



TOWN OF BLACK MOUNTAIN

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

Date: **May 8, 2023** Time: **6:00 p.m.** **Regular Session Minutes**

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, May 8, 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

Mayor Sobol read the ethics statement and led those in attendance in the pledge of allegiance and a moment of silence. Vice Mayor Archie Pertiller recused himself from voting on Item 7A – Offer to Purchase Town Property.

2. PROCLAMATION AND AWARD RECOGNITIONS

3. CITIZEN COMMENTS

Lynn Swann requested that the Town Council consider items around Lake Tomahawk and the Lakeview Center in need of maintenance for the fiscal year 23-24 budget.

Ruth Pittard suggested that the Town Council use the American Rescue Plan Act funds to add solar panels to town owned building.

Karen Austin spoke on behalf of the Earth Care Team of Black Mountain Presbyterian Church. She requested the Council consider moving solar power to town buildings.

Jean Franklin requested the consideration of solar panels for town buildings.

Elizabeth Swann asked that the Town Council consider parking space needs and upgrades for the Lakeview Center, specially designated parking for senior citizens.

Motion: *I move that Council adopt the minutes of April 6 Agenda Meeting, the April 10 Regular Meeting, the April 19 Special Meeting, and the April 26 Special Meeting.*

B. Budget Amendment NCLM RMS Safety Grant – Tammy Holland, Finance Director

Motion: *I move that Council approve the budget amendment as presented.*

C. Budget Amendment 2023 Valentine Greenway Challenge – Tammy Holland, Finance Director

Motion: *I move that Council approve the budget amendment as presented.*

D. Special Revenue Grant Fund Ordinance – Governor’s Crime Commission Grant – Tammy Holland, Finance Director

Motion: *I move that Council approve as presented the attached Special Revenue Grant Fund Ordinance and Budget for the US Dept. of Justice Governor’s Crime Commission Grant.*

Vice Mayor Archie Pertiller moved to approve the consent agenda as amended to remove the minutes of April 26, 2023 and to amend the minutes of April 10, 2023. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

Elizabeth Swann reiterated that parking at the Lakeview Center is very limited when the pool is open.

Shawn Slome spoke against the offer to purchase town property, asking that the Town Council keep the land for some other use.

7. UNFINISHED BUSINESS

A. Discussion of Offer to Purchase Town Property – Josh Harrold, Town Manager

Fred Alexander has offered to purchase town-owned property located off East Street in Black Mountain. These properties are also identified with PIN #'s 071041900300000 & 071041909200000. Mr. Alexander owns property contiguous and wishes to use the property for agricultural purposes. Mr. Alexander is also aware we will follow NCGS 160A-266 for the sale or disposition of property. Vice Mayor Archie Pertiller recused himself from voting due to a conflict of interest.

Councilmember Doug Hay moved to reject the offer to purchase town property. The motion was approved by a vote of 3-1, with Councilmember Christy voting against.

8. NEW BUSINESS

- A. Ordinance to Amend Chapter 48 Articles V and VI, Stormwater Management Utility and Enterprise Fund #O-23-06 – Tammy Holland, Finance Director

The proposed revisions to these ordinances come as a result of town staff continued efforts of improve levels of service while ensuring compliance and enforcement of State and Federal regulations. Staff continue to analyze policies and procedures while diligently working towards ideas and plans that address both the present and future utility needs of the Town. The Town implemented new software solutions that allowed for streamlining and improving our overall level of service offered to the citizens. The ordinances revision provides language to effectively ensure the utility and enterprise fund operations, clearly convey the intent and purpose of the utility, while dedicating and protecting funding generated by the utility fee. The revised policy includes the billing and accounting procedures, collections, exemptions, credits, enforcement, and appeals process.

Councilmember Bill Christy moved that Council approve ordinance O-23-06 as or amended to add language for large retail and big box stores in the tier 5 category. The motion was approved by a vote of 5-0.

- B. Field of Honor Parade – Kiwanis Club of Black Mountain/Swannanoa – Josh Harrold, Town Manager

Kiwanis Club is requesting permission to hold a parade on Sept. 11, 2023. Staff will follow up with an ordinance to close State St. for the duration of the parade at the July, 2023 regular session meeting.

Vice Mayor Archie Pertiller moved to approve or deny the request of Kiwanis Club of Black Mountain/Swannanoa to close State Street for the Field of Honor Parade on Sept. 11, 2023. The motion was approved by a vote of 5-0.

9. PUBLIC HEARING

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.

- A. Public Hearing for Voluntary Annexation for Portion of Property Owned by Vince and Libby Snelling #O-23-03

Planning Director Jessica Trotman presented the information to the Town Council. There is an 8.41-acre parcel located off of N. Fork Road (identified as Buncombe County PIN #0710-10-9234.00000) that is partially located outside of town limits. The property owners would like to subdivide three parcels from the main parcel and annex those parcels into the town. The Planning

Board heard this request at their March 27, 2023, meeting and felt that the property would be a good addition and would fit in with the surrounding area.

Councilmember Doug Hay moved to open the public hearing for the proposed voluntary annexation for a portion of Buncombe County PIN #0710-10-9234.00000. The motion was approved by a vote of 5-0.

Kathy Phillips spoke to clarify the planning board's process, saying they supposed annexation only in the context of rezoning to the lower density SR-2.

Tim Shivers expressed concerns about the annexation.

Sharon Tabor expressed concerns regarding additional traffic on Chinquapin Hill.

Dan Hall asked for clarification on the maintenance of Chinquapin Hill, asking if the town would be taking over the maintenance of the road.

Scott Russell spoke as the representative of the applicant.

Vice Mayor Archie Pertiller moved close the public hearing. The motion was approved by a vote of 5-0.

Councilmember Bill Christy moved to adopt Ordinance #O-23-03 as presented. The motion was approved by a vote of 5-0.

B. Public Hearing for Rezoning of Portion of Property Owned by Vince and Libby Snelling #Z-O-23-04

The property owner of the parcels previously annexed the zoning designation of UR-8 (urban residential) for that portion of the property. The Planning Board heard this request at their March 27, 2023, meeting and recommended the zoning designation request of SR-2 to Town Council. The property owner agreed to the recommendation of the SR-2 zoning designation.

Councilmember Doug Hay moved open the public hearing to rezone a portion of 99999 Chinquapin Hill from R-LD to SR-2. The motion was approved by a vote of 5-0.

Charlene Hall expressed concern for the additional runoff on Chinquapin should additional homes be placed on the road, citing issues with road maintenance.

Scott Russell clarified that should the property owner sell the lots in the future the new owners would be brought into road maintenance.

Councilmember Pam King moved close the public hearing. The motion was approved by a vote of 5-0.

The Town Council reviewed the rezoning worksheet and agreed that the rezoning was reasonable.

Councilmember Bill Christy moved to adopt Zoning Ordinance #Z-O-23-04 (statement of consistency included) to rezone a portion of 99999 Chinquapin Hill from R-LD to SR-2. The motion was approved by a vote of 5-0.

10. COMMUNICATION FROM STAFF

Town Attorney Ron Sneed gave a legislative update.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Councilmember Pam King acknowledged Teacher Appreciation Week and thanked all of the teachers in the community.

12. CLOSED SESSION

A. Closed Session to Consult with the Town Attorney, as permitted in NCGS § 143.318.11(a)(3)

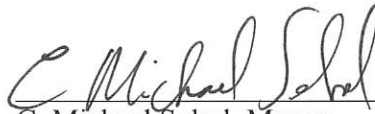
Vice Mayor Archie Pertiller moved to enter closed session. The motion was approved by a vote of 5-0.

Town Council returned to open session.

13. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 9:13 p.m.

ATTEST:


C. Michael Sobol, Mayor


Savannah Parrish, Town Clerk