TOWN OF BLACK MOUNTAIN

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

Date: **July 11, 2022** Time: **6:00 p.m.** **Regular Session Minutes**

*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 Town Council** to download materials for all Town board meetings.*

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. Sarah Vekasi, MDiv 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

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.

Jay Longshore of 103 Cherry Street spoke concerning short term rentals in the downtown business district. Mr. Longshore proposed changing the Land Use Code to prevent short term rentals on street level in the business district.

Phil Bisesi of 15 Highview Drive requested that the Town Council consider acknowledging International Day of Peace with a Proclamation. Mr. Besei would also like to see recycling service increase to once a week.

Sarah Vekasi of 118 Beech Street spoke concerning short term rentals in the downtown business district and agreed with Mr. Longshore's proposed change to the Land Use Code. Ms. Vekasi also expressed concern that short-term rentals on street level in the business district hurt commerce and business occupancy downtown.

Carra Seals of 103 Cheery Street also spoke concerning short term rentals in the downtown business district and agreed with Mr. Longshore's proposed change to the Land Use Code.

Hallie Saunders of 25 Daniel Lane made comments in support of anti-abortion ideology.

Shawn Slome of 115 3rd Street suggested noise pollution measures for the upcoming project on Blue Ridge Road.

Leslie Blount of 220 McCoy Cove Road expressed concern about what she believes in a group of campers living near her home. Ms. Blount will follow up by meeting with the Town Manager and Police Chief.

Mayor Harris requested that items be added to the agenda. A request to close a parking space in a public parking lot and declining federal funds in order to continue moving forward with North Carolina Department of Transportation for the Montreat Road Emergency Signal. Mayor Harris also requested that a brief presentation concerning cyber from Advanced Data be added to the agenda.

Council Member Pam King moved to add the items to the agenda. The motion was approved by a vote of 5-0.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Brian Scheewe of Advanced Data and Network Solutions, the Town's IT provider, gave an update to the Town Council concerning cybersecurity. Brian's presentation covered the confidentiality, integrity and availability of the Town's data and security. The presentation 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 approve the minutes of the June 13, 2022 Regular Session Meeting, the June 13, 2022 Closed Session Meeting, the June 9, 2022 Agenda Meeting, the June 9, 2022 Budget Meeting, and the June 2, 2022 Budget Meeting.*

B. Resolution Authorizing The Conveyance of Obsolete Property to Ukraine

Motion: *To approve Resolution **#R-22-18** as presented.*

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

6. CITIZEN COMMENTS

7. UNFINISHED BUSINESS

A. Lease Proposal from Buncombe County regarding the Black Mountain Library

Attorney Sneed addressed the Council concerning the Black Mountain Library Lease. Attorney Sneed plans to send the draft lease back to Buncombe County with commentary and suggested changes. Attorney Sneed will bring the lease back to the Town Council after he receives word from Buncombe County.

8. NEW BUSINESS

A. Montessori School Lease

Attorney Sneed presented the information to the Town Council along with options for leases. The Town Council chose to proceed with a five-year lease extension with one-year extensions after that, which was recommended by the Town Attorney.

Council Member Archie Pertiller moved to approve the Montessori School Lease as presented. The motion was approved by a vote of 5-0.

B. Discussion of Capital Budget Proposals

Town Manger Josh Harrold presented the requested information to the Town Council. The four projects that were identified as highest priority were Charlotte Street Sidewalks $65,000 Public Safety Parking Lot $100,000 Pickleball Courts $120,000 Grey Eagle $195,800. The total for all four being $480,800. The ARP/CSLFRF revenues will cover salaries and benefits in various departments. The supplanted non-grant revenues will cover the cost of the projects.

> ***Council Member Doug Hay moved to approve the Amendment to the ARPA Grant Project Fund Ordinance, Amendment to the FY 2022-2023 General Fund Annual Budget Ordinance and Transfer of funds from ARPA Grant Project Fund to the General Fund to cover approved projects. The motion was approved by a vote of 5-0.***

C. Downtown Parking Space Discussion

The Town Manager received a request to close a parking space in a Town owned parking lot located off of Broadway Street. The parking space affronts a business owned by John Richardson, who is making the request to make access to the business easier. Mayor Harris suggested that the Council task the Town Manager and the Town Attorney to meet and learn more about the situation.

> ***Vice Mayor Stone moved to request that the Town Manager and Town Attorney discuss the matter and have more information at the next regular meeting. The motion was approved by a vote of 5-0.***

D. Montreat Road Emergency Signal Funding

The Town Manager suggested to the Town Council that the federal funds which were awarded for the project, but have not yet been received, be respectfully declined. Should federal funds be accepted for the Montreat Road Emergency Signal, progress would be greatly delayed due to reporting requirements and hinderance to the process with North Carolina Department of Transportation. The Town Council agreed that the project should be completed in a timely manner.

> ***Council Member Archie Pertiller moved to decline the federal funding for the Montreat Road Emergency Signal. The motion was approved by a vote of 5-0.***

E. Financing for Police Cars and Body Cameras

The FY22-23 budget allocates $580,000 to purchase five police cars and new body cameras/in-car cameras with financing. The proposal from Truist gives two options for financing for a 4-year term and a 5-year term. The Town Manager recommended the 4-year term which has an annual debt payment is $156,000 at 2.99% interest.

Vice Mayor Ryan Stone moved to approve financing for police cars and body cameras. The motion was approved by a vote of 5-0.

F. Board Appointments

ABC Board – (1) 3-year term ending June 30, 2025

One application received from Amanda Nichols for one vacancy. Cheryl Milton withdrew her application from consideration.

Amanda Nichols was appointed to fill a 3-year term ending June 30, 2025 by a vote of ___5___ for and ___0___ against.

Active Mobility Commission – (1) 3-year term ending June 30, 2025

The Active Mobility Commission reviewed three applications for one vacant seat. The Active Mobility Commission voted 4-0 to recommend Michelle Knight for appointment to the one vacant seat.

The vote the Active Mobility Commission appointments was delayed until the next regular meeting.

Historic Preservation Commission - (3) 3-year terms ending June 30, 2025

One application received from Walter Richard House for three vacancies. Two vacancies will remain open pending new applications.

Walter Richard House was appointed to fill a 3-year term ending June 30, 2025 by a vote of ___5___ for and ___0___ against.

Planning Board - (3) 3-year terms ending June 30, 2025

The Planning Board reviewed seven applications for three vacant seats. The Planning Board voted by ballot to recommend Chris Collins, Lauronda Teeple, and Joe Laudenslayer for appointment to the three vacant seats. Herman Folkers withdrew his application for consideration.

Chris Collins, Lauronda Teeple and Joe Laudenslayer were appointed to fill three 3-year terms ending June 30, 2025 by a vote of ___5___ for and ___0____ against.

Recreation Commission - (2) 3-year terms ending June 30, 2025

The Recreation Commission reviewed six applications for two vacancies alternate seats. The Recreation Commission recommends Frank Cappelli and William Boyd for appointment.

Frank Cappelli and William Boyd were appointed to fill two 3-year terms ending June 30, 2025 by a vote of ___4___ for and ___1___ against.

Zoning Board of Adjustment - (2) 3-year terms ending June 30, 2025 and 3 alternate seats

Three applications received by Walter Richard House, Ben Cooper, and Andy Homrich for two vacancies and three alternate positions. Walter Richard House also applied for Historic Preservation Commission. Available alternate seats will remain open pending new applications

Ben Cooper, and Andy Homrich were appointed to fill two 3-year terms ending June 30, 2025 by a vote of ___5___ for and ___0___ against.

The ballots for appointments are included and made part of these minutes.

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
#R-22-17

Vice Mayor Ryan Stone moved to open the public hearing. The motion was approved by a vote of 5-0.

Planning Director Jessica Trotman presented the information to the Town Council. The Planning Board recommended that the Town Council initiate a petition to close the east end of the unopened, platted portion of Buckeye Street at their March 28th meeting. The Town Council voted unanimously at their April 11th meeting to initiate the petition. The requested closure is approximately 200 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 both halves of the right-of-way. The Planning Board recommended the closure with a vote of 6-1, with Shawn Slome voting against the motion, at the April 25, 2022, meeting.

Shawn Slome of 115 3rd Street made a public comment expressing concern about closing the right-of-way.

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

Council member Doug Hay moved to approve Resolution #R-22-17 for the right-of-way closure.

10. COMMUNICATION FROM STAFF

The Town Manager reminded the public about Park Rhythms and gave a brief update on FEMA projects.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Harris recognized the Black Mountain Greenways and Trails Committee for receiving the National Park Service Rivers, Trails and Conservation Assistance (NPS RTCA) grant. BMGTC grant partners include the Town of Black Mountain, the Swannanoa Valley Chamber of Commerce and Connect Buncombe. The BMGTC and partner organizations will have two years to work with the NPS to further goals of trail connections and greenspace preservation.

There was some discussion of the request to change the Land Use Code by downtown business owners.

Council Member Pam King moved to request that Planning Board to address the issue and make recommendations to the Town Council. The motion was approved by a vote of 4-1 with Council Member Christy voting against.

12. CLOSED SESSION

Vice Mayor Ryan Stone moved to enter into Closed Session. The motion was approved by a vote of 5-0.

The Town Council returned to open session.

Council Member Archie Pertiller moved to withdraw the appeal to N. Ray Presnell. The motion was approved by a motion of 4-1, with Vice Mayor Stone voting against.

13. ADJOURNMENT

There being no further business, Mayor Harris adjourned the meeting at 7:44 p.m.

ATTEST:

Savannah Parrish

Savannah M. Parrish Town Clerk

L B Harris

Larry B. Harris, Mayor

Josh Harrold, Town Manager