



TOWN OF BLACK MOUNTAIN

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

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

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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 and introduced Rev. Richard White, who led the invocation. Mayor Harris then led the public in the Pledge of Allegiance. Mayor Harris read the ethics statement and reminded the public of the Council's duty to vote, save a conflict of interest. Mayor Harris noted that both Attorney Sneed and Council Member Pertiller recused themselves from Item 8A - Duke Energy Progress Easement.

Mayor Harris shared information regarding the health of the Town's finances. The document is included as an attachment to these minutes.

2. PROCLAMATIONS, AWARDS & RECOGNITION

A. Life Saving Award – Chief Coffey

This award was removed from the agenda.

3. CITIZEN COMMENTS

Frank Cappelli of 1120 Montreat Rd commented concerning recreation and youth sports. Mr. Cappelli thanked Jamey Matthews and Josh Harrold for their work and ability to communicate with the public. He encouraged the Town Council to budget additional funds for youth sports' needs.

Leo Cappelli of 1120 of Montreat Road continued Frank Cappelli's comment, also encouraging the Town Council to consider more funding for youth sports.

Shawn Slome of 115 3rd Street requested that the Town Council consider including a noise abatement wall in the planned improvements to the new I-40 Interchange at Blue Ridge Road.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A.** BearWise Report – Ashley Hobbs of BearWise provided information about the organization and provided the Town Council with implementation details should they chose to pursue becoming a BearWise Community.
- B.** Golf Course Annual Report – Brent Miller, Operations Manager of the Black Mountain Golf Course gave an update on the condition and financial status of the golf course. The golf course enjoyed an excellent year, and Mr. Miller thanked the maintenance staff for their work maintaining the greens and overall condition of the golf course. Although numbers from the 2021-2022 audit are still subject to change slightly, the golf course is currently projecting a \$55,000 profit. The report is included as an attachment to these minutes.
- C.** Post Construction Stormwater Inspection Requirements – Planning Director Jessica Trotman provided a summary review of inspection requirements under the post construction stormwater ordinance.

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 October 6, 2022, Special Call Meeting, the October 6, 2022, Agenda Meeting, the October 10, 2022, Regular Meeting, the October 10, 2022 Closed Session Meeting.*

- B.** Budget Amendment to Increase the Budgeted Expenditure Amount for the Stormwater Master Plan

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

- C.** Budget Amendment to Increase Salaries of Part-Time Employees

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

- D.** Budget Amendment to Increase Funding for Montreat Road Bike Boulevard

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

- E.** Skyrunner Inc. License to Formalize Usage of Town Property for Maintenance of Small Radio Communication Antenna at Fire Station #1

The Town Council requested more information regarding this item. It was removed from the agenda.

Motion: *I move that Town Council approve the Tower License Agreement as presented and authorize the Town Manager to negotiate and execute a license agreement with Skyrunner Inc.*

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

6. CITIZEN COMMENTS – None

7. UNFINISHED BUSINESS – None

8. NEW BUSINESS

- A.** Duke Energy Progress Easement for Parcel #07104190920000

Attorney Susan Russo Klein presented the information regarding this agenda item due to Attorney Sneed's conflict of interest. Fred Alexander is requesting that the Town Council grant an easement to Duke Energy Progress so that he may move forward with placing electrical lines on his property. Attorney Russo Klein stated that the easement was very standard, and the property in question was granted to the Town by FEMA because it is in the floodway, making alternate uses unlikely.

Council Member Bill Christy moved to approve the Duke Energy Progress Easement. The motion was approved by a vote of 4-0, with Council Member Pertiller recusing himself.

- B.** Highway 70 Waterline Update Capital Project Fund Ordinance

The Town is using funds received from American Rescue Plan Act for revenue replacement toward the Highway 70 Waterline Upgrade Project. A capital project will be established for financial and budgeting purposes. The commitment amount of \$500,000 will be transferred from the Town's general fund. Based on NC General Statute 159-13.2 the Town is authorizing and budgeting for the Highway 70 Waterline Capital Project with the approval of this Capital Project Fund Ordinance.

Council Member Pam King moved to approve the Capital Project Fund Ordinance as presented. The motion was approved by a vote of 5-0.

C. Amendment to American Rescue Plan Act Grant Project Ordinance and Amendment to Fiscal Year 2022-2023 General Fund Annual Budget Ordinance #O-22-09

The governing board has chosen to appropriate \$1,000,000 to cover salaries and benefits for the upcoming fiscal year—July 1, 2022, through June 30, 2023. The revenues will cover salaries and benefits in various departments. The supplanted non-grant revenues will cover the following projects:

- Tomahawk Dam Repair \$500,000
- Highway 70 Waterline Upgrade \$500,000

The Town is authorizing and budgeting for the transfer of funds from the ARPA Capital Project Fund to Amend the FY 2022-2023 Annual General Fund Budget to cover the approved projects.

Council Member Archie Pertiller 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 American Rescue Plan Act Grant Project Fund to the General Fund to cover approved projects. The motion was approved by a vote of 5-0.

D. Resolution for Honeycutt Street One-Way

The engineer gave a brief report supporting turning Honeycutt Street one-way going westbound from West Street to Montreat Road. The net increase in traffic is less than 2% in total. Parking will remain on the south side of the street. There was some discussion among the council.

Council Member Bill Christy moved to approve Resolution #R-22-23 to turn Honeycutt Street one-way going westbound from West Street to Montreat Road. The motion was approved by a vote of 4-1 with Vice Mayor Stone voting against.

E. Facilities Use Agreement-Carver Center

The Montessori School would like to allow Bounty & Soul to use the kitchen at the Carver Center to host an after-school cooking program for middle school age children and their parents/guardians. The agreement sets the parameters and length of use.

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

F. Historic Preservation Commission - (2) 3-year terms ending June 30, 2025

One application received from Amy Pate. One vacancy will remain open pending new applications.

Vice Mayor Ryan Stone moved to appoint Amy Pate to fill a 3-year term ending June 30, 2025. The motion was approved by a vote of 5-0.

G. Billboard Lease at Community Garden

After some discussion, the Town Council chose not to pursue the lease for the billboard.

Mayor Harris called for a motion to direct town attorney/staff to pursue new lease opportunities. The motion failed.

Council Member Archie Pertiller moved to direct the Town Attorney to notify the sign company that the lease will not be renewed and to remove their equipment. The motion was approved by a vote of 5-0.

H. Broadway Avenue Crosswalk Discussion

After some discussion concerning traffic and safety, the Town Council directed the Town Manager to form a plan to add a crosswalk on Broadway Avenue, including speaking with interested stakeholders and business owners who could be impacted by the loss of parking spaces.

9. PUBLIC HEARING - None

The chair will recognize individuals requesting to address the Council regarding the specific topic of the public hearing. Public hearing comments by any one 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

Town Manager Josh Harrold noted that the demolition of 621 Padgettstown Road is scheduled to take place in December. Town offices will be closed November 24th and 25th for Thanksgiving.

11. COMMUNICATION FROM MAYOR AND COUNCIL

Each Council Member expressed thanks to Vice Mayor Stone and Mayor Harris for their years of service to the community, and extended congratulations to mayor-elect Sobol and council member-elect Alice Berry.

12. ADJOURNMENT

There being no further business, Mayor Harris adjourned the meeting at 7:37 p.m.

s:/Larry B. Harris, Mayor

ATTEST: s:/Savannah Parrish,
Assistant to Manager/Town Clerk