



TOWN OF BLACK MOUNTAIN

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

Date: **June 12, 2023** Time: **6:00 p.m.**

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, June 12, 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.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS

- A. Pride Month Proclamation – Mayor Sobol recognized Pride Month in the Town of Black Mountain.
- B. Proclamation for Town Attorney Ron Sneed – Mayor Sobol read and presented the Proclamation to Attorney Sneed and thanked him for his forty-two years of dedicated service to the Town. A copy of the proclamation is included as an attachment to these minutes.

3. CITIZEN COMMENTS

- A. Andrew Clark – Spoke on behalf of Disabled American Veterans Chapter 14. Mr. Clark asked the Town Council to support various legislation related to veteran support.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. **Recreation Commission Annual Report** – *Nathan West, Recreation Commission Chair* – This item was removed from the agenda. Mr. West was unable to attend the meeting.

B. Metropolitan Sewer District Annual Report – Bob Watts, MSD Representative

Mr. Watts gave a brief update from the Metropolitan Sewer District.

C. Fire Department Annual Report – John Coffey, Fire Chief

The department responded to 2,381 calls in 2022. Of these, 49% were for rescue and emergency medical services and 2.69% were for fire calls.

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 – Savannah Parrish, Town Clerk

B. Mountain Heritage Trout Waters Memorandum of Understanding – Jessica Trotman, Planning Director

C. Budget Amendment Insurance Proceeds – Tammy Holland, Finance Director

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

6. 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.*

7. UNFINISHED BUSINESS

8. NEW BUSINESS

A. Direction for Short Term Rental Regulations – Jessica Trotman, Planning Director

The Planning Board is currently working on the first draft of the Unified Development Ordinance. Planning Director Trotman requested direction from Town Council regarding short term rental regulations to be included in the draft of the ordinance. The council agreed to review the ordinance as recommended by Planning Board, with the following guidelines:

- Require information about garbage and recycling be posted. Information about managing trash and bears to be included.
- Require information about noise ordinance to be posted.

- o Limit occupancy according to available parking.

B. Discussion of Potential Purchase for Expansion of Public Parking Lot – Josh Harrold, Town Manager

At the request of Mayor Sobol, staff reached out to the property owners of 200 NC Hwy 9, Black Mountain (PIN #061935429300000) expressing interest in potentially purchasing a 20 ft x 156 ft strip of land adjoining the Town's parking lot. The Town Council discussed the matter at the May 17, 2023 Budget Special Meeting. The property owners are requesting proposed acquisition plans, an appraisal, and an official offer letter in order to move forward. Staff requested direction from the Town Council. The Town Council chose not to move forward with any attempt to acquire the land at this time.

C. Ordinance Amendment ARPA Grant Project O-23-08 – Tammy Holland, Finance Director

On June 14th, 2021 the Town Council approved the grant project ordinance for the Town of Black Mountain American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF). The Town elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all of the ARP/CSLFRF funds for the provision of government services. The recommended amendment would reflect grant funds in the amount of \$211,209.00 is needed to account for the actual revenues that were received. Upon approval of this amendment the Town will transfer the remaining funds from the ARP/CSLFRF fund to the general fund for salary replacement. The Transfer total will be \$1,120,408.54.

Councilmember Bill Christy moved that Council approve the amendment to the ARPA Grant Project Ordinance. The motion was approved by a vote of 5-0.

D. Fire Apparatus Bid Approval – John Coffey, Fire Chief

After some discussion, the Town Council chose to reject the bids in favor of purchasing a stock truck, as requested by staff. The department reviewed several stock apparatus options from various other manufacturers. The current option is close to meeting the tactical needs of the department and the community and can be available to the Town much sooner than a newly built truck.

Councilmember Pam King moved to reject the presented fire apparatus bids. The motion was approved by a vote of 5-0.

Vice Mayor Archie Pertiller moved to authorize a downpayment of \$300,000 on the stock apparatus. The motion was approved by a vote of 5-0.

E. Traffic Policy – Josh Harrold, Town Manager

This policy, requested by Town Council, establishes consistent procedures for addressing the traffic-related issues that may occasionally arise along roadways within or nearby residential areas in town. The Town Council requested that staff make changes to the policy before it is adopted.

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.

10. COMMUNICATION FROM STAFF

1. Town Attorney Ron Sneed provided a legislative update. SB 299 would direct the N.C. Department of Revenue to withhold a portion of governments' sales tax distribution when the counties or municipalities fail to file a copy of their annual audit reports within 12 months of the end of a fiscal year. This legislation is expected to pass.
2. Town Manager Josh Harrold recognized Town Clerk Savannah Parrish for achieving North Carolina Certified Municipal Clerk designation through NC Association of Municipal Clerks and School of Government of North Carolina at Chapel Hill.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Councilmember Doug Hay thanked the public works department for their work on the Chapel Rd. water leak. Councilmember Hay recognized the new storybook walk at Lake Tomahawk and thanked the Friends of the Black Mountain Library and the Greenways and Trails Committee for their work on the project. Councilmember Hay requested that staff look into methods to improve parking conditions downtown.

All members of the council thanked Attorney Sneed for his forty-two years of service as Town Attorney.

12. CLOSED SESSION

Councilmember Bill Christy moved to enter into closed session to consult with an attorney as permitted by NC General Statute 143-318.11. (a)(3). The motion was approved by a vote of 5-0.

Councilmember Bill Christy moved to return to open session. 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 8:38 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk