



TOWN OF BLACK MOUNTAIN

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

Date: **February 14, 2022** Time: **6:00 p.m.** **Regular Session Minutes**

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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 Bill Christy - absent
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 – Sneed and Stearns

Mayor Harris welcomed the public and led the Pledge of Allegiance and prayer. Deacon Levon Lindsey of Mills Chapel Baptist Church offered an invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION - None

3. CITIZEN COMMENTS

Kevin Melton of 115 Hill St. commented in opposition of the rezoning of 713 NC 9 Highway.

Larry Pearlman of 203 N. Park Lane asked the Town Council to consider adopting a tree ordinance.

Manager Harrold read a comment submitted by email from Nathan West of 537 Brandon Rd. Mr. West encouraged the Town Council to consider improvements to Grey Eagle and other facilities in the upcoming budget.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. Black Mountain Police Department Annual Report – Police Chief Steve Parker addressed the Town Council to provide an update on the Black Mountain Police Department. Chief Parker expressed the need for additional officers and technology updated for the department. The report is included and made part of these minutes.

The Black Mountain Library Board was on the agenda to give an annual report; however, their presentation was moved to the upcoming meeting on March 14, 2022 at their request.

- B. Wellhead Protection Plan Presentation – Public Works Director Jamey Matthews and Debbie Maner, Source Water Protection Specialist at North Carolina Rural Water Association, presented the updated Wellhead Protection Plan to the Town Council. The plan was chosen to receive a Groundwater Implementation and Education, Source Water Protection Award for 2022.
- C. Presentation of the FY 20-21 Audit – Tim Lyons of the firm Mauldin & Jenkins presented the findings of the 20-21 Audit to the Town Council. The full presentation is included and made part of these minutes. Mr. Lyons stated that, due to staff turnover and other factors, the audit has not yet been submitted; however, the audit team anticipates issuing an unmodified (“clean”) opinion on the basic financial statements. They found no issues of noncompliance. Mayor Harris asked that Mr. Lyons or a member of his team be available to give an update at one of the Council’s budget workshops after the audit has been submitted and accepted.

5. CONSENT AGENDA

Manager Harrold presented the consent agenda to the Town Council.

- A. Adoption of Minutes

***Motion:** To adopt the minutes of the January 10, 2022 Regular Session Meeting, the January 6, 2022 Agenda Meeting, the January 28, 2022 Special Call Meeting, and the December 13, 2021 Closed Session Meeting.*

Council Member Archie Pertiller moved to approve consent items A-H as presented. The motion was approved by a vote of 4-0.

6. CITIZEN COMMENTS - None

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Dr. John Wilson Community Garden Barn and Event Facility Discussion

Recreation Director Josh Henderson and Diana McCall, Director of the Dr. John Wilson Community Garden addressed the Town Council concerning the Community Garden Barn that is being proposed. Mayor Harris thanked them for the information and stated that the Town Council would consider the project in more detail at the upcoming strategic planning meeting.

B. Short Term Rental Discussion

Town Manager Josh Harrold presented information on how other municipalities regulate short term rentals. The slides are included and made part of these minutes. No action was taken.

C. Jacobs Cottages Water Line Acceptance

Vice Mayor Ryan Stone moved to accept the water lines in Jacobs Cottages into the Town water system. The motion was approved by a vote of 4-0.

D. Summer Camp Fee Schedule Amendment

Recreation Director Josh Henderson requested the Town Council approve a ten-dollar (\$10.00) weekly fee increase for Summer Camp. The weekly fee would increase from \$180 per child to \$190 per child.

Council Member Archie Pertiller moved to approve the summer camp fee schedule as presented. The motion was approved by a vote of 4-0.

E. Text Amendment Phase II Post Construction Stormwater Ordinance

Planning Director Jessica Trotman stated that the text amendment removed “disturbance” so post-construction permitting is required by the amount of impervious area created. This remains 5,000 square feet. The addition to the ordinance is new, but only clarifying language.

Vice Mayor Ryan Stone moved to approve the text amendment as presented. The motion was approved by a vote of 4-0.

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 Rezoning of 713 NC 9 Hwy #Z-O-22-01

The property is currently TR-4 and the applicant is requesting a zoning designation of HB-8 to allow for commercial use. The Planning Board heard this request at the regular meeting on December 20, 2021 and voted 6-1 to not recommend the HB-8 zoning designation.

Kevin Melton of 115 Hill St. commented in opposition of the rezoning of the property due to concerns about the impact to this neighboring property.

Joe Tyson of 309 N. Dougherty St. commented in opposition of the rezoning, citing concerns about traffic.

Council Member Archie Pertiller moved to continue Agenda Item 9A - Public Hearing for Rezoning of 713 NC 9 Hwy #Z-O-22-01 to the March 14, 2022 Regular Session Meeting. The motion was approved by a vote of 4-0.

10. COMMUNICATION FROM STAFF

The Town Attorney, Ron Sneed, reminded the Town Council that the North Carolina General Assembly is considering legislation concerning Tree Ordinances and Short-Term Rentals. Attorney Sneed will update the Council if there is any movement on those issues in the General Assembly.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Harris reminded the public that the Martin Luther King, Jr. breakfast will be a virtual event taking place in March and encouraged the community to attend.

12. CLOSED SESSION

Vice Mayor Ryan Stone moved to enter closed session to discuss the potential acquisition of property as permitted by North Carolina General Statutes 143-318.11 (5). The motion was approved by a vote of 4-0.

Council Member Doug Hay moved to return to open session. The motion was approved by a vote of 4-0.

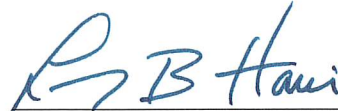
13. ADJOURNMENT

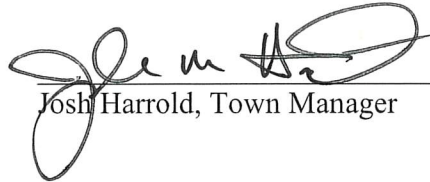
Council Member Pam King moved to adjourn the February 14, 2022 Town Council Meeting. The motion was approved by a vote of 4-0.

There being no further business, Mayor Harris adjourned the meeting at 7:43 p.m.

ATTEST:


Savannah M. Parrish Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager