improving the quality of life for all members of our community is a responsibility of every citizen; and

WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution – equality and justice for all;

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain, as well as that of our citizens, wish to honor and do hereby proclaim Monday, January 18, 2021 as:

“DR. MARTIN LUTHER KING, JR. DAY”

in the Town of Black Mountain and encourage all citizens to rededicate themselves to the principles of respect for human rights and freedom, of belief in non-violence, and of commitment to improving our community through community service and volunteerism.

The Town of Black Mountain will honor Dr. Martin Luther King, Jr. at the Thirtieth Annual Swannanoa Valley Prayer Breakfast, to be held virtually, February 6, 2021.

SIGNED this 11th day of January, 2021.

Larry B. Harris, Mayor

Attest:

Savannah Parrish, Town Clerk



Proclamation

Honoring

John Wilson

January 11, 2021

WHEREAS, it is fitting and proper to honor and pay tribute to John Wilson as he begins a new chapter in his life following his retirement from Black Mountain Fire Department; and

WHEREAS, John will retire from the Black Mountain Fire Department on December 31st, 2020 after 35 years of volunteer service and 26 years of employment with the Town of Black Mountain; and

WHEREAS, John has rendered valuable services to the Town of Black Mountain and the citizens thereof; and

WHEREAS, it is fitting that the Town of Black Mountain shows its appreciation when one has rendered such valuable services.

NOW, THEREFORE, Be it hereby proclaimed by the Mayor and Board of Aldermen of the Town of Black Mountain:

That JOHN WILSON is hereby acknowledged as having been a good, loyal and faithful public servant of the Town of Black Mountain;

That this proclamation expresses the deep appreciation on behalf of the citizens of the Town of Black Mountain for the valuable service which he has provided the Town;

That this proclamation is hereby presented to John Wilson and a copy of same shall be placed within the records of the Town of Black Mountain.

SIGNED this 11th day of January 2021.

Larry B. Harris, Mayor

Attest:

Savannah Parrish, Town Clerk



Proclamation

Honoring Noah Lewkowicz

WHEREAS, the Town of Black Mountain, takes pride in its sense of community and citizen involvement; and

WHEREAS, the vision of the Boy Scouts of America is to prepare every eligible youth in America to become responsible, participating citizens and leaders, who are guided by the Scout Oath and Law; and

WHEREAS, the Boy Scouts of America encourage Eagle Scout candidates to complete worthy projects to improve their neighborhoods, their community and the region; and

WHEREAS, Noah Lewkowicz, a junior at Owen High School, is a member of Boy Scout Troop 50; and

WHEREAS Noah chose Lake Tomahawk as the location to complete his Eagle Scout project; and

WHEREAS through Noah's hard work, determination, and fundraising the playground at Lake Tomahawk now has a new handicap accessible surface and swing.

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain and the Board of Aldermen express sincere appreciation for his tireless volunteerism, unselfish and dedicated service, and recognize the significant impact his visionary idea will continue to contribute to the Black Mountain communities.

SIGNED this ____ day of _____. 2021.

Larry B. Harris, Mayor

Attest:

Savannah Parrish, Town Clerk



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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*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

Black Mountain Board of Aldermen
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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.

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Nomination for Alternate Member: Tim Raines

By: Ryan Stone

Motion: To appoint **Tim Raines** to serves 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.

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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



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
SPECIAL CALL MEETING MINUTES
December 29, 2020

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Tuesday, December 29, 2020 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting was for the Board of Aldermen to review information regarding the Buncombe County State of Emergency Order.

1. CALL TO ORDER

Mayor Larry B. Harris called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Alderman Archie Pertiller
Alderman Doug Hay
Alderman Pam King
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney

Mayor Harris explained that the purpose of the meeting was for the Board of Aldermen to discuss the announcement made December 23, 2020 that Buncombe County and Asheville would issue a new order limiting restaurants, breweries, wineries and distilleries to 30% of their stated fire capacities, down from 50%. Indoor gatherings with those outside of one's household have been restricted from 10 to two. This order is due to rising COVID-19 cases in the area.

The measures take effect Jan. 2, and apply to the City of Asheville, Montreat and unincorporated areas in the county.

Mayor Harris expressed concerns about adding additional restrictions, stating that he has confidence that restaurant and businesses in Black Mountain are diligent in following the guidance from the State of North Carolina. Mayor Harris stated that he would follow the Board of Aldermen's decision to join or not to join in the new order to limit capacity and indoor gatherings.

Alderman Doug Hay read statistics related to rising COVID-19 cases in Buncombe County and Black Mountain. He expressed concern that there would be a surge in cases after the Christmas

holiday. Alderman Pam King and Vice Mayor Ryan Stone agreed with Alderman Hay and stated they are inclined to join in the new order issued by Buncombe County.

Alderman Raines expressed concern that the new order could be overly restrictive and suggested that Black Mountain follow only orders from the State of North Carolina.

Vice Mayor Ryan Stone moved to follow the new order from Buncombe County order limiting restaurants, breweries, wineries and distilleries to 30% of their stated fire capacities, and indoor gatherings with those outside of one's household have been restricted from 10 to two until January 8th.

The motion passed with a vote of 5-0.

There being no further discussion Mayor Larry Harris adjourned the meeting at 8:49 a.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Budget Amendment for Fire Department Generator

#BA-FY-21-10

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5B
Department: Finance
Contact: Kirk Medlin, Finance Director
Presenter: Josh Harrold, Town Manager

SUMMARY: Fire Station #2 currently has an out-of-date backup generator which has a high potential of failure if it becomes necessary to use it. The Town has obtained an estimate on a new backup generator, which has a total cost (including installation) of \$15,000.

MOTION FOR CONSIDERATION: To approve Budget Amendment FY 2021 - #10 as submitted, increasing 10-10-5300-730 (Capital Outlay - Fire) by \$15,000 and increasing 10-00-3905-900 (Fund Balance Appropriated) by \$15,000.

FUNDING SOURCE: General Fund

ATTACHMENTS: Budget Amendment - FY 2021 - #10

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2021-10
Fiscal Year 2020-2021

Dept.	Account #	Account Name	Debit	Credit	Comments
	10-10-5300-730	Capital Outlay - Fire	15,000.00		This amendment is for the replacement of the backup generator at Fire Station #2 due to the age and potential failure of the current generator.
	10-00-3905-900	Fund Balance Appropriated		15,000.00	

Totals: 15,000.00 15,000.00

BD # _____

Entered By: _____

Journal # _____

Fiscal Yr _____

Approved By: _____

Date _____

Date _____



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION #R-21-01

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA AWARDED TO RETIRING FIRE DEPUTY CHIEF JOHN WILSON HIS FIREFIGHTING HELMET

WHEREAS, John Wilson has served the Town of Black Mountain in a conscientious, dedicated and an exemplary manner; and

WHEREAS, G.S. 160A-294.1 provides that retiring members of municipal firefighting agencies may receive, at the time of their retirement, the firefighting helmet worn by them during their service with the municipality; and

WHEREAS, the Board of Aldermen, in their discretion desire to award Deputy Chief Wilson with his service badge worn by him during his service; and

WHEREAS, John Wilson has served as a member of the Town of Black Mountain Fire Department for a total of 35 years and is now retiring from the Town of Black Mountain on December 31st, 2020 as Deputy Fire Chief; and

WHEREAS, John Wilson should be recognized for his tireless commitment to his county and community, we recognize his thirty-five years of service and say thank you for a job well done;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain, North Carolina as follows: 1. The Town Manager or his designee is hereby authorized in accordance with the provisions of G.S. 160A-294.1 to transfer to John Wilson the firefighting helmet and badge worn by him during his service with the Town of Black Mountain Fire Department.

DULY ADOPTED this the 11th day of January 2021.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

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

Meeting Date: January 11, 2021

SUBJECT: COLA Increase for Employees

AGENDA INFORMATION

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

BRIEF SUMMARY: Due to COVID-19 and uncertain revenue projections, the fiscal year 20-21 budget allocated 1% COLA to begin in January. We budgeted a 15% decrease in revenues for fiscal 20-21 and the revenues thus far came in significantly better than -15%. The total amount for the increase in COLA from 1% to 3% is \$55,691.33.

MOTION FOR CONSIDERATION: To approve Budget Amendment FY 2021 - #11 in the amount of \$55,691.33.

FUNDING SOURCE: General Fund

ATTACHMENTS: Budget Amendment

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



Town of Black Mountain

160 Midland Avenue • Black Mountain, North Carolina 28711
Phone (828) 419-9310 • Fax (828) 669-4204 • TDD 800-735-2962
www.townofblackmountain.org

Mayor
Larry Harris

Town Manager
Josh Harrold

Board of Aldermen
Vice-Mayor Ryan Stone
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Doug Hay
Alderman Pamela King

Assistant to Town Manager/Town Clerk
Savannah Parrish

To: Honorable Mayor and Board of Aldermen
From: Josh Harrold, Town Manager *JH*
Subject: COLA Increase
Date: January 5, 2021

In the fiscal year 20-21 budget, the Town budgeted a 1% COLA increase to take effect in January 2021. In the past we've typically done a larger COLA increase, however; due to COVID-19 and the uncertainty with revenues, we budgeted conservatively. We are now six months through the fiscal year 20-21 budget and our revenues continue to come in better than our budgeted amounts. We are currently \$71,000 above our sales tax revenue budget. I would like to ask we increase our COLA from 1% to 3%. The difference is \$55,691.65. This amount would give all employees (full and part time) a salary increase of 3%. Our employees continue to work productively through the pandemic and have done an excellent job of providing the continued services our residents deserve.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Budget Amendment for Adjustment to COLA

#BA-FY-21-11

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8B
Department: Finance
Contact: Kirk Medlin, Finance Director
Presenter: Josh Harrold, Town Manager

SUMMARY: The original budget for FY 21 included a 1% COLA, which was to become effective January 1, 2021 pending the Town's financial position. After a careful examination of the revenue trends, several items – most notably, ad valorem taxes and sales taxes – are well above the budgeted amounts. As a result, we are asking for a 3% COLA in order to recognize the extra work done by the Town's employees during the COVID-19 pandemic. This amendment represents the additional 2% COLA and the related increase in benefit expenses (FICA, 401(k), retirement).

MOTION FOR CONSIDERATION: To approve Budget Amendment FY 2021 - #11 as submitted, increasing departmental totals as follows:

- Police - \$15,890
- Fire - \$13,400
- Administration - \$4,660
- Planning - \$3,230
- Water Operations - \$3,210
- Public Services – Streets - \$3,170
- Sanitation - \$3,050
- Parks & Recreation - \$2,810
- Public Services – Admin - \$2,250
- Golf Operations - \$1,540
- Water Customer Service - \$960
- Golf Pro Shop - \$930

FUNDING SOURCE: General Fund (\$48,460), Water Fund Balance Appropriation (\$4,170), Golf – Transfer from General Fund (\$2,470)

ATTACHMENTS: Budget Amendment - FY 2021 - #11

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2021-11
Fiscal Year 2020-2021

Dept.	Account #	Account Name	Debit	Credit	Comments
Admin	10-00-4200-020	Salaries	3,600.00		This amendment covers the request for an additional 2% of COLA, including the related expenses (FICA, 401(k), and retirement).
	10-00-4200-021	Salaries - PT	20.00		
	10-00-4200-050	FICA	270.00		
	10-00-4200-070	Retirement	600.00		
	10-00-4200-080	401(k)	170.00		
Planning	10-10-5400-020	Salaries	2,500.00		
	10-10-5400-050	FICA	190.00		
	10-10-5400-070	Retirement	420.00		
	10-10-5400-080	401(k)	120.00		
Police	10-10-5100-020	Salaries	12,000.00		
	10-10-5100-021	Salaries - PT	240.00		
	10-10-5100-050	FICA	950.00		
	10-10-5100-070	Retirement	2,100.00		
	10-10-5100-080	401(k)	600.00		
Fire	10-10-5300-020	Salaries	10,000.00		
	10-10-5300-021	Salaries - PT	500.00		
	10-10-5300-050	FICA	800.00		
	10-10-5300-070	Retirement	1,600.00		
	10-10-5300-080	401(k)	500.00		
Public Services - Admin	10-20-5550-020	Salaries	1,750.00		
	10-20-5550-050	FICA	130.00		
	10-20-5550-070	Retirement	290.00		
	10-20-5550-080	401(k)	80.00		
Public Services - Streets	10-20-5600-020	Salaries	2,400.00		
	10-20-5600-021	Salaries - PT	60.00		
	10-20-5600-050	FICA	190.00		
	10-20-5600-070	Retirement	400.00		
	10-20-5600-080	401(k)	120.00		
Sanitation	10-30-5800-020	Salaries	2,350.00		
	10-30-5800-050	FICA	180.00		
	10-30-5800-070	Retirement	400.00		
	10-30-5800-080	401(k)	120.00		
Parks & Rec	10-80-6190-020	Salaries	1,650.00		
	10-80-6190-021	Salaries - PT	100.00		
	10-80-6190-050	FICA	140.00		
	10-80-6190-070	Retirement	270.00		
	10-80-6190-080	401(k)	80.00		
Parks & Rec Lakeview	10-82-6190-020	Salaries	450.00		
	10-82-6190-050	FICA	30.00		
	10-82-6190-070	Retirement	70.00		
	10-82-6190-080	401(k)	20.00		
	10-00-3065-100	Sales Tax Article 39		48,460.00	

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

Meeting Date: January 11, 2021

SUBJECT: Buncombe County Dispatch Consolidation

AGENDA INFORMATION

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

BRIEF SUMMARY: Beginning in late 2019 staff began having conversations with Buncombe County leadership of the potential to combine dispatch services. Buncombe County currently provides dispatching for Weaverville and Woodfin. The Town of Black Mountain spends approximately \$240,000 per year in salaries and benefits. Buncombe County's cost to perform dispatch services for Black Mountain will be approximately \$161,000 per year.

MOTION FOR CONSIDERATION: To approve or deny Intergovernmental Agreement for consolidation of dispatch services.

FUNDING SOURCE: General Fund

ATTACHMENTS: Intergovernmental agreement

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

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

INTERGOVERNMENTAL
AGREEMENT BETWEEN BUNCOMBE COUNTY
AND TOWN OF BLACK MOUNTAIN

This Intergovernmental Agreement made and entered into this 1st day of January, 2021, by and between the County of Buncombe, a body politic and corporate, organized and existing under the laws of the State of North Carolina (hereinafter referred to as "County"), and the Town of Black Mountain, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Town").

WHEREAS, cities and counties are authorized to enter into joint undertakings as authorized by NCGS §153A-445 and Ch. 160A, Art. 20, Part 1 Joint Exercise of Powers;

WHEREAS, the County and Town wish to consolidate all 911 services in Buncombe County in order to provide the highest quality 911 service and lasting value for the residents of County;

WHEREAS, both parties agree that the County shall be responsible for receiving and dispatching all calls for service for the Town and County including Emergency Medical Services, Black Mountain Police Department, Black Mountain Fire Department, the Buncombe County Sheriff, and volunteer fire departments;

WHEREAS, County and the Town leadership have agreed that a 911 Call Center Consolidation is a mutually beneficial path for public safety entities in Buncombe County. The Parties agree that the benefit of 911 Call Center Consolidation include:

- Eliminate call transferring
- Staffing improvements to provide enhanced coverage for 24/7 operations
- More consistent and effective service delivery
- Greater opportunities for interagency response and backup
- Better data sharing between agencies and responders in the field
- Enhanced opportunity to leverage 911 Fund allocation
- Expanding opportunities for alternate response methods through consolidated training and procedures

WHEREAS, this Agreement establishes each party's commitment to Consolidation and sets forth the basic plan to consolidate personnel, share costs and an implementation timeline.

NOW THEREFORE, for and in consideration of the mutual promises contained herein, the parties hereby agree to the following:

OPERATION:

1. The parties agree that Buncombe County, through operational funding and 911 Board, will establish and maintain a Consolidated 911 Call Center (herein "Call Center") beginning January 1, 2021. Buncombe County will provide the backbone structure to provide important and necessary services such as payroll, employee benefits, facilities maintenance, budget/finance, legal, risk management and procurement.
2. The County will be responsible for taking and dispatching all calls for service for the Town starting January 1, 2021.
3. The Town will have access to dispatch through the County's Radio System.
4. The Call Center shall meet (1) NFPA's 1221 standards, (2) National Emergency Medical Dispatch ("EMD") standards for Accreditation and attaining accreditation, and (3) CALEA's Standards for Public Safety Communications Agencies.
5. The Town will be responsible for the upkeep and maintenance of its radio system.

PERSONNEL:

1. All employees of the Call Center shall be employees of Buncombe County and subject to the County's Personnel Ordinance and policies.
2. If applicable, the Town shall make arrangements to transfer all Town dispatch center staff who meet minimum qualification standards, at the time of cutover to the County. The Town staff will become employees of the County on January 4, 2021.
3. If applicable, the County shall offer each Town telecommunicator a full-time telecommunicator position with the County. Each Town telecommunicator will be treated as a new hire with the County which will include a 6-month probationary period. Supervisory and other specialty positions will be selected by the Division Manager and Emergency Services Director through Buncombe County's normal recruitment process.
4. It is the intent of this Agreement that the hiring of Town dispatch staff will take place, in alignment with Buncombe County Compensation Plan. Criteria which may render a participating dispatch center employee ineligible for County employment at the Call Center include, but are not limited to the following:

- a. Not eligible to work in the United States;
 - b. Failed background screening;
 - c. Inability to pass a drug test; and
 - d. Education level which is not equivalent to a high school diploma or higher.
5. Each Town telecommunicator has the option of declining the position with the County. Should the telecommunicator decline the position, neither party has an obligation to find the telecommunicator a different position in either organization.

TRANSITION:

1. Both parties agree to cooperate in the many complex elements involved in transitioning to a consolidated call center.
2. Both parties agree to follow the attached proposed implementation timeline plan to the best of each party's abilities. A copy of the Implementation Plan is attached as Exhibit A.

BUDGET:

The County will bill the Town \$80,865.54 for providing call taking services from January 1, 2021 through June 30, 2021. The Town shall make quarterly payments starting January 1, 2021. Starting July 1, 2021, the Town will pay annually \$161,731.08 multiplied by the Consumer Price Index, All Urban Consumers, published by the United States Department of Labor in effect as of April 30, 2021 (Annual Rate). Starting July 1, 2022, the Annual Rate shall be the 2021 Annual Rate multiplied by the April 30, 2022 CPI. Every future year shall be calculated by taking the previous year's Annual Rate and then multiplying the Annual Rate by the April 30 CPI. The new rate will always go into effect on July 1st.

RENEWAL

This Agreement shall automatically renew for a new term from July 1st through June 30th unless one of the parties terminates the Agreement as set forth below.

TERMINATION

Either party to this Agreement may terminate the Agreement by giving the other party written notice six months in advance of the July 1st renewal date.

PUBLIC INFORMATION REQUESTS

The County will be responsible for maintaining all call for service data for the Consolidated Call Center. The Town will have access to any Call Center data relating to the Town upon request.

The Town will be responsible for responding to a public record request directed towards the Town. The County will be responsible for providing the document and/or data to the Town, who in turn will be responsible for distributing the information to the requestor.

AMENDMENTS:

This Agreement may be amended by approval of the Black Mountain Town Council and the Buncombe County Board of Commissioners.

EFFECTIVE DATE:

This Agreement shall become effective when signed by all of the respective representatives. This Agreement is in place of, supersedes, and replaces any existing Interlocal 911 Agreement.

MISCELLANEOUS:

1. Notice. Except as otherwise provided in this Agreement, all notices and communications required to be sent pursuant to the terms of this Agreement shall be in writing and shall be delivered by hand delivery, certified mail, return receipt requested, or by Federal Express or similar overnight courier service, addressed as follows: To Town: Josh Harrold, Town Manager, Town of Black Mountain, 160 Midland Avenue, Black Mountain, NC 28711. To County: Avril Pinder, County Manager, 200 College Street, STE 300, Asheville, NC 28801. All such notices and other communications, which are addressed as provided in this Paragraph, shall be effective upon receipt. The parties hereto may from time to time change their respective addresses for the purpose of notice to that party by a similar notice specifying a new address, but no such change shall be deemed to have been given until it is actually received by the party sought to be charged with its contents.
2. Whole Agreement. This Agreement contains all of the agreements and representations between the parties with respect to the subject matter hereof. None of the terms of this Agreement shall be waived or modified to any extent, except by written instrument signed and delivered by both parties.
3. Severability/Survival. If any provision of this Agreement shall be declared invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect. The covenants contained in this Agreement, which by their terms require their performance after the expiration or termination of this Agreement, shall be enforceable notwithstanding the expiration or termination of this Agreement.
4. Governing Law. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of North Carolina.

5. Duplicate Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
6. Authority. The individuals signing this Agreement personally warrant that they have the right and power to enter into this Agreement on behalf of Town and County, to grant the rights granted under this Agreement, and to undertake the obligations undertaken in this Agreement.
7. Captions. The captions or headings in this Agreement are inserted only as a matter of convenience and for reference and they in no way define, limit, or describe the scope of this Agreement or the intent of any provision hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed in their respective names, the day and year first above written.

TOWN OF BLACK MOUNTAIN

By: _____

COUNTY OF BUNCOMBE

By: _____

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr.
ETAL

#O-20-20

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9A
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking the use of Town water and as such, is asking for a voluntary annexation into the Town. The Planning Board heard this request at their November 23, 2020, meeting and felt that the property would be a good addition and is a developable lot near UR-8 and would allow stream buffer protection.

MOTION FOR CONSIDERATION:

1. To open the public hearing for the proposed voluntary annexation for Buncombe County PIN #0619-88-6353.00000.
2. To close the public hearing.
3. To adopt ***Ordinance #O-20-20*** as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-20***, Voluntary Annexation Packet

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approved ***Ordinance #O-20-20*** as presented.

ORDINANCE #0-20-20

AN ORDINANCE ANNEXING THAT PROPERTY OF WM C HONEYCUTT JR ETAL, JUDY WOOD, AND NANCY CHAPIN SHOWN ON THAT PLAT RECORDED IN PLAT BOOK 0012 AT PAGE 0027 INTO THE TOWN OF BLACK MOUNTAIN

WHEREAS, Wm C Honeycutt, Jr ETAL, Judy Wood, and Nancy Chapin have requested that the Town of Black Mountain annex that property owned by Wm C Honeycutt Jr., ETAL, Judy Wood, and Nancy Chapin and described as that 16.46 acre tract of land shown on that plat recorded in Plat Book 0012 at Page 0027, Buncombe County Registry; and

WHEREAS, Wm C Honeycutt, Jr ETAL, Judy Wood, and Nancy Chapin own all of the property proposed to be annexed and submitted an application in their name and signed by them, so that such application and petition is signed by or on behalf of all the property owners as required by N.C.G.S. 160A-31 et seq.; and

WHEREAS, The Town Clerk has investigated the annexation petition and has certified that she found as a fact that the petition was signed by all owners of the property lying within the area to be annexed; and

WHEREAS, Wm C Honeycutt, Jr. ETAL, Judy Wood, and Nancy Chapin have asserted that no vested rights that they wish to retain after annexation; and

WHEREAS, a public hearing was held by the Board of Aldermen of the Town of Black Mountain after proper notice was given to the public and the parties; and

WHEREAS, the Town of Black Mountain will benefit from annexation of the proposed area to be annexed in that its annexation will allow the Town to regulate development and insure a use of such property that is beneficial to the area where it is located and not detrimental to the properties surrounding it.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the property described as being all of that 16.46 acre parcel of land shown on that plat record in Plat Book 0012 at Page 0027, Buncombe County Registry, is hereby annexed and made a part of the corporate limits of the Town of Black Mountain, North Carolina.

This ordinance shall become effective on the 11th day of January, if confirmed by the Board of Aldermen at its regular meeting in January, 2021. In the absence of a majority vote of the Board to confirm this ordinance at that meeting, it shall become void and have no force or effect.

I move the adoption of the foregoing ordinance.

Alderman

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 11th day of January, 2021.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Approved as to form:

Ronald Sneed, Town Attorney

LEGAL DESCRIPTION FOR VOLUNTARY ANNEXATION

BEING LOCATED WITHIN THE BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY NORTH CAROLINA AND BEING THE PROPERTY RECORDED AND DESCRIBED IN THE DEED RECORDED IN BOOK 1249 PAGE 459 (TRACT 6), SEE ALSO BOOK 765 PAGE 475, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET ON THE EASTERN MARGIN OF THE THIRTY FOOT PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD (FKA LAUREL DRIVE); SAID REBAR BEARING STATE PLANE COORDINATES (NAD83-2011) OF: NORTHING= 697,770.79 FEET AND EASTING= 1,018,295.26 FEET; THENCE FROM SAID POINT OF BEGINNING AND RUNNING WITH THE SAID EASTERN MARGIN OF THE PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD NORTH 03°27'50" EAST A DISTANCE OF 668.62 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE EASTERN BOUNDARIES OF THE PROPERTIES OF ROBERT & JAUNITA PADGETT (RECORDED IN DEED BOOK 1521 PAGE 343 & DEED BOOK 992 PAGE 319) THE FOLLOWING FIVE COURSES AND DISTANCES: 1) NORTH 74°19'08" EAST A DISTANCE OF 11.52 FEET TO A CALCULATED POINT, 2) NORTH 10°35'59" EAST A DISTANCE OF 132.83 FEET TO A #4 REBAR STANDING 0.7' ABOVE ADJACENT GRADE, 3) NORTH 24°18'52" EAST A DISTANCE OF 268.10 FEET TO A #4 REBAR STANDING FLUSH WITH ADJACENT GRADE, 4) SOUTH 86°11'04" EAST A DISTANCE OF 18.44 FEET TO A 1" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE, AND 5) NORTH 02°08'31" EAST A DISTANCE OF 99.99 FEET TO A 3/4" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE SOUTHERN BOUNDARY OF THE ROBERT PADGETT PROPERTY (RECORDED IN DEED BOOK 1511 PAGE 439) NORTH 82°19'32" EAST A DISTANCE OF 190.27 FEET TO A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET OVER A 48" DIAMETER CORRUGATED METAL CULVERT; THENCE RUNNING WITH THE SCOTT DOUGLAS HANEY PROPERTY (RECORDED IN DEED BOOK 5670 PAGE 1210) NORTH 83°41'05" EAST A DISTANCE OF 310.03 FEET TO A 3/4" DIAMETER IRON PIPE STANDING 0.1' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE ROGER & ADA COLE PROPERTY (RECORDED IN DEED BOOK 5583 PAGE 968) SOUTH 05°16'36" WEST A DISTANCE OF 322.17 FEET TO A 3/4" IRON PIPE STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE WILLIAM KEARNS & EVE BROSOWSKY PROPERTY (RECORDED IN DEED BOOK 4746 PAGE 238) AND ALSO WITH A PORTION OF THE JACK & FAYE JOHNSTON PROPERTY (RECORDED IN DEED BOOK 1703 PAGE 789) SOUTH 01°08'19" WEST A DISTANCE OF 421.49 FEET TO 1" AND 1-1/4" DIAMETER IRON PIPES DRIVEN NEXT TO ONE ANOTHER; THENCE CONTINUING WITH THE SAID JOHNSTON PROPERTY SOUTH 00°07'11" WEST A DISTANCE OF 141.80 FEET TO A 2" DIAMETER IRON PIN STANDING 0.3' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE KEVIN & RAMONA ROBINSON PROPERTY (RECORDED IN DEED BOOK 2012 PAGE 717) SOUTH 00°18'48" WEST A DISTANCE OF 162.11 FEET TO A 1/2" DIAMETER IRON PIPE STANDING 0.2' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE ALBERT & JESSICA ADKINS PROPERTY (RECORDED IN DEED BOOK 1820 PAGE 229) SOUTH 00°22'01" EAST A DISTANCE OF 229.51 FEET TO A 1" DIAMETER IRON PIPE STANDING 0.4' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE MICHAEL & LOUISE REED PROPERTY (RECORDED IN DEED BOOK 1475 PAGE 264) NORTH 82°58'29" WEST A DISTANCE OF 385.26 FEET TO A #5 REBAR STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE PROPERTY OF HEATH O. TWEED (RECORDED IN DEED BOOK 5590 PAGE 556) NORTH 82°59'45" WEST A DISTANCE OF 129.88 FEET TO A FLAGGED T-POST STANDING 1.0' ABOVE ADJACENT GRADE; THENCE NORTH 86°40'44" WEST A DISTANCE OF 156.42 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 16.816 ACRES.

VOLUNTARY ANNEXATION PETITION FORM**To: The Town of Black Mountain Board of Aldermen****Date:** 10/13/20

We, the undersigned, being all of the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☒ **contiguous** ☐ **non-contiguous** to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): 0619 88 6353 00000

Current County Zoning District: R-1

Town Zoning District designation requested: UR8

Buncombe County property tax valuation: \$224,600

Do you declare vested rights*? ☐ yes ☒ no

*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

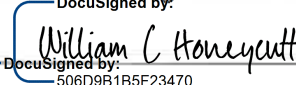
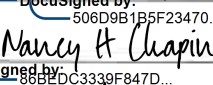
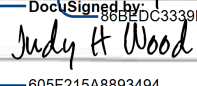
Are you requesting water service from the Town of Black Mountain? ☒ yes ☐ no

Number of existing residential dwelling units: 0 Number of commercial units: 0

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Board of Aldermen in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

Property Owner(s): Address: Signature: Date:

All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

william C Honeycutt :	DocuSigned by: 	11/6/2020
Nancy H Chapin :	DocuSigned by: 	11/6/2020
Judy H wood :	DocuSigned by: 	11/7/2020

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.

1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER F.I.R.M.#3710061900J, DATED 1/06/2010.

2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.

3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.

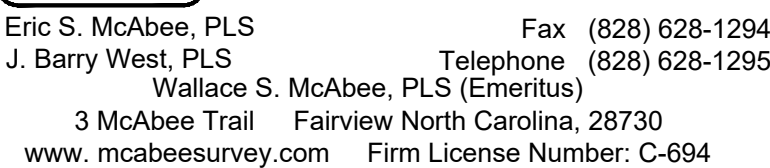
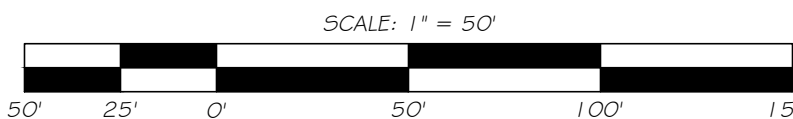
4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

5) AREA BY COORDINATE COMPUTATION.

6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ARE US SURVEY FEET MEASUREMENTS. THE COMBINED GRID FACTOR FOR THIS SURVEY IS 0.99978224.

7) SUBJECT PROPERTY IS ZONED "R-1" PER THE BUNCOMBE COUNTY ZONING ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

- DB 1779 PG 313
- DB 765 PG 475
- PB 12 PG 27
- UNRECORDED SURVEY BY HURLEY T. KING
TITLED "SURVEY FOR WILLIAM HONEYCUTT"

[illegible]

WM C. HONEYCUTT, JR.
(ET AL)

PIN: 0619-88-6353
SITE ADDRESS: N/A - VACANT SITE

BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, N.C.

ION FILE #:

DATE: 10/15/2020

PROJECT #: 13321

DRAWING #: G-20-5292

DRAWN BY: JBW

SCALE: $1'' = 50'$

CURRENT OWNER:
WM C HONEYCUTT, JR. (ET AL)

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL

#Z-O-20-06

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9B
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking annexation and if annexed would like the zoning designation of UR-8 (urban residential). The Planning Board heard this request at a special call meeting on December 15, 2020, and felt that since the property is contiguous with other UR-8 parcels, the UR-8 zoning designation is a good fit. The Planning Board voted 5-0 to recommend the UR-8 zoning designation.

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezone 99999 Laurel Drive from R-1 to UR-8.
2. To close the public hearing.
3. To adopt ***Zoning Ordinance #Z-O-20-06*** (statement of consistency included) to rezone 99999 Laurel Drive from R-1 to UR-8.
- 4.

FUNDING SOURCE: N/A

ATTACHMENTS: ***Zoning Ordinance #Z-O-20-06***, Rezoning Application, Rezoning Map, Aerial Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt Zoning Ordinance #Z-O-20-06 to rezone the property as presented.

ORDINANCE NO. #Z-O-20-06

**AN ORDINANCE AMENDING THE ZONING MAP FOR PROPERTY LOCATED AT
99999 Laurel Drive**

WHEREAS, the Town of Black Mountain has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance No. #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on January 11, 2010, Ordinance No. #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town and is determined to be reasonable and in the public interest for the following reasons:

- a. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan or elements thereof.
- c. The impact to the adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconveniences or harm to the community.
- d. The allowed uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BLACK MOUNTAIN
BOARD OF ALDERMEN THAT:**

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0619-88-6353.00000, recorded in Deed Book 1249, Page 0459 and currently owned by WM C Honeycutt Jr ETAL, from R-1 to Urban Residential (UR-8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part thereof.

This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 11th day of January, 2021.

Savannah Parrish, Town Clerk

Larry B. Harris Mayor

Approved as to form

Town of Black Mountain, NC

Annexation Petition

- SR-2
- UR-8
- Town Boundary

0619-88-6353



0 50 100 Yards





Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Planning Board Meeting Date: December 15, 2020

GENERAL INFORMATION

APPLICANT:	William C Honeycutt
HEARING TYPE:	Rezoning Request
REQUEST:	R-1 Residential District (Buncombe County) to UR-8 (Urban Residential District)
CONDITIONS:	This rezoning is for a parcel that is in the process of being annexed into the town.
LOCATION:	Parcel is off Brooks Cove Road
PARCEL ID NUMBER(S):	0619-88-6356-00000
PUBLIC NOTIFICATION:	The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 102 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	16.45 acres
TOPOGRAPHY:	14.85% slope
VEGETATION:	Wooded field

SITE DATA

EXISTING USE

Undeveloped Tract

SUMMARY OF DISTRICT PURPOSES

R-1 (Residential District)- Buncombe County	Purpose: The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-1	UR-8
Max. Density:	10 units/acre	8 units/acre
Front Setback:	10'	20'
Side Setback:	10'	10'
Rear Setback:	20'	15'
Min. Lot Size:	8,000 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None

Permitted Uses:

- Single-family residential dwelling, including modular
- Two residential dwelling units (attached or detached)
- Community oriented developments
- Subdivisions
- Community Living Facilities
- Government facilities
- Places of worship
- Public utilities
- Single-Family Residences
- Two-Family Residences (duplex)

- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Places of worship
- Family care home
- Home occupations
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals

Additional Requirements:

- | | |
|---|--|
| • HUD-labeled manufactured homes Residential | • Accessory structures |
| • Day nursery and private kindergarten (up to 8 students) | • Agriculture |
| | • Bed & Breakfast Homes |
| | • Boarding House |
| | • Camps, summer |
| | • Conference Centers |
| | • Family Care Homes |
| | • Home Occupations |
| | • Manufactured Home (on individual lots) |
| | • Market Gardens |
| | • Multi-family Residential |
| | • Secondary Dwellings |

Conditional Uses:

- | | |
|---|----------------------------------|
| • Planned unit developments, level I | • Bed & Breakfast Homes & Inns |
| • Private utility stations and substations, pumping stations, water and sewer plants, water | • Cultural, Community Facilities |
| | • Educational facilities |

storage tanks (2 acres or greater in total footprint)

- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)

Special Uses:

- Residential Special Use Developments:
- Conservation Subdivisions
- Cottage Housing (CHD)
- Residential Planned Unit Development (PUD)
- Manufactured Home Parks

Exclusions:

- All uses not specifically enumerated
- Correctional institutions
- All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellness Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A

Stream

A stream runs through the middle of the property.

Utilities

Water

N/A

Sewer

Sewer Line runs Along Brooks Cove Rd

Landscaping

There are no landscaping requirements for residential property.

Transportation

Street Classification

Town of Black Mountain Road – Brooks Cove Road

Site Access

Access is available from Brooks Cove Rd

Traffic Counts

N/A

Sidewalks

There are no sidewalks on Brooks Cove Rd

Transit in Vicinity

None

Traffic Impact Analysis (TIA)

Not required by Land Use Code

Street Connectivity

N/A

Other

N/A

IMPACT/POLICY ANALYSIS

The UR-8 district is the most similar town zoning district with the counties. UR-8 conforms to current zoning nearby.



REZONING WORKSHEET

PIN #: 0619-88-6353-00000

Current Zoning District: R-1 Requested Zoning District: UR-8

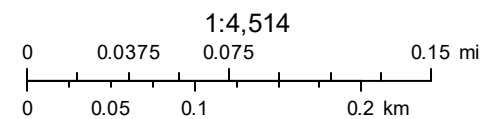
The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning () is / () is not reasonable compared to the size of the zoning district in which the subject property is located.
2. The proposed rezoning () is / () is not consistent with the comprehensive plan or elements thereof.
3. The impact to the adjacent property owners and the surrounding community () is / () is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.
4. The allowed uses with the proposed zoning district () are / () are not similar or comparable to the permitted uses as currently zoned.

Buncombe County



December 21, 2020





SUBDIVISION
Near Black Mountain, NC.

Selling Agents " Greenboro N.C.

June 30th 1926
scale 1 inch to 60 feet

Chas Engineer
Black Mountain, N.C.

J. L. FOX, Supervisor, writing
 Mrs. Susan Fox, 1116 E. 10th Street,
 Billings, Montana.
 True and accurate copy as
 given and received by me, J. L. Fox,
 on June 19, 1924, at the Billings
 Agency, Needle & N. Simpson,
 from the true North
 Billings.
 Seal the 10th day June 1924

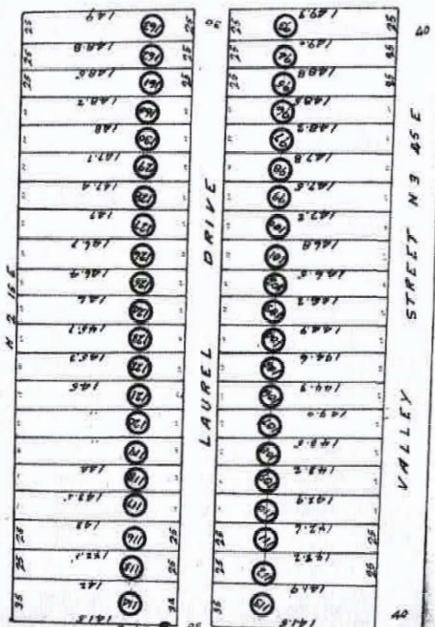
Elmer Lansing
 100 West 10th St.
 New York City

NORTH CAROLINA

The foregoing certificate of Elmer D. Lansing,
a Notary Public of Buncombe Co., duly authen-
ticated by his Material Seal thereto attached, is
judged to be correct. Let the instrument and the
certificates be registered.
This 3 day of July 1926

Poland

Chief Superior Court, Buncombe, Co.



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Public Hearing to Close Portion of Unopened, Platted Right-of-Way Parallel and Between W. College Street and Goldmont Street

#R-20-10

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9C
Department:	Planning & Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: David and Emily Carmona and Michael and Gretchen Glass have filed a petition to close a portion of a right-of-way between W. College Street and Goldmont Street. The properties that abut the right-of-way are 218 W. College Street and 74 Goldmont Street. The requested closure is approximately 50 feet in the length and 15 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommended the closure with a vote of 5-0 at the October 26, 2020 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION:

1. To open the public hearing for **Resolution #R-20-10** to Close Unopened, Platted Right-of-Way Parallel and Between W. College Street and Goldmont Street.
2. To close the public hearing.
3. To approve **Resolution #R-20-10** for the street closure.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution **#R-20-10**, Map, Aerial Photo

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve **Resolution #R-20-10** as presented.

RESOLUTION #R-20-10

RESOLUTION TO CLOSE A PORTION OF AN UNOPENED, PLATTED RIGHT-OF-WAY PARALLEL AND BETWEEN W. COLLEGE STREET AND GOLDMONT STREET

WHEREAS, the Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street; and

WHEREAS, the Planning Board for the Town of Black Mountain did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a point in the northwest corner of Lot 92, Block G, Plat Book 198, Page 20, Buncombe County Registry; thence from said Beginning with western boundary of said Lot 92 South 2° 30' West 50 feet to the southwest corner of said lot; thence North 87° 30' West 15 feet to the southeast corner of Lot 97, Block G, Plat Book 19, Page 20, Buncombe County Registry; thence with the eastern boundary of said Lot 97 North 2° 30' East 50 feet to the northeast corner of said Lot 97; thence South 87° 30' East 1 feet to the BEGINNING.

WHEREAS, the Board of Aldermen of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 9th day of November, 2020 and for good cause shown, the Board of Aldermen declared its intent to close the described unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street; and

WHEREAS, a copy of the resolution adopted by the Board of Aldermen at their November 9, 2020 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street was posted at two prominent places along said street no later than December 21, 2020; and

WHEREAS, a public hearing was held to received public comment at the regular meeting of the Board of Aldermen in the Board meeting room in the Town Hall Building on Monday, January 11, 2021 at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Board of Aldermen that closing the described unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street would be hereby deprived of reasonable means of ingress or egress; but

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain that:

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, this the 11th day of January, 2021.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

Buncombe County



October 5, 2020

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 11, 2021

SUBJECT: Public Hearing for Text Amendments to Village of Cheshire Master Plan
#O-20-19

AGENDA INFORMATION

Agenda Location: PUBLIC HEARING
Item Number: 9D
Department: Planning and Development Department
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: Jacobs Cottages was added to the Cheshire Master Plan in 2015. Six additional lots were added in 2016. During all of this, the actual design requirements were not adopted. The amendment proposed is to add the design requirements for the Cottage Court design and incorporate that into the Village of Cheshire Master Plan.

The Planning Board considered this amendment at their November 23, 2020, meeting and made the following motion:

To recommend the amendment as presented applicable only to the Jacobs Cottages development and that the amendment is consistent with the comprehensive plan and reasonable because it allows adequate density development on existing infrastructure and is keeping with the compatibility of the existing Jacobs Cottage neighborhood.

The motion was approved by a vote of 5-0 with Jesse Gardner recusing himself from voting as he represents the client proposing the text amendment.

MOTION FOR CONSIDERATION:

1. To open the public hearing for ***Ordinance #O-20-19*** for amendments to the Village of Cheshire Master Plan.
2. To close the public hearing.
3. To adopt ***Ordinance #O-20-19*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-19***, Cottage Court Design Standards

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-19*** as

presented.

ORDINANCE #0-20-19

**AN ORDINANCE TO AMEND THE VILLAGE OF CHESHIRE MASTER PLAN TO
ADD COTTAGE COURT DESIGN STANDARDS**

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it allows adequate density residential development on existing infrastructure and keeping with the compatibility of the existing Jacobs Cottage neighborhood;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Board of Aldermen find that the land use code text amendment is reasonable and in the public interest because of the following findings:

- Has appropriate infrastructure for the proposed development
- Promotes smaller residential development that is consistent with the existing neighborhood

WHEREAS, the Board of Aldermen find that this amendment is consistent with the Town of Black Mountain Comprehensive Plan 2014 update in the following ways:

- Vision Statement 9: Community Planning – ensuring that development is compatible with existing neighborhood and infrastructure

WHEREAS, after notice duly given, a public hearing was held on January 11, 2021, as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Village of Cheshire Master Plan, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

The Cottage Court Design Standards are attached as a separate document.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 11th day of January, 2021.

Larry B. Harris, Mayor

ATTEST:

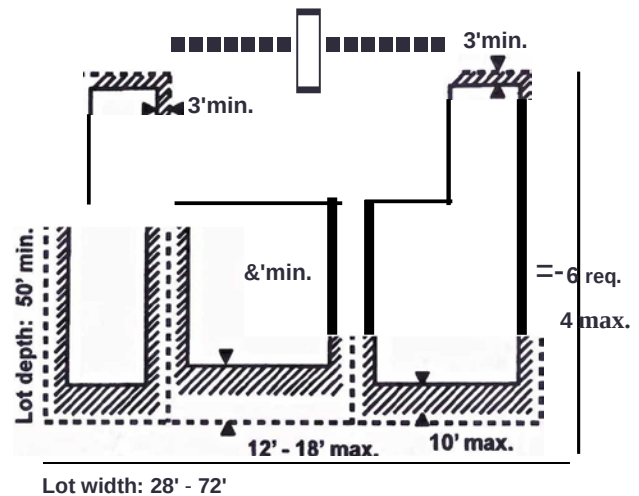
Savannah Parrish, Town Clerk

DESIGN CODE

Urban Standards, General Zone

NEIGHBORHOOD GENERAL- COTTAGE COURT

A Cottage Court is a single-family dwelling, smaller than a house, on a separate lot or sharing a lot with other cottages on a court. Within the Neighborhood General this type occupies lots 28 to 72 feet in width by a minimum depth of 50 feet. The principle building setbacks measured from the lot lines shall be 12 feet minimum from the frontage, 6 feet minimum from each side, and 3' minimum from the rear. Porches, stoops, and balconies may encroach into the setbacks. Principle buildings may **be a** maximum of two and one-half stories tall. An ancillary building containing a garage and/or apartment (not exceeding 500 square feet in footprint) is permitted in the rear yard. The ancillary building shall be setback 3 feet minimum from the alley. A single story structure of a maximum width of 12 feet may connect the house to the ancillary building. parking shall be provided at the rear of the lot and/or in a common parking area.



Lot size	28' x 40' min.
<u>Building Setbacks</u>	
at <u>Building Frontage</u>	12 to 18ft.
at <u>Building Side</u>	6ft. min.
at <u>Building Rear</u>	3 ft. min.
at <u>Outbuilding Rear</u>	3ft. min.
<u>Building Frontage</u> at setback	60% of lot width min.
Encroachments	
at <u>Building Frontage</u>	10 ft. max.
at <u>Building Side</u>	2ft- maL
<u>Height</u>	2.5 storie1 maL
of First Floor above <u>grade</u>	2.5 ft. min.
<u>Parking</u>	1 sp per bldg., 1 sp per outbuilding

