



TOWN OF BLACK MOUNTAIN

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

Date: **December 13, 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 6:00 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 Bill Christy
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney

Mayor Harris welcomed the public and led the Pledge of Allegiance and prayer. Mayor Harris also thanked the public and Chamber of Commerce for the successful Black Mountain Holiday Parade.

2. PROCLAMATIONS, AWARDS & RECOGNITION

3. CITIZEN COMMENTS

Ann Lutz of 211 N. Park Lane gave a brief report on behalf on the Greenways and Trails Committee.

Julie White of 209 9th Street spoke about the proposed Greenways Ordinance.

Joe Scotto of N Oconeechee Ave. spoke on behalf on the Recreation Commission requesting the Town Council give consideration to proposed repairs at Grey Eagle.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

None.

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.

Manager Harrold presented the consent agenda to the Town Council.

A. Adoption of Minutes

Motion: *To adopt the minutes of the November 8, 2021 Regular Session Meeting, and the November 4, 2021 Agenda Meeting.*

B. Resolution to Authorize Signers of Checks

Motion: *To approve Resolution R-21-25 as presented.*

C. Approval of the North Carolina State Archives 2021 Records Retention and Disposition Schedule

Motion: *To approve Resolution R-21-25 as presented*

D. Resolution and Budget Amendment Fines & Forfeitures Special Revenue Fund #R-21-27

Motion: *To approve Resolution R-21-27 and the budget amendment as presented*

E. Budget Amendment Golf Course Golf Carts

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

F. Budget Amendment Insurance Proceeds

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

G. Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor

Courts #**O-21-20**

Motion: *To call for a public hearing to add text for mobile food vendors and mobile food vendor courts to be held on Monday, January 10, 2022, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

**H. Resolution of Support for MPO Application for Blue Ridge Road Modernization
#R-21-28**

Motion: *To approve Resolution R-21-28 as presented.*

**I. Resolution of Support for MPO Application for Fonta Flora State Trail Connection
#R-21-29**

Motion: *To approve Resolution R-21-29 as presented.*

J. Resolution of Support for MPO Application for Traffic and Circulation Study #R-21-30

Motion: *To approve Resolution R-21-30 as presented.*

K. Budget Amendment Community Outreach

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

Council Member Archie Pertiller moved to approve consent items A-K as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

James Full of 6 Gold Leaf Walk Way sent in the following comment to be read:

My residence is 6 Gold Leaf Walk Way, 1 of 6 homes in Gold Leaf Knoll subdivision. We do not have an HOA. The Covenants, Conditions and Restrictions were written in such a way that managing common elements are virtually voluntary which has presented obstacles to meeting the Stormwater Management rules for inspection, reporting and maintenance. #O-21-19: Sections (A) & (B). My request is, the proposed Amendment be modified to include "minor subdivisions" or other legal appropriate term, be included in the Amendment, "owner" be updated to "owner(s)" and that the new "stormwater technician" be responsible for ALL inspections, "off" and "on" years for the simple systems for single residences, duplexes, & up to 6 platted parcels per existing permit. And, I propose / recommend, the inspections be funded from the Stormwater Utility annual assessment, 100% paid from those funds, or, a reasonable (to be defined) portion of the 3rd. party inspection fee, report and any remediations (capped at a maximum TBD per homeowner) be invoiced to the respective owner(s).

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Board Appointments

Greenways Commission – (1) 3-year terms ending June 30, 2024

Motion: To appoint Mike Sobol to fill a 3-year term ending June 30, 2024 by a vote of 5 for and 0 against.

At their regular October meeting the Greenway Commission reviewed the application from Mike Sobol. Mr. Sobol attended the meeting. The Commission voted unanimously to recommend Mr. Sobol to fill the current vacancy. An application from Pete Peery was received by the Town Clerk after the meeting and the Commission reviewed the application at their November meeting and chose to not make a recommendation on the additional applicant and to keep their recommendation of appointing Mike Sobol to the vacant term.

ABC Board – (1) 3-year terms ending June 30, 2024

Motion: To appoint Sharon Tabor to fill a 3-year term ending June 30, 2024 by a vote of 5 for and 0 against.

One application was received for the ABC Board seat vacated by Mr. Harwood. The ABC Board is not meeting in December, but Board Chair Roger Hibbard expressed the board's full support of Sharon Tabor's application via phone to the Town Clerk.

B. Contract for EB-5547B section A

Planning Director Jessica Trotman presented this contract with Michael Baker International for EB-5547 and reflects preliminary engineering for sections A& B. The costs are \$375,084.97 in total, which is an additional \$119,209.68 for section A. Section B was approved \$255,875.29 at the November meeting.

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

C. Update Greenway Commission Ordinance #O-21-18

After some discussion, the Town Council tabled Item 8C until the January 10, 2022 meeting.

D. Post Construction Residential Stormwater Inspection Text Amendment #O-21-19

The stormwater utility has provided additional staff, which enables the town to take on some of the inspection responsibilities and reduce the burden on property owners. This amendment changes the requirement from one to every three years for single family and duplex parcels.

Council Member Bill Christy moved to approve and adopt Ordinance #O-21-19 as presented. The motion was approved by a vote of 5 to 0.

E. Adoption of the schedule for the Town Council Workshop and Regular Session Meetings for 2022.

Council Member Doug Hay moved to adopt the 2022 schedule of regular meetings of the Black Mountain Town Council as presented. The motion was approved by a vote of 5 to 0.

F. Carver Center Solar Project

After some discussion, the Town Council tabled Item 8F until the January 10, 2022 meeting.

9. PUBLIC HEARING

The chair will recognize individuals requesting to address the Council 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.

A. Public Hearing for Text Amendments to Add Definitions for Murals, Premises, and Temporary Signs and Amend the Definition of Signs

Council Member Doug Hay moved to open the public hearing for Ordinance #O-21-16 for amendments to add definitions for murals, premises, and temporary signs and amend the definition of signs. The motion was approved by a vote of 5-0.

To comply with the ruling of Reed v. Gilbert, the Town of Black Mountain is amending the sign ordinance and found that definitions are needed for murals, premises and temporary signs. The amendment also amends the current definition that is in place for signs. These definitions are in line with the rulings that came out of Reed v. Gilbert and will make it easier to interpret the ordinance. The Planning Board voted 7-0 at their October 25, 2021 meeting to recommend the definitions.

Ann Lutz of 211 N. Park Lane and Marilyn Sobanski of 560 Laurel Ave. gave public comments.

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

Vice Mayor Ryan Stone moved to adopt Ordinance #O-21-16 as presented. The motion was approved by a vote of 5-0.

- B. Public Hearing to Repeal the Existing Sign Ordinance and Replace with the New Sign Ordinance**

Motions for Consideration:

Vice Mayor Ryan Moved to open the public hearing for Ordinance #O-21-17 to repeal the existing sign ordinance and replace with the new sign ordinance. The motion was approved by a vote of 5-0.

The proposed sign ordinance was drafted to comply with the rulings of the Reed v. Gilbert court case. The new sign ordinance enforces time, place and size rather than the content of the signs. The existing sign ordinance needs to be repealed and replaced with the new sign ordinance. The Planning Board voted 7-0 at their October 25, 2021, meeting to recommend the sign ordinance as written.

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 Pam King moved to adopt Ordinance #O-21-17 as amended, increasing the size of permitted signs from 18 x 24 to 20 x 30. The motion was approved by a vote of 5-0.

Council Member King thanked staff and Planning Board for their work on this ordinance.

10. COMMUNICATION FROM STAFF

Town Manager Josh Harrold reminded the public that town offices will be closed for the holidays.

COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Christy requested Town of Black Mountain email addresses for Town Council members. The Town Clerk will pursue this possibility.

The Mayor and each council member made brief remarks thanking the public for its support and wishing Happy Holidays.

CLOSED SESSION

Vice Mayor Ryan Stone moved to enter 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.

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

Council Member Pam King moved to approve a pay increase from \$9.55/hour to \$10.61 for Brad Norton. The motion was approved by a vote of 5-0.

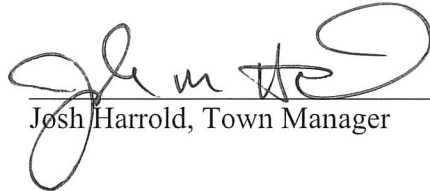
13. ADJOURNMENT

There being no further business, Mayor Harris adjourned the meeting at 7:26 p.m.

ATTEST:


Savannah M. Parrish Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager