



TOWN OF BLACK MOUNTAIN

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

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

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Conserve resources; print only when necessary.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door.

*Should you need other assistance or accommodation for this meeting, please contact
Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@tobm.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 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. Rev. Chandler Ragland offered an invocation. Mayor Harris then led the Pledge of Allegiance. Mayor Harris read an ethics statement and reminded the public of the Council's duty to vote, save a conflict of interest.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Black Mountain Police Chief Steve Parker presented a Life Saving Award to officers Sam Stone and Olivia Presley.

Chief Parker gave a brief public safety update, especially concerning the department's preparedness to respond to active shooter events.

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.

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 them and present them to the Mayor for consideration.

- Roger Register of 43 Mandoline Drive spoke in support of a noise ordinance or some mechanism to prevent speeding and excess noise from engine breaks on Highway 9.
- Shawn Slome of 115 3rd Street read *Trees* by Joyce Kilmer.
- Manager Harrold read a commend from Nancy Ramsay of 11 Mandolin Drive requesting more speed enforcement along Highway 9 near Cheshire and Christmont.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. The Black Mountain Library Board Annual Report – Judd Dougherty

Mr. Dougherty explained that the Library Board consists of six-member board, with one current vacancy. They currently follow an informal recruitment process with an indefinite appointment term. The Town Council expressed interest in formalizing the process and having the Library Board follow the same recruitment process as the other advisory committees. Attorney Sneed is going to follow up with the Library Board in regard to the proposed library lease from Buncombe County and formalizing the Library Board recruitment and oversight process. Mr. Dougherty also agreed to include a report of the Library Board's expenses during the annual report to Council.

B. Metropolitan Sewer District Annual Report – Bob Watts

Mr. Watts presented an update from the Metropolitan Sewer District Board. The board consists of fourteen members. MSD is proposing an increase of 2.5% to their FY 22-23 Budget. The total budget number is \$59.8 million.

C. North Carolina Department of Transportation – Hannah Cook and Steve Cannon

Ms. Cook and Mr. Cannon presented a proposed project for US 70. They plan to present this project for scoring and prioritization. A copy of the PowerPoint is included and made part of these minutes.

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-22-15 as presented.*

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

6. CITIZEN COMMENTS - None

7. UNFINISHED BUSINESS

8. NEW BUSINESS

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

Planning Director Jessica Trotman presented information concerning this ordinance. The 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. This ordinance will become effective July 1, 2022.

Council Member Bill Christy moved to approve and adopt Ordinance #O-22-04 as amended. The motion was approved by a vote of 5-0.

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

Attorney Sneed presented the proposed Library Lease from Buncombe County. Attorney Sneed recommended that no action be taken on the lease until it can be presented to the Library Board and suggestions sent to Buncombe County. Council Member King expressed concerns, especially concerning that the lease is currently written as year-to-year and suggested that a long-term lease be proposed. It was agreed the lease would be accompanied by a resolution from the Town Council which would indicate interest in a longer-term commitment.

C. Golf Course Equipment

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.

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

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 to Close Portion of Unopened, Platted Portion of Buckeye Street

Attorney Sneed excused himself from the Council Chambers for the public hearing due to his prior representation of the applicant. Attorney Sneed exited the meeting at 7:10 p.m.

Planning Director Jessica Trotman presented the information concerning this right-of-way closure. 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.

Vice Mayor Ryan Stone moved to open the public hearing for Resolution #R-22-15 to Close Unopened, Platted Portion of Right-of-Way of Buckeye Street (west end). The motion was approved by a vote of 5-0.

Shawn Slome of 115 3rd Street spoke against the right-of-way closure. He expressed that the Town Council should wait until the remainder of the plan for Cragmont Park is complete.

Lee Reading also spoke against the right-of-way closure and supports the suggestion that the plan for the park is complete.

Bob Watts of 130 Church St. spoke against the right-of-way closure because of concerns that the Town would lose access for sewer lines.

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

Planning Director Trotman informed the Council that MSD has an easement in place, therefore sewer lines are not a concern. Planning Director Trotman addressed other concerns. There was some discussion between the Council Members and the Planning Director.

Council Member Bill Christy moved to approve and adopt Resolution #R-22-15 as presented. The motion was approved by a vote of 5-0.

10. COMMUNICATION FROM STAFF

Town Manager Josh Harrold reminded the public and Council that Park Rhythms begins at 6 p.m. on Thursday, June 16th. Town Offices will be closed for Juneteenth on Friday, June 17th.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Hay reminded the public of the budget meeting on June 28th at 5 p.m. He also thanked staff for their work on the Community Garden's EmpTea Bowl's event.

Council Member King called the public's attention to the Community Connect resource. This is a free and secure platform which allows the public to share crucial information in and around their home or business that will aid emergency personnel who are responding to that location.

12. CLOSED SESSION

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

Council Member Archie Pertiller moved to enter into closed session. The motion was approved by a vote of 5-0.

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

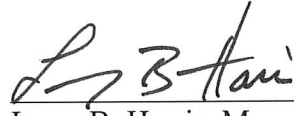
13. ADJOURNMENT

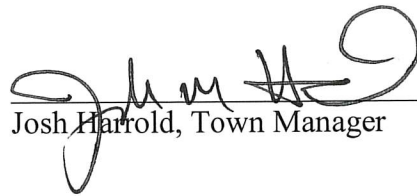
Vice Mayor Ryan Stone moved to adjourn the meeting at 7:58 p.m. The motion was approved by a vote of 5-0.

There being no further business, Mayor Harris adjourned the meeting at 7:58 p.m.

ATTEST:


Savannah M. Parrish Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager