



TOWN OF BLACK MOUNTAIN

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

Date: **March 13, 2023** Time: **6:00 p.m.**

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, March 13, 2023, at 6:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Alice Berry
Council Member Bill Christy
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

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

Manager Harrold requested that a closed session meeting be added to the agenda.

Council Member Doug Hay moved to amend the agenda by adding item 12A - Closed Session Meeting. The motion was approved by a vote of 5-0.

2. PROCLAMATIONS | AWARDS | RECOGNITIONS

3. CITIZEN COMMENTS

*Individuals wishing to address the Board are asked to sign in at the entrance to the board 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 Board. **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.*

- Teryl Best-Zurick – Spoke to express support of the John D. Wilson Community Garden and to request that the Town Council consider providing the garden manager a full-time position.
- Fortune Josephson – Requested a full-time garden manager for the John D. Wilson Community Garden.
- Liesl Erb Peterson – Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden.

- Katie Miller - Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden.
- Ali Casparian - Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden on behalf of Bounty and Soul.
- Jesse Rosenblum – Requested that the Town Council consider implementing regulations on short-term rentals in Black Mountain.
- Frank Cappelli – Spoke against the proposed Memorandum of Understanding between Charles D Owen Babe Ruth and the Town, objection to the financial reporting requirements.

4. COMMUNICATIONS [AGENCIES COUNCILS, COMMISSIONS & STAFF]

A. Active Mobility Commission Report – *Julia Weatherford, Chairperson*

Julia Weatherford, Chairperson for the Active Mobility Commission, gave an update to the Town Council on the greenways. The Active Mobility Commission recommended funding sidewalk continuation to Connelly St. and adding a crosswalk to make pedestrian access to the library safer. The Commission thanked Stormwater Program Manager, Anne Phillip for her work on the rain garden near the underpass, which has significantly decreased puddling and mud in the area. The Commission reported several other observations and made recommendations, including mitigation of silt and gravel runoff on the Lake Tomahawk walk path. A written report is included as an attachment to these minutes.

B. Elevate Black Mountain Update (Comprehensive Plan) – *Jessica Trotman, Planning Director*

Planning Director Jessica Trotman gave an update on Elevate Black Mountain. Planning Director Trotman noted that the Town currently 53 tasks in progress and 32 tasks awaiting action, all of which were identified in the plan. Tasks in progress include:

- Implement Blue Ridge Road Small Area Plan
- Develop an Economic Development Plan
- Implement Parks & Recreation Master Plan
- Complete the Blue Ridge Road Interchange

The report is included as an attachment to 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: *I move that Council adopt the minutes of February 9, 2023 Agenda Session, the February 13, 2023 Regular Session, the February 25, 2023 Special Session, and the March 1, 2023 Special Session as presented [or as amended].*

B. Agreement between DOT and Town of Black Mountain for EB5547 Section A

Motion: *To approve the agreement as presented*

C. Call for Public Hearing for Voluntary Annexation of a Portion of Property Owned by Vince and Libby Stelling

Motion: *To call for a public hearing for voluntary annexation for a portion of the parcel known as Buncombe County PIN #0710-10-9234.00000, to be held on Monday, April 10, 2023, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing for Rezoning of a Portion of the Property Owned by Vince and Libby Stelling

Motion: *To call for a public hearing for rezoning for a portion of the parcel known as Buncombe County PIN #0710-10-9234.00000 to be held on Monday, April 10, 2023, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Vice Mayor Archie Pertiller moved that Council approve consent agenda items A-D as presented. The motion was approved by a vote of 5-0.

6. UNFINISHED BUSINESS

A. Permanent Sidewalk Easement for Charlotte Street

Town Staff was instructed by Town Council to seek an easement from the Buncombe County Board of Education to construct a sidewalk along school property and Charlotte Street for purposes of establishing a pedestrian connection between the Flat Creek Greenway and the existing sidewalk on East State Street. The sidewalk will complete the pedestrian section leading to federal transportation project EB5547A.

Council Member Pam King moved to approve and accept the permanent sidewalk easement from the Buncombe County Board of Education and the terms set out therein for construction and maintenance of a sidewalk along property described in Deed Book 215, Page 65 in the office of the Register of Deeds of Buncombe County. The motion was approved by a vote of 5-0.

B. Appointment of Town Attorney

After a discussion of the four firm which sent in proposals, Roberts & Stevens, Allen Stahl + Kilbourne, Teague Campbell, and The Van Winkle Law Firm, the Town Council requested that staff reach out to representatives at each firm with an invitation to attend the April 10, 2023 Regular Session Meeting. The Town Council seeks more clarity in relation to the flat fees, hourly rates, and included services. The Town Manager will reach out the firms and ask them to attend the next meeting.

Councilmember Bill Christy moved to table Item6B – Appointment of the Town Attorney to the April 10, 2023 Regular Session Meeting. The motion was approved by a vote of 5-0.

7. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Board 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.*

8. NEW BUSINESS

A. Midland Avenue Large Vehicle Traffic Ordinance O-23-05 – Josh Harrold, Town Manager

The Town Council instructed staff to draft an ordinance to prohibit large vehicles on Midland Avenue for their consideration. The ordinance prohibits tractor trailers and vehicles exceeding 48 feet in length from traveling on Midland Avenue. This limitation on the use of Midland Avenue shall not apply to such trucks that enter onto the south end of Midland Avenue to deliver goods to the business at 203 East State Street.

Vice Mayor Archie Pertiller moved to adopt Ordinance O-23-05 to prohibit large vehicles on Midland Avenue. The motion was approved by a vote of 5-0.

B. Revised Babe Ruth Memorandum of Understanding – Josh Henderson, Parks and Recreation Director

The proposed Memorandum of Understanding (MOU) is a revision of the current MOU that the town has with Charles D Owen Babe Ruth baseball/softball, this revision is for the addition of section 11, financial reporting, requiring Charles D Owen Babe Ruth to submit bank statements at the end of each month during each season of play for review.

Councilmember Bill Christy moved to amend the MOU to add a phrase welcoming Babe Ruth to apply for Town appropriations. The motion was approved by a vote of 5-0.

Discussion continued with Councilmembers Hay and Berry expressing concern over the communication between Babe Ruth and town staff.

Councilmember Pam King moved to approve the MOU as amended. The motion failed by a vote of 2-3, with Councilmembers Alice Berry, Doug Hay, and Bill Christy voting against.

The Town Council directed the Town Manager to continue discussions with Babe Ruth and to ensure the organization has adequate time to review any proposed changes to the agreement.

C. Cheshire Lighting Agreement – Josh Harrold, Town Manager

An agreement has been prepared to continue the partial reimbursement from the Town to Cheshire Master Association, Inc. for lighting costs. The reimbursement will not exceed the money the Town would spend if streetlights in Cheshire had been installed in compliance with Town policy. Mr. Duke Woodson of the Cheshire Homeowners Association attended as a representative for Cheshire. Mr. Woodson thanked Manager Harrold for his willingness to work with the Association.

Councilmember Bill Christy moved that Council approve the Cheshire Lighting Agreement as presented. The motion was approved by a vote of 5-0.

9. PUBLIC HEARING -NONE

*The chair will recognize individuals requesting to address the Board 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

1. Town Manager

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Mike Sobol proposed the creation of the Friends of Black Mountain Golf. Mayor Sobol suggested the group should be formed of citizens in order to review the history of the Black Mountain Golf Course, compare the Black Mountain course to other municipal courses, to study the economic value of the golf course, how to improve playing conditions, and other items. There was discussion among the council. The Council agreed that a citizen's task force should only be engaged should the Town Manager request it.

Councilmember Pam King celebrated Women's History Month by reading the names of all of the women who have served on Black Mountain Town Council.

12. CLOSED SESSION

A. Closed Session – Acquisition of Property (§ 143-318.11-5)

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

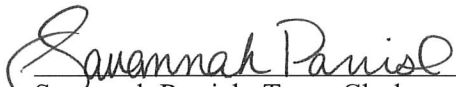
Council Member Doug Hay moved to return to the open session meeting. The motion was approved by a vote of 5-0.

13. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 8:17 p.m.

ATTEST:


C. Michael Sobol, Mayor


Savannah Parrish, Town Clerk