



TOWN OF BLACK MOUNTAIN

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

Date: August 9, 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*

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 6:07 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 Doug Hay
Council Member Pam King
Council Member Bill Christy

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director
Chris Kuhn, Interim Police Chief
Scottie Harris, Fire Chief
Ron Sneed, Town Attorney

**The meeting was delayed by protestors objecting to the requirement that the public wear a mask while attending Town Council meetings due to the ongoing COVID-19 pandemic.*

Mayor Harris welcomed members of the public and led the Pledge of Allegiance. Public Works Director Jamey Matthews offered an invocation.

Mayor Harris called for a motion to add an agenda item.

Council Member Archie Pertiller moved to add Item 8F to the agenda: COVID-19 Discussion. The motion was approved by a vote of 5-0.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read a proclamation in honor of retired Police Chief Shawn Freeman and thanked him for his service. A copy of the proclamation is included in official town records.

3. CITIZEN COMMENTS

Jane Burns of 40 Hunting Lodge Drive addressed the Town Council concerning the COVID-19 pandemic and asked the Town Clerk to distribute a card with a website address to the Town Council.

Manager Josh Harrold read the following comment from Shawn Slome of 115 3rd Street:

I would like to share an idea relating to Veterans Park, the Community Garden, and the associated park real estate.

Would the Town Council consider creating a new master plan for Veterans Park?

- Veterans Park has so much more potential.
- It could become a major attraction for visitors and locals.
- The Swannanoa River is a natural anchor for the park.
- Some of the infrastructure and improvements are already in place.
- Plan to integrate the massive Montreat trail system across the river.
- The Park could provide access to more healthy activities in nature, similar to those The Town has been hoping for in our Greenway.
- Our beloved Community Garden is of great pride to our community. The master plan could establish a permanent home for the garden by supporting the construction of facilities it requires in order to reach its full potential.
- This plan could incorporate building a new community center along with any ancillary uses by replacing the obsolete Gray Eagle building and also by possibly relocating the fire station.
- The new Blue Ridge Road interchange will generate commercial growth in the area and make the park more appealing. Why not get ahead of it and prepare for what is coming.

We are blessed to have stunning natural attractions already established in Veterans Park. With a well-conceived master plan, I can envision the park being a destination for the many visitors to our area, improving our local economy, and enhancing the quality of life for its citizens. Thank you for your consideration.

Jud Dougherty 5 Old Cove, the chairman of the Black Mountain Library Board addressed the Town Council of behalf of the Library Board. The library is doing well. The Board is searching for two board members to replace outgoing members.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

There were no communications from staff, councils, commissions, or agencies.

5. CONSENT AGENDA

Manager Josh Harrold presented the consent agenda to the Town Council.

A. Adoption of Minutes

Motion: *To adopt the minutes of the July 12, 2021, Regular Session Meeting, the July 12, 2021 Closed Session Meeting, the July 8, 2021 Agenda Meeting, the July 22, 2021 Special Call Meeting, and the June 14, 2021 Closed Session meeting.*

B. Resolution Exempting the Town of Black Mountain from G.S. 142-64.31 #R-21-13

Motion: *To approve Resolution #R-21-13 as presented.*

C. Resolution Awarding Police Chief Shawn Freeman his duty weapon and badge. #R-21-15

Motion: *To approve Resolution #R-21-15 as presented.*

D. Budget Amendment to Transfer Fire Department Budget to the new Fire Department Fund

Motion: *To approve the budget amendment as presented*

E. Budget Amendment for the Swannanoa River Restoration

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

F. Resolution for Creation of The Developmental Services Special Revenue Fund #R-21-16

Motion: *To approve Resolution #R-21-16 as presented.*

G. Swannanoa River Restoration Capital Project Fund Ordinance #0-21-12

Motion: *To approve the Swannanoa River Restoration Capital Project Fund Ordinance*

H. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Alexander Street

Motion: *To call for the public hearing to close an unopened, platted portion of Alexander Street to be held on Monday, October 11, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

I. Resolution for North Carolina League of Municipalities Insurance #R-21-18

Motion: *To approve Resolution #R-21-18 as presented.*

J. Resolution for Creation of Technology Special Revenue Fund #R-21-19

Motion: *To approve Resolution #R-21-19 as presented.*

Vice Mayor Ryan Stone moved to approve Consent Items A-J as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS – None

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Department of Transportation I-40 Interchange Discussion

Mike Clark began the presentation virtually via Zoom, however there were several technical issues and Planning Director Jessica Trotman finished the presentation and answered questions from the Town Council. The design for the I-40 interchange that was originally selected by the Town Council is no longer due to a Duke Energy's transmission line.

Vice Mayor Ryan Stone moved to approve I-40 Interchange design option three. The motion was approved by a vote of 5-0.

B. Art in the Afternoon Lease Agreement

Manager Josh Harrold presented the Art in the Afternoon Lease Agreement. The terms remain the same as the previous year.

Council Member Archie Pertiller moved to approve the Art in the Afternoon Lease Agreement as presented. The motion was approved by a vote of 5-0.

C. Resolution for Affordable Housing Effort

Planning Director Jessica Trotman presented the Resolution to Support Affordable Housing Efforts. She clarified that this resolution does not commit the Town to any project, only that staff will continue working to identify opportunities for affordable housing.

Council Member Pam King moved to approve Resolution #R-21-14. The motion was approved by a vote of 5-0.

D. Black Mountain Pickleball Group MOU

Parks and Recreation Director Josh Henderson presented the information to the Town Council. The Black Mountain Pickleball Group is requesting to operate their club with the assistance and use of town facilities under a formalized agreement.

Vice Mayor Ryan Stone moved to approve the Memorandum of Understanding as presented. The motion was approved by a vote of 5-0.

E. Owen Warhorse Youth Football & Cheerleading (OWYFC) MOU

Owen Warhorse Youth Football and Cheerleading has been using fields at Veterans Parks for years without any formal agreement in place. They are a community organization providing youth sports and are seeking the use of town facilities to support the function of their organization.

Council Member Archie Pertiller moved to approve the Memorandum of Understanding and amendments as presented. The motion was approved by a vote of 5-0.

F. COVID-19 Discussion

Mayor Harris reviewed the safety protocols which he asked the Manager to implement. The updated protocols include a mask mandate and weekly COVID-19 testing for unvaccinated employees. Manager Harrold reviewed the protocol for employees who test positive for the virus. The Town Council agreed to remain under a state of emergency and address the situation again at the September 13 Regular Session Meeting.

Council Member Pam King moved to affirm the mayor's guidelines. The motion was approved by a vote of 5-0.

9. PUBLIC HEARING

A. Public Hearing for **Ordinance #0-21-11** for Text Amendments to add a Minor Subdivision Cooling Off Period

Vice Mayor Ryan Stone moved to open the public hearing for Ordinance #O-21-11 for text amendments to add a Minor Subdivision Cooling off Period. The motion was approved by a vote of 5-0.

Planning Director Jessica Trotman presented the information to the Town Council. The proposed amendment would require three years to pass between minor subdivision approvals for the same property. The Planning Board recommended approval of the text amendment as amended by a vote of 7-0 at their June 28, 2021 meeting.

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-21-11 (statement of consistency included) as presented. The motion was approved by a vote of 5-0.

B. Public Hearing for *Ordinance #0-21-07* for text amendments to add Conditional Zoning

Vice Mayor Ryan Stone moved to open the public hearing for Ordinance #O-21-07 for amendments to add conditional zoning. The motion was approved by a vote of 5-0.

Conditional zoning provides flexibility in the development of property while ensuring that proposed development is compatible with neighboring uses. With the changes being required with the implementation of 160D, conditional zoning will allow Town staff to have greater control of developments while allowing for more flexible developments. The proposed amendments lay out the requirements for conditional zoning and the processes an applicant must take to achieve a conditional zoning designation.

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-21-07 as presented. The motion was approved by a vote of 5-0.

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

Council Member Pam King moved to open the public hearing for Resolution #R-21-17 to Close Unopened, Platte Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street (south end). The motion was approved by a vote of 5-0.

The Planning Board has submitted a petition to close the southern end of the right-of-way between Goldmont Street and W. College Street. The requested portion runs from the intersection of Central Avenue/Ash Street south to US 70 Hwy. This would close the balance of the alleyway.

There was one public comment from Charles Ledford of 42 Goldmont Street. Mr. Ledford needed clarification on which portion of the alley was being closed. Planning Director Jessica Trotman and Manager Harrold were able to clarify.

Council Member Archie Pertiller moved to approve Resolution #R-21-17 for the right-of-way closure. The motion as approved by a vote of 5-0.

10. COMMUNICATION FROM STAFF

- A.** Town Attorney Ron Sneed gave a brief update on state legislation that could impact the Town but is stuck in committee.

- B. Town Manager Josh Harrold reminded the public that the Sourwood Festival would take place on the 14th and 15th of August. He also informed the Council that Town Hall will be closed for Labor Day on September 6, 2021.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Harris offered brief remarks on the safety protocols and stated that he hoped the State would be in a better place soon to allow the Town to move forward with no mask mandate for employees.

12. CLOSED SESSION

Vice Mayor Ryan Stone moved to enter Closed Session to discuss legal and personnel matters as permitted by North Carolina General Statutes 143-318.11. The motion was approved by a vote of 5-0.

The Town Council entered closed session at 7:05 p.m.

13. ADJOURNMENT

Vice Mayor Ryan Stone moved to return to open session. The motion was approved by a vote of 5-0.

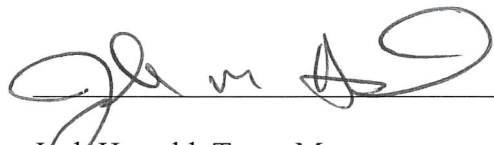
Vice Mayor Ryan Stone moved to increase the salary of Interim Police Chief Chris Kuhn from \$59,917 to \$74,267 until the position is permanently filled. The motion was approved by a vote of 5-0.

There being no further business Mayor Larry B. Harris adjourned the meeting at 7:13 p.m.

ATTEST:


Savannah M. Parrish Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager