TOWN OF BLACK MOUNTAIN

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

Date: **May 10, 2021** Time: **6:00 p.m.** **Regular Session Minutes**

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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 Ryan Stone
Council Member Archie Pertiller
Council Member Ryan Stone
Council Member Tim Raines
Council Member Doug Hay
Council Member Pam King

The following staff members were present:
Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Jennifer Tipton, Senior Admin
Ron Sneed, Town Attorney

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Mayor Harris offered the invocation.

PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read a proclamation in recognition of the pro bono work done by local attorneys, Barrett McFatter and Bill Christy.

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.

Manager Josh Harrold and Finance Director Tammy Holland presented the consent agenda to the Town Council.

A. Adoption of Minutes

Motion: *To adopt the minutes of April 8, 2021 Agenda Workshop and the April 12, 2021 Regular Session Meeting.*

B. Fire Department Donation Budget Amendment

Motion: *To approve the budget amendment as presented.*

C. Duke Energy Grant Budget Amendment

Motion: *To approve the budget amendment as presented.*

D. Police Department Revenue Budget Amendment

Motion: *To approve the budget amendment as presented.*

E. Tomahawk Dam Repair Budget Amendment

Motion: *To approve the budget amendment as presented.*

F. Fire Department Special Revenue Fund Budget Amendment

Motion: *To approve the budget amendment as presented.*

G. Powell Bill Budget Amendment

Motion: *To approve the budget amendment as presented.*

H. Call for Public Hearing for Text Amendments to Comply with Chapter 160D ***#O-21-05***

Motion: *To call for a public hearing for text amendments to comply with Chapter 160D to be held on Monday, June 14, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

I. Call for Public Hearing for Elevate Black Mountain

Motion: *To call for a public hearing for Elevate Black Mountain to be held on Monday, June 14, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

J. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street and Central Avenue ***#R-21-08***

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between W. College Street, Goldmont Street, and Central Avenue to be held on Monday, July 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

K. Call for Public Hearing to Create a Stormwater Utility Ordinance ***#O-21-06***

Motion: *To call for a public hearing to create a stormwater utility ordinance to be held on Monday, June 14, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

L. Call for Public Hearing to Create a Stormwater Utility Fund

Motion: *To call for a public hearing to create a stormwater utility fund to be held on Monday, June 14, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

M. Resolution to Provide Matching Funds for Ninth Street Bridge Replacement ***#R-21-07***

Motion: To approve ***Resolution #R-21-07*** to provide matching funds in the amount of $136,000 for the Ninth Street Bridge replacement.

N. Approval of Contract for Audit Services.

Motion: *to approve contract for audit services for the fiscal year ending June 30, 2021.*

Vice Mayor Ryan Stone moved to approve consent items A-N as presented. The motion was approved by a vote of 5-0

CITIZEN COMMENTS

Manager Harrold read the following citizen comment:

> Charlotte McRaine - I applaud staff for the draft of the new procedures for reviewing applications for Boards and Commissions and making recommendations of applicants to the Town Council. I did note, however, that that section of the policy did not specify how the actual nomination and election of those applicants would be handled by the Town Council. Will the Nomination-and-Ballot process specified for Town Council vacancies also be used for Boards and Commission vacancies? Since staff noted that this is the preferred methodology, it seems appropriate that the policies and procedures should be clarified to indicate that this methodology will apply to ALL board, commission and council vacancies.

UNFINISHED BUSINESS

Manager Harrold presented an update on the Riverwalk Greenway. Fred Grogan of Michael Baker Engineering entered the meeting to present. Mr. Grogan stated that he felt that the only two viable options are the route Hemphill property or the route through town. Manager Harrold stated he would need guidance from the Town Council in order to decide how to move forward. There was some discussion from the Town Attorney, the Mayor, and the Council on the best way to move forward.

NEW BUSINESS

Julia Weatherford of the Greenways Trails Committee joined the meeting to present information concerning funds the committee would like to donate to the town. The donation would be for the specific use of making drainage improvements to the greenway near the Community Garden. The funding is being made available through previous funding raising efforts in the name of the town Greenway system. The Greenway Commission voted unanimously to accept the funding and project.

Council Member Archie Pertiller moved to accept the donations from the Greenways Trails Committee. The motion was approved by a vote of 5-0.

Manager Harrold presented the draft of the Board and Commissions Appointment Policy to the council. Several suggestions were made by the council to amend the draft policy.

Council Member Doug Hay moved to approve policy as amended. The motion was approved by a vote of 5-0.

Erin Van Note, Executive Director of Black Mountain Montessori joined the meeting to present the proposed playground changes to the council. Black Mountain Montessori School, located at the Carver Center, is seeking to renovate the existing playground on the east side of the building. She stated that the Montessori School is also asking the Town for help by providing labor for the renovation. Should the Montessori School move from the Carver Center, the new playground equipment would remain at the Carver Center.

Council Member Archie Pertiller moved to approve the request to renovate the playground. The motion was approved by a vote of 5-0.

Manager Harrold presented the Personnel Policy Amendment. The Town participates in the NC Blue Cross Blue Shield State Health Plan. It is therefore required that policies adhere to any changes required by the State Health Plan. As of January 1, 2021, new employees are not eligible for continuation of their health insurance benefits after providing that the retiree has 15 years of service with the Town immediately preceding retirement

Council Member Pam King moved to amend the personnel policy as presented. The motion was approved by a vote of 5-0.

Manager Harrold presented the proposed career ladder for the Black Mountain Fire Department. The career ladder will add Driver Operator to the classification chart as well as add duties and requirements to the Senior Firefighter position. This would allow employees at the fire department to promote and earn raises more easily.

Council Member Tim Raines moved to approve career ladder. The motion was approved by a vote of 5-0.

PUBLIC HEARINGS

Public Hearing for Voluntary Annexation for 201 and 207 Old Toll Road

Vice Mayor Ryan Stone moved to public hearing for the proposed voluntary annexation for 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000). The motion was approved by a vote of 5-0.

Jennifer Tipton stated that Brownie and Elizabeth Newman have purchased 201 and 207 Old Toll Road. The properties are located outside of city limits and the Newman's would like to place additional structures on the properties and will need additional water from the Town so they are seeking voluntary annexation of these two parcels.

There were no public comments.

Council Member Pam King moved to close the public hearing. The motion was approved by a vote of 5-0.

Council Member moved to adopt Ordinance #O-21-03 as presented. The motion was approved by a vote of 5-0.

Public Hearing for Rezoning of 201 and 207 Old Toll Road

Vice Mayor Ryan Stone moved to open the public hearing to rezone 201 and 207 Old Toll Road from R-1 to UR-8. The motion was approved by a vote of 5-0.

Jennifer Tipton stated that the Newmans requested UR-8 zoning, which is consistent with the comprehensive plan and surrounding parcels.

There were no public comments.

Vice Mayor Ryan Stone moved close the public hearing. The motion was approved by a vote of 5-0.

Council Member Archie Pertiller moved to adopt Zoning Ordinance #Z-O-21-01 (statement of consistency included) to rezone 201 and 207 Old Toll Road from R-1 to UR-8. The motion was approved by a vote of 5-0.

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

Vice Mayor Ryan moved to open the public hearing for Resolution #R-21-06 to Close Unopened, Platte Portion of Right-of-Way Parallel and Between W. College Street and

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

Jennifer Tipton stated that Planning Board has submitted a petition to close a larger area of the right-of-way between Goldmont Street and W. College Street. The requested portion runs from north Goldmont Street to the intersection of Ash Street and Central Avenue. 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 5-1 at the February 22, 2021 meeting.

Manager Harrold read the following public comments:

1. Gretchen Glass- I am writing today to support the closure of the utility right-of-way between Goldmont Street and West College Street. Acquiring the alley behind our property will allow us to expand our yard, as we are currently building an addition on our house. The possibility of having an area to add a shed will certainly help us with much needed storage space because we do not have a garage. This alley is currently left without proper maintenance and it is growing between our fence posts, looking unsightly. Proper maintenance will also deter dangerous pests such as snakes and ticks, which will help keep our families safe. Use of this unassigned property has also caused neighborhood conflicts in the past. Allowing property owners adjacent to the utility right-of-way to obtain each corresponding portion of the alley will permanently end such discrepancies. I support the Town of Black Mountain's option provided to those opposing the closure of the utility right-of-way to individually contact the tax office to decline the movement of their own property lines. This option offers a solution to each property owner without affecting the preferences of their neighbors. There appears to be many benefits to home owners who wish to gain the alley space adjacent to their properties. Thank you for presenting this option to us and I very much look forward to obtaining, maintaining, and putting this space to proper use.

2. James Full and Courtney Halcomb - My wife and I plus several abutters have supported closure multiple times over the last couple years. In a new letter to Council, we will state the positive reasons for which this was initiated. Prior correspondence in the Public Record should be included in the consideration by Council. We have plans to maintain and improve the native vegetation on the abandoned overgrown section, contain/absorb rain fall, and willingly accept adding the additional square footage to the tax rolls, to the benefit of Black Mountain (and Buncombe County).

Council Member Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Council Member Archie Pertiller moved to approve Resolution #R-21-06 for the right-of-way closure. The motion was approved by a vote of 5-0.

Public Hearing for Text Amendments to Open Space Requirements in Major Subdivisions

Vice Mayor Ryan Stone move to open the public hearing for Ordinance #O-21-04 for amendments to open space requirements in major subdivisions. The motion was approved by a vote of 5-0.

Jennifer Tipton presented the proposed amendment, which would increase the amount of

open space requirements for major subdivisions. The amendment changes the requirement from five percent to fifteen percent. The changes is in response to feedback from citizens about providing more greenspace and open space for developments. The Planning Board voted 7-0 to recommended the amendment at their March 22, 2021

Council Member Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Vice Mayor Ryan Stone moved to continue this public hearing at the regular session meeting to be held on June 14, 2021. The motion was approved by a vote of 5-0.

COMMUNICATION FROM STAFF

Town Attorney – Ron Sneed mentioned that there is a proposal to modernize the Buncombe County Library System, which would require the closure and relocation of the Black Mountain Library. The Buncombe County Commissioners will hear the presentation later in the month, but will not vote immediately on the proposal.

Attorney Sneed also reviewed several bills in the state legislature that could impact the Town should they pass.

Town Manager – Josh Harrold shared that town hall would be closed for Memorial Day on May 31, 2021. He also informed the council that guidance from the United States Treasury concerning the American Rescue Plan Act was released, and will be reviewed by staff.

COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Harris informed the public that there would be a special call meetings on May 13, 2021.

ADJOURNMENT

There being no further business Mayor Larry B. Harris adjourned the meeting at 7:34 p.m.

ATTEST:

Savannah M. Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager