



TOWN OF BLACK MOUNTAIN

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

Date: **June 13, 2022** Time: **6:00 p.m.** **Regular Session Agenda**

The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Council** to download materials for all Town Council meetings.

 **Conserve resources; print only when necessary.**

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Should you need other assistance or accommodation for this meeting, please contact

Town Clerk at 419-9310, or by email at townclerk@townofblackmountain.org

(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

- Welcome
- Prayer – Chandler Ragland, Black Mountain United Methodist Church
- Pledge of Allegiance
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Presentation of Life Saving Award – Chief Steve Parker
- B. Public Safety Update – Chief Steve Parker

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the Council room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.**

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4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. The Black Mountain Library Board Annual Report – Jud Dougherty
- B. Metropolitan Sewer District Annual Report – Bob Watts
- C. North Carolina Department of Transportation – Hannah Cook

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.

A. Adoption of Minutes

Motion: *To adopt the minutes of the May 26, 2022 Special Call Meeting, the May 19, 2022 Special Call Meeting, the May 9, 2022 Regular Session Meeting, the May 9, 2022 Closed Session, the May 5, 2022 Agenda Meeting.*

B. Resolution Adjustment of Small Overpayment/Underpayments and Minimum Billing Amount of Property Tax

Motion: *To approve Resolution #R-22-14 as presented.*

C. Resolution Supporting Reform of the Room Occupancy Tax

Motion: *To approve Resolution #R-22-16 as presented.*

Consent Motion: *To approve consent item A-C as presented.*

6. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Council regarding the specific **New Business or Unfinished Business items below**. Comments by any one **speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

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7. UNFINISHED BUSINESS

8. NEW BUSINESS

A. Sedimentation and Erosion Control Text Amendment #O-22-04

Motion: *To approve and adopt **Ordinance #O-22-04** as presented [or as amended].*

B. Review and Discussion of the Lease Proposal from Buncombe County regarding the Black Mountain Library

Motion: *To approve the proposal as presented.*

C. Golf Course Equipment

Motion: *To approve the lease for John Deere equipment.*

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 to Close Portion of Unopened, Platted Portion of Buckeye Street

Motions for Consideration:

1. *To open the public hearing for **Resolution #R-22-15** to Close Unopened, Platted Portion of Right-of-Way of Buckeye Street (west end).*
2. *To close the public hearing.*
3. *To approve **Resolution #R-22-15** for the right-of-way closure.*

10. COMMUNICATION FROM STAFF

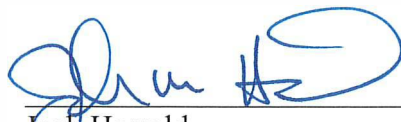
- A. Town Attorney – Ron Sneed
- B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION

- A. Closed Session to discuss matters not considered a public record within the meaning of Chapter 132 of the General Statutes, and to consult with the Town Attorney as permitted by North Carolina General Statute 143- 318.11 (a)(1) and 143– 318.11 (a)(3)

13. ADJOURNMENT



Josh Harrold
Town Manager



PUBLIC NOTICE

BLACK MOUNTAIN TOWN COUNCIL

JUNTA DEL AYUNTAMIENTO

Thursday, June 9, 2022 at 5:00 p.m.
Jueves 9 de Junio de 2022 a las 5:00 p.m.

The Black Mountain Town Council will meet for their monthly Agenda Workshop Meeting on **Thursday, June 9, 2022 at 5:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public. Abierta al público.


Savannah Parrish
Town Clerk

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Estamos comprometidos a proporcionar instalaciones, programas y servicios accesibles para todas las personas de conformidad con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o una adaptación en particular para esta reunión, comuníquese con Savannah Parrish, secretaria municipal al 419-9300 o por correo electrónico a townclerk@townofblackmountain.org

Please visit www.townofblackmountain.org to obtain agenda packets and other meeting information.
Visite www.townofblackmountain.org para obtener paquetes de la agenda y otra información.

Posted to the Town Bulletin Board 05/17/2022



PUBLIC NOTICE
NOTICIA PÚBLICA

BLACK MOUNTAIN TOWN COUNCIL

REGULAR SESSION MEETING
JUNTA DEL AYUNTAMIENTO

Monday, June 13 at 6:00 p.m.
Lunes 13 de Junio de 2022 a las 6:00 p.m.

The Black Mountain Town Council will meet for their monthly Regular Session Meeting on **Monday, June 13 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public. Abierta al público.

Savannah Parrish
Savannah Parrish
Town Clerk

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Posted to the Town Bulletin Board 05/17/22



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
AGENDA WORKSHOP MEETING MINUTES
May 5, 2022**

THE BLACK MOUNTAIN TOWN COUNCIL held an agenda workshop Thursday, May 5, 2022 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for Monday, May 9, 2022 at 6:00 p.m.

1. CALL TO ORDER

Mayor Larry B. Harris called the meeting to order at 5:00 p.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone - absent
Council Member Archie Pertiller
Council Member Pam King
Council Member Doug Hay
Council Member Bill Christy

The following staff members were present:

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

Mayor Larry Harris opened the meeting. Town Manager, Josh Harrold, presented the proposed agenda to the Town Council.

There was some discussion concerning Item 5B – a resolution of support for the restoration of In-The-Oaks. Mayor Harris informed the Council that he passed along the proposed resolution to the Buncombe County Commissioners in hopes that they will also be supportive.

Mayor Harris confirmed with the Town Attorney that the topics proposed for the closed session were appropriate matters for a Closed Session Meeting. Attorney Sneed advised that it would be appropriate to meet on the matters at hand in closed session.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:08 p.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 26, 2022**

***THE BLACK MOUNTAIN TOWN COUNCIL** held a special called meeting on Thursday, May 26, 2022 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting is for the Town Council is to discuss the Fiscal Year 2022-23 Budget and CIP.*

Mayor Larry Harris called the meeting to order at 8:30 a.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone – arrived at 8:40
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
Steve Parker, Police Chief
John Coffey, Interim Fire Chief
Jamey Matthews, Public Works Director
Jessica Trotman, Planning Director
Josh Henderson, Parks and Recreation Director
Tammy Holland, Finance Director

Mayor Harris welcomed the public and called the meeting to order. Manager Harrold began the presentation of the Five-Year Capital Improvement Plan, referred to from this point on as the CIP. Each department head was present to answer questions concerning their requests and needs.

Admin and Public Buildings Department

In the Fiscal Year 22-23 CIP, the only proposed addition is Public Records Software.

Police Department

The Police Department includes body cameras, which are needed due to changing technology and the need for integration with the in-car cameras. New radar signs are also being proposed. The police department is also requesting the purchase of five vehicles via a four-year loan.

Streets Department

For fiscal year 22-23, the Streets Department is requesting an F250 Regular Cab truck to be used in daily operations, two new snowplows which will replace two outdated plows that are currently not usable. Other requests include new holiday banners, which are hung from utility poles



TOWN OF BLACK MOUNTAIN TOWN COUNCIL SPECIAL CALL MEETING MINUTES

May 26, 2022

throughout town, the replacement of a welder, a pavement condition assessment, two salt spreaders, and an asphalt roller.

Sanitation

The sanitation department is requesting \$400,000 to be included in fiscal year 23-24 for roll-out trash and recycling cans. These cans would be provided to each sanitation stop throughout town.

The Town Council requested that Manager Harrold include the roll-out cans in fiscal year 22-23 CIP.

Council Member Pam King suggested the addition of a waste reduction specialist position in order to make strides to increase recycling and composting. Council Members Hay and Christy agreed and requested Manager Harrold look into the addition of this position, or alternate ways to make progress on waste reduction.

Recreation Department

The recreation department requests for fiscal year 22-23 include new vehicles, improvements to Grey Eagle Arena, pool upgrades, dog park fencing and shade structure at Riverwalk Park, paving for Lake Tomahawk parking lot, Veteran's Park entry, and the Grey Eagle/Herron St. Lot.

There was some discussion concerning the Parks and Recreation CIP. Town Council expressed the desire to move forward with roof repairs and lighting updates for Grey Eagle Arena, and also requested that new pickleball courts be added to the fiscal year 22-23 CIP. Manager Harrold recommended waiting on pickleball courts until the Parks and Recreation Master Plan is complete. The master plan is included in the fiscal year 22-23 operation budget.

Developmental Services

The Planning Department is requesting funds in the FY 22-23 CIP for the bike boulevard construction, Cragmont Park Phase II, Greenways construction, and traffic calming projects. There was some discussion concerning the Greenways projects, and crosswalks. The Town Council requested that Manager Harrold reach out to the NC Department of Transportation to ask what measures can be taken to make the pull-in spaces on Broadway Avenue. The Council is interested in making those spaces compact car spaces only.

Fire Department

The Fire Department is requesting a replacement for the Chief's current vehicle, a new ATV to be used for search and rescue, and other equipment needs. Mayor Harris suggested that a special workshop be held at a later date to discuss financing for fire trucks, and other Fire Department equipment needs.

Water Department



TOWN OF BLACK MOUNTAIN TOWN COUNCIL SPECIAL CALL MEETING MINUTES

May 26, 2022

The Water Department would like to set aside \$100,000 for general waterline maintenance and repair. The automated meter project will continue in fiscal year 22-23, and the department is requesting a new utility truck to house water parts for mobile repairs.

Stormwater

The Stormwater Department is requesting funds for two stormwater projects, with changes expected in fiscal year 23-24 as a new master plan develops.

Powell Bill

Manager Harrold is recommended that street paving be the priority for the Powell Bill funds, with a smaller allocation for sidewalk replacements.

There was a brief conversation concerning the sidewalk project on Highway 9, which is currently on hold due to rights-of-way issues.

This concluded the discussion of the five-year Capital Improvement Plan. The Town Council will continue the discussion of the budget on June 2, 2022 at 8:30 a.m.

There being no further discussion, Mayor Larry B. Harris adjourned the meeting at 10:01 a.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 19, 2022**

THE BLACK MOUNTAIN TOWN COUNCIL held a special called meeting on Thursday, May 19, 2022 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting is for the Town Council is to discuss the Fiscal Year 2022-23 Budget and CIP.

Mayor Larry Harris called the meeting to order at 8:30 a.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
Steve Parker, Police Chief
John Coffey, Interim Fire Chief
Jamey Matthews, Public Works Director
Jessica Trotman, Planning Director
Josh Henderson, Parks and Recreation Director
Tammy Holland, Finance Director

Mayor Harris welcomed the public and called the meeting to order. Manager Harrold began the discussion with a review of the major changes that he is recommending for the Fiscal Year 22-23 operating budget. The document which Manager Harrold provided to the Town Council is included and made part of these minutes.

There was some discussion among the Town Council regarding the changes proposed by Manager Harrold, particularly concerning compensation for staff and the need for retention.

Manager Harrold is recommending six new fulltime positions in this budget. Three police officer positions, a water customer service representative, a second human resources employee, and a project manager. The new positions account for an increase of \$146,214 in Administration, \$205,027 in the Police Department Budget, and \$56,117 in the Water Department.

Council Member Doug Hay suggested that the Cost-of-Living Adjustment be raised to 6% from the recommended 5.75%. Other Council Members agreed with the suggestion, and the budget will be updated to reflect the change.

The pay adjustment would precede the budgeted compensation and classification study, scheduled to begin in August.



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 19, 2022**

The Town Council will continue their discussion of the Fiscal Year 22-23 Budget and Capital Improvement Plan in a special call meeting on May 26th, 2022 at 8:30 a.m.

There being no further discussion, Mayor Larry B. Harris adjourned the meeting at 9:43 a.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 19, 2022**

FY22-23 Budget

COLA

- 5.75% accounts for \$250,000 increase in pay—All fulltime employees will be above \$15/hour
- Biltmore Forest—6%, Woodfin—6%, Weaverville—7% merit, Buncombe County—4.69%, Asheville—5%.

Health Insurance

- Increased 24%
 - o Approximately \$120,000 per year

Administration

- 2 new positions--\$146,214
- Salary study--\$10,000
- Public records software--\$6,000

Police

- 3 new positions--\$205,027
- 5 police cars--\$280,000 (debt)
- Body cameras--\$300,000 (debt)
- Radar signs--\$6,000

Streets

- ART--\$25,000
- Snowplows, banners, salt spreaders, welder, cameras--\$46,500
- ROW mowing--\$32,000
- Truck--\$85,000
- Truck--\$52,500

Building/ground maintenance

- Paving at Lake Tomahawk tennis courts-\$16,000



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 19, 2022**

- Pool electrical work/equalizers--\$8,200
- Contract mowing town property (minus ballfields) --\$53,000

Sanitation

- CDL license--\$10,000

Recreation

- Rec programs--\$13,000
- Tree trimming at garden--\$7,000
- Masterplan--\$60,000
- Croquet court fencing--\$9,000
- Basketball goals for youth basketball--\$25,000
- Work truck--\$26,500
- Passenger van--\$42,000

Planning

- Ninth street bridge engineering--\$40,000
- Bike boulevard--\$32,000
- Charlotte Street sidewalk--\$65,000
- UDO--\$60,000
- Cragmont Park Phase II--\$15,000

Fire

- Transfer to capital reserve--\$100,000
- Radio headsets for E-4 and E42--\$11,200
- Forcible entry tool--\$6,000
- 4 radios replaced--\$20,000
- Scott Pak for E4/E42--\$9,000
- Chief vehicle--\$75,000

Powell Bill

- Street paving--\$400,000
- Street striping--\$25,000



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
May 19, 2022**

Stormwater

- Green infrastructure--\$55,000
- Reserve--\$84,000

Water

- AMI meters--\$125,000
- Asheville water line transfer--\$250,000
- Well pumps--\$50,000
- General waterline replacement--\$100,000
- Department supplies—increased \$50,000
- 1 new position for water finance--\$56,117



TOWN OF BLACK MOUNTAIN

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

Date: **May 9, 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

Mayor Harris welcomed the public. Rev. Michael Carter offered an invocation. Mayor Harris then led the Pledge of Allegiance, and then reminded the public of the Beautification Committee's Plant Sale taking place on May 20th and 21st.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris acknowledged Public Works Appreciation Week and read a proclamation in honor of Black Mountain's Public Work Department.

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the Council room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. Comments by any one speaker shall be limited to three (3) minutes.

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- A. Kim Lyda of 65 Diana Drive spoke on behalf of the Black Mountain Tennis Association to request that the Town Council consider the tennis complex, which was included in the CIP from 2007, and also asked for improved court conditions.
- B. Dede Styles of 376 Lytle Cove Rd addressed the Council to request they pass a resolution in support of federal climate legislation.
- C. Marilyn Sobanski of 516 Laurel Ave requested that additional recycling cans be placed downtown.
- D. Craig Dietz of 14 Caton Place sent in a comment, which was read by Manager Harrold, expressing support for the Community Garden.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

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.

A. Adoption of Minutes

Motion: *To adopt the minutes of the April 11, 2022 Regular Session Meeting, and the April 7, 2022 Agenda Meeting.*

B. In-The-Oaks Resolution #R-22-12

Motion: *To approve resolution #R-22-12 as presented.*

C. Extension of Buncombe County Tax Collection Agreement

Motion: *To approve the tax collection agreement as presented.*

D. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Buckeye Street

Motion: *To call for the public hearing to close an unopened, platted portion of Buckeye Street (east end) to be held on Monday, July 11, 2022, at 6:00 p.m. or as soon thereafter*

as possible, in the Board Room of Town Hall at 160 Midland Avenue.

E. Approving Selection of Auditor

Motion: *To approve the selection of Gould Killian CPA Group as auditors.*

***Council Member Archie Pertiller moved approve consent item A-E as presented.
The motion was approved by a vote of 4-0.***

6. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Council regarding the specific New Business or Unfinished Business items below. Comments by any one speaker shall be limited to three (3) minutes. If the topic you wish to discuss pertains to a public hearing scheduled for this meeting, please reserve your comment for the applicable public hearing.

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS

A. American Rescue Plan – Adoption of Policies and Procedures

Attorney Sneed informed the Council that The Final Rule for the American Rescue Plan was issued on January 6, 2022. That final rule contains a number of regulations that local governments must follow when expending Federal Funds, including a variety of policies and procedures. The following required policies are being presented to the board to review and adopt as presented.

1. Financial and Internal Control Policy
2. Supplemental Conflict of Interest Policy

Vice Mayor Ryan Stone moved to approve the American Rescue Plan Policies and Procedures as presented. The motion was approved by a vote of 4-0.

8. NEW BUSINESS

A. Lease Agreements for Billboard and Collocation on Communication Tower

The Town Manager requested authority from the Town Council to negotiate leases for these two items.

Council Member Doug moved to authorize the Town Manager and Town Attorney to negotiate lease agreements. The motion was approved by a vote of 4-0.

B. Stormwater Management Utility and Stormwater Management Enterprise Fund Ordinance Amendments #O-22-03

Planning Director Jessica Trotman stated that the proposed revisions to the stormwater utility ordinance are based on lessons learned after the first billing cycle. The structure for the utility remains the same and no rate changes are proposed. The changes are administrative in nature intended to create a less complicated process for citizens and staff.

Mayor Harris recommended changing language in the ordinance to state that overdue bills *may be* referred to debt collection, rather than shall be.

Council Member Pam King moved to approve and adopt Ordinance #O-22-03 as amended. The motion was approved by a vote of 4-0.

C. Golf Course Rates

Brent Miller presented the proposed schedule to the Town Council. The rate change affects the majority of rates at the golf course. There were no rate increases in the 2022-23 budget. The proposed rates are competitive for the area and will allow the course to become more economically viable.

Vice Mayor Ryan Stone moved approve 2022-23 rate schedule for Black Mountain Golf Course as presented. The motion was approved by a vote of 4-0

D. Storybook Trail Proposal at Lake Tomahawk

The Black Mountain Greenways and Trails Committee is proposing the purchase, installation and maintenance of a storybook trail around the lake at Lake Tomahawk. The proposed Storybook Trail would consist of 18 free-standing 'stations' approximately 4 feet high with an 18 inch by 32 inch panel affixed to each anchored post. Each panel would consist of two side-by-side pages of a selected (and changeable) story book with an intended user audience of children from Kindergarten to Fifth Grade level.

Council Member Pam King moved approve the project as presented or as amended. 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.

10. COMMUNICATION FROM STAFF

- A.** Town Attorney Ron Sneed informed the Town Council that Buncombe County did send a proposed library lease. He anticipates presented the lease to the Town Council for approval at the regular session meeting in June.
- B.** Town Clerk Savannah Parrish reminded the public that the town is seeking applications for advisory boards. Applications are due by June 6, 2022.

- C. Town Manager Josh Harrold gave an update on the three FEMA projects. Manager Harrold is seeking bids for the Greenway and Golf Course Bridge. The Swannanoa River Restoration project is still to be determined for funding.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Doug Hay reminded the public of the upcoming budget meetings.

Council Member Pam King thanked Diana McCall for her years of service as the Community Garden Manager. Council Member King also acknowledged Mental Health Awareness Month.

12. CLOSED SESSION

Vice Mayor Ryan Stone moved to enter into closed session to discuss the potential acquisition of property as permitted by North Carolina General Statutes 143-318.11 (5) and to consult with the Town Attorney as permitted by North Carolina Statutes 143-318.11 (a)(3). The motion was approved by a vote of 4-0.

Council Member Doug Hay moved to return to open session at 7:17 p.m. The motion was approved by a vote of 4-0.

13. ADJOURNMENT

Vice Mayor Ryan Stone moved to adjourn the meeting at 7:18 p.m. The motion was approved by a vote of 4-0.

There being no further business, Mayor Harris adjourned the meeting at 7:18 p.m.

ATTEST:

Savannah M. Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



**TOWN OF BLACK MOUNTAIN
TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: June 13th, 2022

SUBJECT: Resolution Adjustment of Small Overpayment/Underpayments and Minimum Billing Amount of Property Tax

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5B
Department: Finance
Contact: Tammy Holland, Finance Director
Presenter: Tammy Holland, Finance Director

BRIEF SUMMARY:

Per the contract with Buncombe County for Tax Collection the Town must have a Resolution in place to allow for NCGS 105-357 (c) and NCGS 105-321(f).

NCGS 105-357(c), allows the Town to (1) to treat small underpayments and overpayments as full payments and (2) not to refund small overpayments, unless requested by taxpayer prior to the end of the fiscal year in which the small overpayment was made. The Statute defines “small” as \$1.00 or less; and NCGS 105-321(f), gives the Town authority to not pursue collection of minimal tax bills. The minimal bill amount must be \$5.00 or less

Budget Impact: none

MOTION FOR CONSIDERATION: To approve or deny the resolution

ATTACHMENTS: Adjustment for Small Overpayment/Underpayment and Minimum Billing Amount of Property Tax Resolution

MANAGER’S COMMENTS AND RECOMMENDATIONS: To approve as presented.



Resolution # R-22-14

**RESOLUTION
ADJUSTMENT SMALL UNDERPAYMENTS/ OVERPAYMENTS OF PROPERTY TAXES AND
MINIMUM BILLING AMOUNT**

WHEREAS pursuant to North Carolina General Statute 105-357(c), the Town of Black Mountain can elect (1) to treat small underpayments and overpayments as full payments and (2) not to refund small overpayments, unless requested by taxpayer prior to the end of the fiscal year in which the small overpayment was made. The Statute defines “small” as \$1.00 or less; and

WHEREAS pursuant to North Carolina General Statute 105-321(f), the Town of Black Mountain can elect to not pursue collection of minimal tax bills. The minimal bill amount must be \$5.00 or less

WHEREAS per the agreement with Buncombe County for tax collection the Town agrees to adopt a resolution to forgo collection of ad valorem tax bills that do not exceed five dollars (\$5.00) pursuant to G.S 105-321(f) and to treat small overpayment and underpayments as full payments and not refund small overpayments of one dollar (\$1.00) or less unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made; and

BE IT RESOLVED The Buncombe County Tax Collector, as a function of The Town of Black Mountain, be authorized to treat small underpayments of taxes as paid in full and not to refund small overpayments. A “small underpayment” is a payment made that is no more than One Dollar (\$1.00) less than the taxes due. A “small overpayment” is no more than One Dollar (\$1.00) greater than the taxes due; and.

BE IT RESOLVED The Buncombe County Tax Collector, as a function of The Town of Black Mountain, be authorized not to bill any taxpayer for, or otherwise collect minimal taxes in the amount of Five Dollars (\$5.00) or less.

BE IT FURTHER RESOLVED This Resolution shall apply to taxes levied for all previous fiscal years and shall be in effect until repealed or amended by Resolution of the Black Mountain Town Council

Duly adopted by the Town Council of Black Mountain on this the 13th day of June 2022.

Larry B. Harris
Mayor

ATTEST:

Savannah Parrish
Town Clerk



Resolution R-22-16

RESOLUTION SUPPORTING REFORM OF THE ROOM OCCUPANCY TAX

June 13, 2022

WHEREAS, Pursuant to Part VI of Chapter 908 of the 1983 Session Laws, as amended by Section 1 of Chapter 942 of the 1985 Session Laws, S.L. 2001-162, Section 60(a) of S.L. 2013-414, and Section 8, S.L. 2015-128 the net proceeds of the Buncombe County Occupancy Tax is distributed to the Tourism Development Authority (the "TDA") with Three-Fourths to be used only for travel and tourism advertising and promotion and the balance to Tourism Product Development Fund generally for tourism capital projects for entities that are not for-profit, and;

WHEREAS, It is the understanding of this Council that occupancy tax funds in other North Carolina jurisdictions are divided with at least two-thirds of the funds to promote travel and tourism in the jurisdiction and the remainder for tourism-related expenditures, which includes general tourism-related capital expenditures; and, further, funds collected and disbursed through this method is consistent with the Occupancy Tax Guidelines established by the North Carolina House of Representatives in 1993, and;

WHEREAS, This Council would like to see more flexibility in the authorized uses of local occupancy tax funds, and;

WHEREAS, The current Buncombe County Occupancy Tax is six percent (6%);

NOW, THEREFORE, be it resolved by the Black Mountain Town Council:

That this Council supports Buncombe County Commissioners as they seek to accomplish the following:

- a. To increase the percentage of funding that can be invested in tourism related expenditures such as community infrastructure and related priorities.
- b. To decrease the percentage allocated to advertising.
- c. To increase the flexibility in the utilization of the non-advertising portion of the funding.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this 13th day of June, 2022.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

APPROVED AS TO FORM:

Ron Sneed, Town Attorney

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 13, 2022

SUBJECT: Sedimentation and Erosion Control Text Amendment

#O-22-04

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8A
Department: Planning and Development
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: This text amendment updates language from “grading” to “land disturbance.” It also decreases the amount of disturbed requiring a permit from 5,000 square feet to 1,000 square feet. It clarifies permitting needs for standalone land disturbance as well as disturbance associated with building permits. Minimum standards for implantation of control measures, published by NCDEQ are now required instead of being wholly descriptive and subjective. A few redundancies are removed to improve readability. If adopted this ordinance will become effective July 1, 2022.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-22-04*** as presented [or as amended]

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-22-04***

MANAGER’S COMMENTS AND RECOMMENDATIONS: To adopt ***Ordinance #O-22-04*** as presented.

ORDINANCE #0-22-04

AN ORDINANCE TO AMEND APPENDIX A, LAND USE CODE, CHAPTER 8, SECTION 8.1, EROSION PREVENTION AND SLOPE PROTECTION ORDINANCE

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December, 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January, 2010; and

NOW, THEREFORE, BE IT RESOLVED that Appendix A, Land Use Code, Chapter 8, Section 8.1, Erosion Prevention and Slope Protection Ordinance, be amended to the following:

8.1.1 Purpose.

The purpose of this ordinance is to protect, maintain and enhance the environment of the Town of Black Mountain and the health, safety and public welfare of its citizens by establishing minimum requirements concerning land disturbance and to control the potential adverse effects of erosion and sedimentation.

8.1.2 Applicability.

- A. Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and **grading land disturbance** projects within the Town of Black Mountain's jurisdiction.
- B. **Grading Land Disturbance** permits shall be required whenever ~~5,000~~ **1,000** square feet or more of land is disturbed **and not associated with a building permit as well as land disturbing activity of any size associated with a building permit.** ~~The addition of impervious surface of 5,000 square feet or more or of a cumulative land disturbance of land of 12,000 square feet or more shall also require a town stormwater permit.~~
- C. **Grading Land Disturbance** shall mean any manipulation of the ground forms including, but not limited to cutting of trees with excavation of stumps or any other earth-disturbing activities; provided, (a) that installation of utilities in an area with a topographical change of not more than five percent where the area disturbed is not wider than 18 inches (including ditch and spill areas); and (b) that creation of stormwater drainage and erosion control ditches except when the ditch is located in an existing natural drainage channel and the only improvement is the lining of the channel with rock, shall not be considered grading.
- D. For any area designated as a "steep slope", land disturbance shall mean any use of, or operations on, the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. However, the cutting of scattered individual trees, the removal of fallen trees and the removal of undesirable non-native or invasive vines, shrubs and plants will be allowed.

- E. Any grading or other land disturbing activity within the floodplain shall be reviewed by the floodplain administrator to determine applicability of floodplain regulations and associated permits.

8.1.3 Cut and fill slopes.

- A. Property being developed within the Town of Black Mountain shall not exceed the following specifications for cut and fill:
1. Cut slopes shall not exceed a ratio of greater than 1:1 (horizontal distance to vertical distance, or a 45 degree slope angle, or 100 percent grade); and
 2. Fill slopes shall not exceed a ratio of greater than 1.5:1 (horizontal distance to vertical distance, or a 33 degree slope angle, or 66 percent grade).
- B. Roads exceeding 15 percent grade and proposed for dedication to the town as public streets shall include roadway design and engineering with benching or other stabilization techniques as part of the site plan and shall include a town maintenance easement to the toe of the slope.
- C. All cut and fill slopes shall be hydro-seeded or landscaped within 30 days of achievement of final grade and all temporary roads and slopes shall not be left exposed for more than a 45-day period.
- D. Retaining walls greater than five feet in height must be designed and sealed by an engineer and approved by the town's building inspector.

<u>Notes on Slope:</u>		
Slope is the measurement of "rise" in vertical distance in relation to horizontal distance, or "run." Slope ratio is expressed as horizontal distance (to): vertical distance		
% slope is calculated as:	$\frac{\text{Vertical Distance}}{\text{Horizontal Distance}}$	× 100
1:1 slope (or 45 degree slope angle) = 100%		
1.5:1 slope (or 33 degree slope angle) = 66% slope*		
2:1 slope (or 26.6 degree slope angle) = 50% slope		

3:1 slope (or 18 degree slope angle) = 33.5% slope
4:1 slope (or 14 degree slope angle) = 25%
6.5:1 slope (or 8.7 degree slope angle) = 15% slope
Without using more advanced stabilization techniques, the maximum slope to be considered for vegetative stabilization is 1.5:1.

Table 8.1.03

8.1.4 Sedimentation and erosion control.

- A. Any land disturbance permitted under Buncombe County's Soil Erosion and Sedimentation Control Office must be documented before any grading activity may take place. Buncombe County enforces the state "Sedimentation Pollution Control Act of 1973" for the Town of Black Mountain and regulates certain land disturbing activities for the purpose of controlling accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, water courses and other public and private property by sedimentation.

B. Minimum Plan Requirements:

~~Land disturbing activity or grading in connection with development or redevelopment on a site that requires a building permit, and that does not fall under the Sedimentation and Pollution Control Act of 1973, such as that under one acre of land, shall comply with the following requirements:~~

1. A written or graphic concept plan of the proposed soil and sedimentation controls during construction shall be submitted with the ~~grading~~ **land disturbance** permit. Concept plan shall include identification of areas of land disturbance within the site and the location of proposed temporary and permanent soil erosion and sedimentation control measures designed to retain sediment on-site. **Minimum requirements include protection of stormwater inlets and ditches with silt fences, mitigation of sediment created by construction entrances following the construction and**

installation standards published by North Carolina Department of Environmental Quality.

2. Land disturbing activity shall not take place within ~~twenty-five feet of a stream or otherwise result in a violation of rules adopted by the state environmental management commission to protect riparian buffers along state surface waters. In accordance with state and local stormwater management regulations, no built-upon area shall be within 30 feet of a stream~~ **the stream buffer of watercourses depicted as a solid blue line on the most recent USGS seven and one-half minute quadrangle topographic maps that cover the Town of Black Mountain.**
3. ~~Land disturbing activity shall not result in a violation of any local ordinance including but not limited to zoning district requirements and floodplain regulations.~~
4. Erosion control measures in compliance with the approved plan and or building permit shall be in place before construction may begin. Failure to comply will result in a stop work order.
5. Any required permanent erosion control measures or landscaping shall be in place before ~~grading~~ **land disturbance** permit is issued or shall be bonded at 125 percent of the estimated cost for implementation of the landscaping plan. ~~Measures~~ **Final seeding** and or landscaping shall be in place within 45 days of final grade.
6. **Onsite vehicle or equipment washing is not allowed.**

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 13th day of June 2022.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

THIS AGREEMENT FOR LEASE OF REAL PROPERTY (referred to sometimes herein as the "Agreement"), is made and entered into this ____ day of _____, 20____ by and between **THE TOWN OF BLACK MOUNTAIN**, a body politic and corporate organized and existing under the laws of the State of North Carolina (hereinafter, sometimes, referred to as the "Lessor"), and **BUNCOMBE COUNTY**, a body politic and corporate organized and existing under the laws of the State of North Carolina (hereinafter, sometimes, referred to as the "County") (Lessor and County are collectively referred to hereinafter, sometimes, as the "Parties").

WITNESSETH:

WHEREAS; Lessor is the owner of a certain tract or parcel of land and building improvements located at 105 N. Dougherty St., Black Mountain, NC 28711, (hereinafter, sometimes, the "Property,"). Said Property is identified in **Exhibit A**, which is attached hereto and incorporated herein, with a turquoise outline, and is more particularly described in a deed recorded in Book 932, Page 447 of the Buncombe County, NC Registry. The Property is also shown on the records of the Buncombe County Tax Office as PIN: 0619-25-5681; and

WHEREAS; Lessor desires to lease the building located on the Property (hereinafter, sometimes, the "Premises," identified in **Exhibit A**, with a yellow outline) to County and County desires to lease said Premises from Lessor upon the covenants, conditions and provisions herein set forth.

NOW THEREFORE, in consideration of the mutual promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed by and between the Parties as follows:

1. Use of Premises

The Premises shall be used by Lessee for the operation of the Black Mountain Public Library Branch of the Buncombe County Public Library System and for any other, lawful, library-related purposes, and shall not be used by Lessee for any other purpose without prior written consent of Lessor, which shall not be unreasonably withheld. For the purposes of this Lease, "library-related purposes" shall be broadly construed.

Lessor may use the Property and/or the Premises at times when the Library is closed for business and the Lessee does not require the use of the same. Lessor promises that such use will not interfere with the Lessee's enjoyment of the Property and/or the Premises and/or library activities. Lessor must schedule such use sufficiently in advance with the Lessee (through the Black Mountain Library Branch Manager) and the Lessee may deny such use if, in the reasonable determination of the Lessee, such use would interfere with the Lessee's library activities.

2. Access to Property and Parking.

Lessee shall be allowed to use the existing right of ways (i.e. roads, driveways, etc.) existing on the Property as may be reasonably necessary to access the Leased Premises. Additionally, Lessor grants to Lessee and its guests the exclusive right to use the existing parking areas on the Property, for parking and any other library-related purposes. Lessor shall remain responsible for maintenance and repair of said right of ways and parking areas, including but not limited to, the removal of snow and ice from the right of ways, parking areas, and sidewalks on the Property.

3. Term

The term of this Lease shall begin on the date first written above and shall continue for one (1) year, ending at 12:59:59 p.m. on its first anniversary date (the "Term")

4. Termination

Either party may terminate this Lease for any reason, or for no reason, upon thirty (30) days' written notice to the other Party.

5. Rent

The rent payable by County to Lessor for the Term shall be non-monetary. The Parties agree that that the mutual agreements herein, including the County's promise to operate a library at the Premises in exchange for permission to possess the Property and Premises, constitutes adequate rent.

6. Assignment

Lessee shall not have the right to assign this lease or to sublet the Premises in whole or in part, without the prior written consent of the Lessor.

7. Compliance with Legal Requirement

The Parties shall comply with all legal applicable requirements of city, county, state and federal governments and all subdivisions thereof respecting any operation conducted or any equipment, installations or other property placed upon, in or about the Premises. Neither Party shall create and/or permit the creation of any nuisance upon, in or about the Premises, nor make any other offensive use thereof.

8. Utilities

Lessee shall pay for all electricity, gas, oil, water and other utilities consumed or used on the Premises.

9. Structural Additions, Alterations, Changes and Improvements

Lessee shall not make, and shall not have the right to make structural alterations, changes or improvements (including, but not limited to, paving repairs or additions), in or to the Premises without Lessor's prior written consent, which shall not be unreasonably withheld. If such consent is given, structural alterations, changes, and improvements, unless agreed otherwise, shall become the property of the Lessor at the termination of this Lease Agreement.

10. Repairs and Maintenance

Lessor shall, at Lessor's own expense, maintain the exterior and structural portions of the Premises and the Property, including the roof and exterior walls, heating and air conditioning equipment, and plumbing within the Premises and on the Property. Routine repair and minor maintenance items shall be the responsibility of the Lessee. Lessee shall report any and all repair and maintenance issues exceeding the routine and minor threshold to Lessor and Lessor agrees to resolve such matters in a timely manner.

11. Safe and Sanitary Condition

Lessee shall not permit, allow or cause any act or deed to be performed upon, in or about the Premises which shall cause or be likely to cause injury to any person or to the Premises or property. Lessee shall at all times keep the Premises in a neat and orderly condition and shall keep the Premises and the entryways, parking areas, sidewalks and delivery areas adjoining the Premises neat, clean and free from vegetation, rubbish, and dirt. Lessor is responsible for the removal of snow and/or ice from the Property, including the parking area and all sidewalks, and agrees to salt the sidewalks prior to anticipated snow and/or ice events and to remove such snow and/or ice as soon as practicable and, in any event, prior to Library's next scheduled opening.

12. Trade Fixtures and Equipment

Lessee shall be permitted to install equipment and trade fixtures on the Premises. In addition, Lessee shall be permitted to remove said equipment and trade fixtures from the Premises upon the termination of this Lease Agreement if Lessee is not then in default hereunder; provided that if the Lessee does so remove such equipment and trade fixtures, Lessee shall return the Premises to the same condition in which they existed at the date of this lease, ordinary wear and tear excepted.

With the exception of the equipment and/or personal property listed on **Exhibit B** attached hereto, any and all equipment and/or personal property currently existing on the Property and/or in or on the Premises belongs to the Lessee. Any personal property kept in or on the Premises or the Property by the Lessor shall be at the sole risk and hazard of Lessor and no part of loss or damages to such personal property from whatever cause shall be the responsibility of, charged to, or borne by the Lessee.

13. Donated Property

Equipment and/or property donated to the Lessee, the Black Mountain Library, and/or the Buncombe County Public Library System by the Lessor or any other party shall become the property of the Lessee, which property must be used for a public purpose or otherwise handled in accordance with North Carolina law. Lessee agrees to endeavor to use such donated property in such a manner as to primarily benefit the Black Mountain Public Library Branch of the Buncombe County Public Library System.

14. Inspection

Lessor shall have the right at all reasonable times to enter and inspect the Premises upon reasonable notice to the Lessee.

15. Conditions of Premises Upon Termination

Upon the termination of this Lease Agreement Lessee shall return the Premises to Lessor substantially in the same condition as on the date hereof, loss by Acts of God and ordinary wear and tear excepted.

16. Binding Effect

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns.

17. Notices and Written Consents

All notices and written consents required under this Lease Agreement shall be deemed properly served when posted by certified United States mail, postage prepaid return receipt requested, addressed to the party to whom directed at the following address or at such other address as may be from time to time designated in writing:

To Lessor: Black Mountain Town Manager
 160 Midland Avenue
 Black Mountain, NC 28711

To Lessee: Asheville-Buncombe Library System Director
 Administrative Offices
 67 Haywood Street

With Copy to:

Black Mountain Library Branch Manager
105 N. Dougherty Street
Black Mountain, NC 28711

18. Covenant of Title and Quiet Enjoyment

Lessor covenants and warrants to Lessee that Lessor has full right and lawful authority to enter into this Lease for the term hereof and that provided Lessee is not in default hereunder, Lessee's quiet and peaceable enjoyment of the Premises shall not be disturbed by anyone claiming through Lessor.

19. GASB 87.

Lessor and Lessee agree to abide by the Government Accounting Standards Board (GASB) lease accounting standards for governments following GASB accounting standards (GASB Lease Rules) issued in June 2017. The parties acknowledge that GASB 87 accounting standards will be effective for reporting periods beginning December 15, 2019. The parties will also provide a copy of this Lease to their respective accounting professionals.

20. Reasonable Actions

Lessor and Lessee shall both act reasonably in regard to all duties and responsibilities contained herein.

In Witness Whereof, the Parties have caused the due execution of the foregoing instrument by their authorized representatives as of the date and year first written above:

Town of Black Mountain (Lessor)

Buncombe County (Lessee)

By: _____
(Signature)

By: _____
(Signature)

(Printed Name)

(Printed Name)

(Title)

(Title)

(Date)

(Date)

Exhibit A



Exhibit B

List of Lessor's Equipment/Personal Property
on the Property and/or the Premises

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: June 13, 2022

SUBJECT: Golf Equipment Lease

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8C
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

SUMMARY: In October 2021, Town Council voted to approve a golf equipment lease for new equipment with Smith Turf & Irrigation. Since this time, we've been in contact with the company, and they can't get the equipment due to supply chain shortages. We've been in contact with the other company that originally submitted quotes and they can get equipment. Staff recommends terminating our agreement with Smith Turf & Irrigation and moving forward with Greenville Turf & Tractor. The cost of the lease agreement will be \$92,988 per year for five years.

MOTION FOR CONSIDERATION: To approve lease agreement

FUNDING SOURCE: Golf Fund

ATTACHMENTS: cost sheet

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve lease proposal as presented.



Greenville
TURF & TRACTOR

Greenville Turf & Tractor

701 Sandy Springs Rd.
Piedmont, SC 29673
866-485-8873 Toll Free
888-884-7562 Fax

4.22.22
Black Mtn. GC
Jerry Brigman
15 Ross Dr. Black Mtn NC 28711
828-669-2710
jerry.brigman@townofblackmountain.org

Territory Manager
David Sluder
dsluder74@yahoo.com
864-419-3369

John Deere Golf & Turf Equipment Lease Proposal

Qty.	Order Codes	Description	National Account Unit Price	Extended National Account Total
3	1272TC	John Deere 2400B Triplex	\$46,966	\$140,897
3	001A	US/Canada		
3	443	All Other Countries		
3	1024	Smooth Tires		
3	1190	Two Wheel Drive		
3	1203	QA5 11 Blade		
3	1300	2" Machined Grooved Rollers		
3	1602	2" Hollow Smooth Rear Rollers		
3	1408	GTC Counterweight		
3	3200	Yoke Kit		
3	9743	GTC Gear Drive		
3	9742	GTC Shaft and Blades		
3	183E	JDLink		
3	2009	Standard Seat		
3	9766	LED Light Kit		
5 Year Warranty Parts and Operators Manuals				
1	1446TC	John Deere 9009A Rotary Mower	\$89,097	\$89,097
1	443	English		
1	9764	Canopy Kit		
1	183E	JDLink		
4 Year Warranty Parts and Operators Manuals				
5 Year Warranty Parts and Operators Manuals				
1	143CTC	John Deere 7400A Rough Mower	\$56,435	\$56,435
1	001A	US/Canada		
1	443	All Other Countries		
1	9764	Canopy		
1	9767	Joystick Kit		
1	183E	JDLink		
5 Year Warranty Parts and Operators Manuals				

1	559KM	John Deere TX Turf Gator	\$12,619	\$12,619
1	001A	US/Canada		
1	501	PR Base		
1	1015	Turf Tires		
1	2016	Non Adjustable Seat		
1	3100	Cargo Box Manual Lift		
1	3001	Deluxe Cargo Box		
1	4199	Less Raer Protection Package		
1	4099	Less Front Protection Package		
1	BM23989	Drawbar		
		5 Year Warranty		
		Parts and Operators Manuals		
1	140ATC	John Deere 2020A Pro Gator	\$34,159	\$34,159
1	001A	US/Canada		
1	1190	2 Wheel Drive		
1	1139	Standad Front Tires		
1	1161	Fairway Rear Tires		
1	2200	Factory Insatllled Hydraulics		
1	9773	Governor Control Kit		
1	9778	Quick Connect Kit		
1	183E	JDLink		
		5 Year Warranty		
		Parts and Operators Manuals		
1	3769M	John Deere HD 200 Gallon Sparyer	\$24,577	\$24,577
1	001A	US/Canada		
1	6452	Stainless Centrifugal Pump		
1	2002	GEN2 Auto Rate Controller		
1	3001	Multi Size Boom 15'-21'		
1	9005	Flood Style Nozzle Package		
1	9031	Electric Foam Marker		
1	9055	Electric Hose Reel		
1	9060	Spraygun		
1	9070	Ground Plane Wheels		
1	9869	Hose Plumbing Kit		
		5 Year Warranty		
		Parts and Operators Manuals		

2	142ATC	John Deere 7700A Farirway Mower	\$83,350	\$166,699
2	001A	US/Canada		
2	443	All Other Countries		
2	1208	QA7 8 Blade Cutting Units		
2	1305	3" Machined Grooved Front Rollers		
2	1401	QA7 Counterweight Kit		
2	1191	Factory Installed 4WD		
2	9764	Canopy		
2	9756	Smooth Roller Scrapers		
2	183E	JDLink		
		5 Year Warranty		
		Parts and Operators Manuals		

1		Release Toro Sandpro	\$7,500	\$7,500
		60 Month FMV		

1	Rebate	Club Procure Rebate Applied Back to Deal		-\$10,490
			Total	\$521,494

60 Month FMV Lease Estimate, before taxes \$7,749

With Sales Tax Estim: \$8,445

_____ Date: _____

Conditions of Quote

Note 1: This quotation will be honored for 10 days.

Note 2: Prices and payments do not include applicable taxes.

Note 3: To initiate Equipment Purchase indicate equipment desired, sign and date quote and fax to 888-884-7
Above is our quotation for the equipment named, subject to the following conditions: The prices and terms on
by the Home Office of the Seller. All quotations and agreements are contingent on availability of product from
subject to change without notice. Typographical errors are subject to correction. Conditions not specifically s

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 13, 2022

SUBJECT: Public Hearing to Close Portion of Unopened, Platted Portion of Buckeye Street
#R-22-15

AGENDA INFORMATION

Agenda Location: PUBLIC HEARING
Item Number: 9A
Department: Planning & Development
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: A property has submitted a petition to close an unopened, platted portion of Buckeye Street (west end). The requested closure is approximately 130 feet in the length and 42 feet wide. 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. If closed, the right-of-way will be split down the middle with the Town receiving 20 feet of the right-of-way and the applicant receiving the other 20 feet. The Planning Board recommended the closure with a vote of 4-1, with Shawn Slome voting against the motion, at the March 28, 2022, meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION:

1. To open the public hearing for **Resolution #R-22-15** to Close Unopened, Platted Portion of Right-of-Way of Buckeye Street (west end).
2. To close the public hearing.
3. To approve **Resolution #R-22-15** for the right-of-way closure.

FUNDING SOURCE: N/A

ATTACHMENTS: **Resolution #R-22-15, Map**

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve **Resolution #R-22-15** as presented.

RESOLUTION #R-22-15

RESOLUTION TO CLOSE A PORTION OF AN UNOPENED, PLATTED PORTION OF BUCKEYE STREET (WEST END)

WHEREAS, one property owner has initiated a petition to close that unopened, platted portion of Buckeye Street (west end); and

WHEREAS, the Planning Board for the Town of Black Mountain did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted portion of Buckeye Street (west end) to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at the northwest corner of Lot 8, Block 2, as shown on that plat recorded in Plat Book 154 at Page 193, Buncombe County Registry, said lot corner being the intersection of the southern edge of Second Street, now known as Mountain Street, with the eastern edge of Swannanoa Avenue, as said street are shown on said plat; thence with the northern boundary of said Lot 8 South 88° 30' East 130 feet to the northeast corner of said Lot 8; thence North 02° 30' West 40 feet to a point in the northern edge of the right of way of Second Street, now known as Mountain Street, at a point in the southern boundary of the large unnumbered parcel in Block 28 of Plat Book 154 at Page 193, Buncombe County Registry; thence with the northern edge of Second Street North 88° 30' West 130 feet to the intersection of the northern edge of Second Street with the eastern edge of Swannanoa Avenue; thence South 02° 30' East 40 feet to the **BEGINNING**, being that 130 foot portion of Second Street, now known as Mountain Street, adjoining the above described Lot 8 along the entirety of its northern boundary.

WHEREAS, the Town Council of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 11th day of April, 2022, and for good cause shown, the Town Council declared its intent to close the described unopened, platted portion of Buckeye Street (west end); and

WHEREAS, a copy of the resolution adopted by the Town Council at their April 11, 2022, meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted portion of Buckeye Street (west end) was posted at two prominent places along said street no later than May 19, 2022; and

WHEREAS, a public hearing was held to receive public comment at the regular meeting of the Town Council in the Board meeting room in the Town Hall Building on Monday, June 13, 2022, at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Town Council that closing the described unopened, platted portion of Buckeye Street (west end) is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted portion of Buckeye Street (west end) would be hereby deprived of reasonable means of ingress or egress; but

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that:

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted portion of Buckeye Street (west end) described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

I move the adoption of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, this the 13th day of June 2022.

ATTEST:

Larry Harris, Mayor

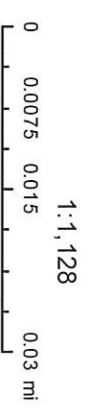
Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

Buncombe County



May 7, 2021



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),