



TOWN OF BLACK MOUNTAIN

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

Date: **August 14, 2023** Time: **6:00 p.m.**

Regular Session

Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, July 10, 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
Craig Justus, Town Attorney – *absent, Brian Gulden attended.*
Savannah Parrish, Town Clerk

Mayor Sobol led those in attendance in the pledge of allegiance and a moment of silence, then read the ethics statement.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS

A. Citizen Recognition – *Steve Parker, Police Chief*

Police Chief Steve Parker recognized Officer Steven McPeters for his role in the chase and apprehension of an alleged bank robber through Black Mountain into Asheville. Parker also recognized Betty Jean Young who was the victim of an attempted carjacking by the alleged robber. John Carr and Joseph Onks were also recognized and awarded the Medal of Valor.

B. Recognition of Babe Ruth 8U All-Star Team – *Josh Henderson, Parks and Recreation Director*

The Mayor and Town Council recognized the Babe Ruth 8U All-Star Team. The Charles D. Owen Babe Ruth organization hosted the Cal Ripken Western North Carolina 11U and 8U All-Star tournament in Black Mountain at Veteran's Park on June 23rd-25th. The tournament was a huge success for the organization and the Town of Black Mountain. The 8U All-Star team comprised of players from the Owen district fought hard and placed 2nd in the tournament.

C. Recognition of Black Mountain Stingrays Swim Team – *Josh Henderson, Parks and Recreation Director*

Black Mountain Stingrays were recognized for the team's second straight Tarheel Swim League Championship. Black Mountain Pool Director Beth Rathbone also serves as coach for the swim team.

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.*

Mary Standaert invited the Mayor, Council, and public to the unveiling of the State of North Carolina Historical Marker for The Allen School that was located at 331 College Street in Asheville.

E.V. Gouge inquired about the status of repairs to the Gray Eagle Monument.

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.

Julie White spoke regarding the Active Mobility Ordinance on the agenda.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. Auditors Report 2022 — ~~Travis Kever, Gould Killian CPA Group~~ – moved to the September 11, 2023, regular session meeting.

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

Minutes of the July 6, 2023 Agenda Meeting and the July 10, 2023 Regular Meeting

B. Fire Truck Financing – Josh Harrold, Town Manager

C. Patrol Car Financing – Josh Harrold, Town Manager

D. Call for Public Hearing for Text Amendment to Conditional Zoning - Jessica Trotman, Planning Director

E. Call for Public Hearing for Text Amendment to the Primary Fire District - Jessica Trotman, Planning Director

F. Call for Public Hearing for Map Amendment to the Primary Fire District - Jessica Trotman, Planning Director

G. Approval of Amendment #1 - Preliminary Engineering - Client Agreement Project EB5547-A – Josh Harrold, Town Manager

H. Approval of Amendment #2 - Preliminary Engineering - Client Agreement Project EB5547-B – Josh Harrold, Town Manager

I. Resolution to Enter into a Contract for Engineering & Grant Administration Services for the Veterans Park Streambank Restoration -FEMA PROJECT # 436912 – Angela Reece, Project & Facilities Manager

Town Manager Josh Harrold presented the consent agenda to the Town Council. Councilmember Christy noted that on the minutes of the July 10, 2023 meeting, votes should reflect four (4) members voting, rather than five (5), noting his absence. The Town Clerk will make the correction.

Council member Pam King moved to approve consent items A – I as amended. 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. 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 Text Amendment to Vested Rights

Planning Director Jessica Trotman presented the information to the Town Council. The current ordinance incorrectly places conditional zoning into a category of site-specific development plans with a two-year time limit for vested rights. Conditional rezoning is not subject to this time limit because the site plan is part of the zoning regulation for a parcel which exists until such time it is amended by rezoning request or amendment specific to the parcel.

Councilmember Bill Christy moved to open the public hearing for Ordinance #O-23-14 for amendments to vested rights. The motion was approved by a vote of 5-0.

There were no public comments.

Councilmember Bill Christy moved to close the public hearing. The motion was approved by a vote of 5-0.

Councilmember Bill Christy moved to adopt Ordinance #O-23-14 (statement of consistency included) as presented. The motion was approved by a vote of 5-0.

8. UNFINISHED BUSINESS

9. NEW BUSINESS

A. NCDEACS - Recycling Cart Grant Funding – Josh Harrold, Town Manager

At the February 13th Council meeting, Town Council approved grant applications to NCDEACS for funding for roll-out recycling carts. The total amount to purchase the recycling carts is \$ 349,163. The Town was awarded the full grant amount funding of \$116,000. The Town will need to fund the remainder of \$233,163. Black Mountain is the last remaining town in Buncombe County allowing the use of blue bags for recycling. After much discussion, no action was taken. Town Council directed staff to collect survey responses to glean public input, and to collect prices for other cart sizes.

B. Ordinance #O-23-11 for Amendments to Active Mobility Commission – Josh Harrold, Town Manager

The Active Mobility Commission would like to amend their ordinance to allow them to have input on already adopted and approved projects before they are implemented and to be able to seek direction from Town Council on various projects or concerns that they see or hear about from the community. Active Mobility Commission member Julie White was present, representing the commission. There was discussion between staff, the Commission, and the Council.

No action was taken.

C. Maintenance for Rapid Response Flashing Beacons – Josh Harrold, Town Manager

Sikes Ragan plans to install a sidewalk on the north side of NC 9. According to Jesse Gardner, engineer for Sikes Ragan, NCDOT is requested the Town agree to maintain the rapid response flashing beacons for the crossing of NC 9.

Councilmember Bill Christy moved to approve the request as presented. The motion was approved by a vote of 5-0.

D. Board Appointments

- 1. Recreation Commission – 5 applications received for two vacancies – Sally Cochran and David Galloway are recommended by the Commission.***

The Town Council unanimously nominated Sally Cochran and David Galloway to the Recreation Commission.

Councilmember Doug Hay moved to appoint Sally Cochran and David Galloway for three-year terms. The motion was approved by a vote of 5-0.

2. Active Mobility Commission – 1 application received for two vacancies.

Councilmember Doug Hay moved to appoint Kristie Bergna for three-year term. The motion was approved by a vote of 5-0.

3. Historic Preservation Commission – 1 application received for one vacancy.

Councilmember Doug Hay moved to appoint Debra Norman for a three-year term. The motion was approved by a vote of 5-0.

4. Zoning Board of Adjustment – 1 application received for two vacancies.

Vice Mayor Archie Pertiller moved to appoint Nicole Stallings to an alternate seat. The motion was approved by a vote of 5-0.

5. ABC Board Chair Appointment

Councilmember Bill Christy moved to appoint Larry B. Harris as ABC Board Chair. The motion was approved by a vote of 5-0.

10. COMMUNICATION

Town Attorney – Craig Justus – *absent, Brian Gulden attended.*

Mr. Gulden informed the Town Council that the State of North Carolina has not yet approved a budget.

Town Manager Josh Harrold informed the public that Town offices will be closed for Labor Day on September 4, 2023. Manager Harrold informed the council that the August regular session meeting will be Town Clerk Savannah Parrish's last meeting as Town Clerk. Savannah accepted the Town Manager position in neighboring Montreat, NC.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Councilmember Pam King thanked Savannah Parrish for her time in Black Mountain, and thanked staff for moving away from plastic water bottles for council meetings.

Councilmember Berry also thanked Savannah, and informed the public that she and Councilmember Hay were working to find a date for another Town Hall event.

12. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 8:08 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk