



TOWN OF BLACK MOUNTAIN

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

Date: **June 14, 2021**

Time: **6:00 p.m.**

Regular Session Minutes

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Conserve resources; print only when necessary.

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*Should you need other assistance or accommodation for this meeting, please contact
Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

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
Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

Mayor Harris welcomed members of the public and led the Pledge of Allegiance. Mayor Harris offered the invocation. Mayor Harris introduced Dr. David Phillips, pastor of First Baptist Church Black Mountain. Dr. Phillips offered the invocation.

PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read a proclamation in honor of Council Member Tim Raines. Council Member Raines resigned from the Town of Black Mountain Town Council, and his resignation took effect after the June 14, 2021 regular session meeting.

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 presented the consent agenda to the Town Council.

A. Adoption of Minutes

Motion: *To adopt the minutes of the May 10, 2021 regular session meeting, the May 6, 2021 agenda meeting, the May 13, 2021 special call meeting, the May 20, 2021 special call meeting, and the May 27, 2021 special call meeting.*

B. Call for Public Hearing for Text Amendments to add Conditional Zoning

Motion: *To call for a public hearing for text amendments to add conditional zoning 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, 160 Midland Avenue.*

C. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street (Southern End)

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street (southern end) to be held on Monday, August 9, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

D. Adoption of the Buncombe Madison Hazard Mitigation Plan

Motion: *To approve **Resolution #R-21-11** to adopt the Buncombe Madison Hazard Mitigation Plan.*

E. Appropriate budgeted funds from Contingency

Motion: *To approve contingency fund appropriations.*

F. Consideration of Revisions to the Town's Purchasing and Uniform Guidance Policies

Motion: *To approve revised purchasing policy and the Uniform Guidance Policy.*

G. Budget Amendment to recognize Covid-19 relief funds received from the county and budget additional funds in expense lines used to pay for approved Covid-19 expenses.

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

H. Budget Amendment to approve proceeds from the sale of 2992 Hwy 70 to pay down the debt principle.

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

I. Budget Amendment to transfer funds from the Fire Department Special Revenue Fund to purchase Fitness Equipment for the Fire Station.

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

J. Budget Amendment to transfer funds from Police Department Forfeiture Treasury fund balance to purchase two police vehicles.

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

K. Resolution to accept American Rescue Plan Funds **#R-21-10**

Motion: *To adopt Resolution #R-21-10 to accept ARP Funds.*

Consent Motion: *To approve consent items A-K as presented.*

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 citizen comments from Connie Pruitt and Constance Rosata, both in opposition to the proposed Buncombe County Library Master plan.

Mayor Harris stated that the county commissions have no plans to move forward with the Library Master Plan at this time.

UNFINISHED BUSINESS

A. Riverwalk Greenway Update

Manager Harrold presented an update on the Riverwalk Greenway. Mayor Harris asked that this matter be placed on the agenda at the regular session meeting on July 12, 2021 so that the council may vote on an alternate route.

NEW BUSINESS

A. Planning Board Appointment

Town Clerk Savannah Parrish provided ballots to each Town Council Member in order to facilitate a vote on the Planning Board appointment for an unexpired term ending June 30, 2022. Each ballot was read in the meeting, and the ballots are attached and made part of these minutes.

Council Member Archie Pertiller moved to appoint Shawn Slome to fill an unexpired term ending June 30, 2021 by a vote of 5 to 0.

B. Fire Protection, Ambulance and Rescue Service Agreement.

Attorney Ron Sneed presented the proposed agreement to the Council. The Town contracts with Buncombe County to provide fire protection services, first responder services, emergency rescue services within the East Buncombe Fire District, as well as operational locations and first responder assistance to ambulance services in that fire district.

Vice Mayor Ryan Stone moved to approve the Fire Protection, Ambulance, and Rescue Service Agreement as presented. The motion was approved by a vote of 5-0.

C. Black Mountain Greenways and Trails Committee Pollinator Garden Proposal

Ann Lutz presented the Greenways and Trails Committee Pollinator Garden Proposal. The Greenways and Trails Committee asked for permission to process with a renovation of garden strip on Charlotte Street that is part of the Village Greenway. Village Greenway is a short, safe passage between the Primary and Elementary Schools. The section under discussion runs behind the Super 8 Motel.

Council Member Doug Hay moved to approve the proposed renovation of the Charlotte St. Garden. The motion was approved by a vote of 5-0.

D. Ordinance to create a Grant Project Fund Ordinance for the American Rescue Plan Act transactions

Manager Harrold presented ordinance to create a grant project fund for the American Rescue Plan Act transactions. The budget ordinance appropriates \$2,390,000 for Council to expend over four years (through December 31, 2024) for projects and initiatives that meet the legal requirements of the grant funds.

Council Member Archie Pertiller moved to adopt ordinance 0-21-09 as presented. The motion was approved by a vote of 5-0.

PUBLIC HEARINGS

A. Public Hearing for Text Amendments to Open Space Requirements in Major Subdivisions (continued from the May 10, 2021 regular session meeting)

Vice Mayor Ryan Stone moved 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.

Planning Director Jessica Trotman 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. She also clarified how this ordinance applies in light of stormwater requirements. 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 recommend the amendment at their March 22, 2021.

There were no public comments.

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 adopt Ordinance O-21-04 (statement of consistency included) as presented. The motion was approved by a vote of 5-0.

B. Public Hearing to Create a Stormwater Utility Ordinance

Council Member Pam King moved to open the public hearing for Ordinance 0-21-06 to create a stormwater utility ordinance. The motion was approved by a vote of 5-0.

Planning Director Jessica Trotman presented the proposed ordinance. The ordinance is being created to comply with the NPDES permit.

Lisa Milton made a public comment.

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

Vice Mayor Ryan Stone moved to adopt Ordinance O-21-06 as presented. The motion was approved by a vote of 5-0.

C. Public Hearing to Create a Stormwater Utility Fund

Council Member Tim Raines moved to open the public hearing to create a stormwater utility fund. The motion was approved by a vote of 5-0.

Planning Director Jessica Trotman presented the stormwater utility fund. The purpose of the fund is to hold the funds generated from the stormwater utility and will be used for stormwater projects and other items related to the NPDES permit.

Director Trotman answered questions from the Town Council. There were no public comments.

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

Vice Mayor Ryan Stone moved to adopt ordinance O-21-06.

D. Public Hearing for Elevate Black Mountain

Council Member Doug Hay moved to open the public hearing for Elevate Black Mountain. The motion was approved by a vote of 5-0.

Planning Director Jessica Trotman introduced Nate Baker. Mr. Baker introduced the comprehensive plan to the Town Council, and made a brief presentation. The plan was informed by one-on-one interviews and public meetings and online meetings and surveys. The plan has been through a public comment period and the Planning Board recommended the plan be forwarded to the Town Council for adoption at their February 22, 2021 meeting with a vote of 6-0.

Manager Harrold read a public comment from Charlotte McRaine.

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

Vice Mayor Ryan Stone moved to approve Elevate Black Mountain as presented. The motion was approved by a vote of 5-0.

E. Public Hearing for Text Amendments to Comply with Chapter 160D

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

Attorney Anna Stearns presented Chapter 160D, which consolidates, reorganizes, and modernizes the state's planning and development regulation statutes and repeals the existing statutes that are collected and merged into this new chapter of the General Statutes. The amendments address all mandatory changes made by Chapter 160D and also address some sentence structure and readability. The Planning Board made a recommendation to move the forward the amendments to the Town Council as presented at their May 24, 2021 meeting by a vote of 6-0.

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

Council Member Doug Hay moved to adopt Ordinance #O-21-05 (statement of consistency included) as presented. The motion was approved by a vote of 5-0.

COMMUNICATION FROM STAFF

Town Attorney – Attorney Sneed reviewed a bills in the state legislature that could impact the Town should it pass, as it changes the definition of a single family residence.

Town Manager – Josh Harrold shared that town hall would be closed for July 4th on Monday July 5, 2021. He also informed the public that the budget public hearing will take place on June 21, 2021.

CLOSED SESSION

Vice Mayor Ryan Stone moved to enter into closed session to discuss personnel matters as permitted by North Carolina General Statute 143-318.11(6). The motion was approved by a vote of 5-0.

Council Returned to Open Session.

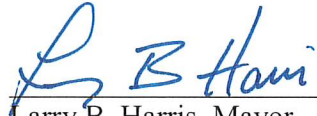
Council Member Tim Raines moved to increase the salary of Charlie Russel by \$15,000. The motion was approved by a vote of 5-0.

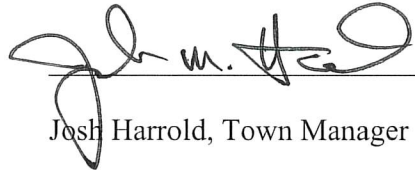
ADJOURNMENT

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