



TOWN OF BLACK MOUNTAIN

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

Date: **October 9, 2023**

Time: **6:00 p.m.**

Regular Session

Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday October 9, 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 Doug Hay

Council Member Pam King

The following staff members were present:

Josh Harrold, Town Manager

Craig Justus, Town Attorney

Savannah Parrish, Town Clerk – *absent*

Jennifer Tipton, Senior Admin

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

Mayor Sobol read each of the following proclamations:

- Domestic Violence Awareness Proclamation
- Indigenous Peoples Proclamation
- Fire Prevention Week Proclamation
- Dan Howachyn Proclamation

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.*

Larry Pearlman requested that the Town Council look into the placement of boulders in the Town's right of way on North Park Lane. Mr. Pearlman also offered support for Rick Earley to be appointed to former councilmember Bill Christy's vacant seat.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. Terry Estate Stormwater Control Measure

Mary Roderick, Land of Sky Regional Council, presented a project overview of the Terry Estate Stormwater Control Measure to the Town Council. The North Carolina Department of Environmental Quality (DEQ), through the 319 Grant Program, is contributing \$76,797. The Town's portions of the cost is \$66,198.

The scope and status of the project is as follows:

1. Public parking lot bioretention, pollinator islands (under construction - 80% complete)
2. Rooftop drain rain garden (design – 100% complete, no construction yet)
3. USRWMP update (Q4 2023)

Mary noted the value of green infrastructure projects such as this one and encouraged the town to continue investing in similar projects.

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

Motion: *To approve the minutes as presented or amended.*

B. Resolution(s) to Accept Grant Funding from The North Carolina Department of Environmental Quality and to Approve an Agreement for Professional Engineering Services for the Black Mountain Stormwater Infrastructure Planning Project-SRP-SW-ARP-0055– Angela Reece, Project & Facilities Manager

Motion: *I move that Town Council approve the Resolution to Accept Funding from The North Carolina Department of Environmental Quality in the amount of \$400,000, and the Resolution to Approve the Agreement With _____(selected firm) to Provide Professional Engineering Services For The Mountain Stormwater Infrastructure Planning Project-SRP-SW-ARP-0055 as presented.*

C. Lake Tomahawk Dam Repair Construction Contract Award – Angela Reece, Project & Facilities Manager

Motion: *I move that Town Council approve the Resolution to select _____ (Contractor) as lowest responsive, responsible bidder and to enter into an agreement to provide construction repair services for the Lake Tomahawk Dam Project as presented.*

D. Call for Public Hearing for Text Amendment to Fee Schedule #O-23-18 – Jessica Trotman, Planning Director

Motion: To call for the public hearing to amend the fee schedule to be held on Monday, November 13, 2023 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

E. Resolution to accept Streamflow Rehabilitation Program (StRAP) Grant Award #R-23-15 – Jessica Trotman, Planning Director

Motion: To approve **Resolution #R-23-15** accepting the Streamflow Rehabilitation Program (StRAP) grant award in the amount of \$71,816.00

F. Monthly Property Tax Collector Report – July and August – Tammy Holland, Finance Director

Motion: Approval of the Monthly Tax Collector Report for July and August

G. Approval of 2023 Audit Contract and Amendment to 2022 Audit Contract to Audit Accounts – Tammy Holland, Finance Director

Motion: I move that Town Council approve the 2022 Amendment and the 2023 Contract to Audit Accounts

Vice Mayor Archie Pertiller moved that the Town Council approve consent items B and C as presented. The motion was approved by a vote of 4-0.

Vice Mayor Archie Pertiller moved to approve consent items A and D-G. The motion was approved by a vote of 4-0.

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.

8. UNFINISHED BUSINESS

A. Estimates for Dugout Repair at Veteran's Park – Josh Henderson, Parks and Recreation Director

Estimates were gathered for the renovation of eight dugouts at Veteran's Park. At the September 11, 2023, council meeting, council members requested to have pricing included for backstop replacement in addition to the dugouts. Included in these estimates are dugout fencing replacement, concrete pads, roof replacement, backstop fencing replacement for each of the three baseball/softball fields, and backstop netting. The total budget impact would be 183,971.92 This includes: dugout fencing replacement, installation of concrete pads, roof replacement done in-house, backstop replacement for 3 fields, and backstop netting.

There was consensus among the council to move forward with the netting and the dugouts. Staff will bring further information and a budget amendment for consideration at an upcoming regular meeting.

B. Ordinance #O-23-11 for amendments to Active Mobility Commission – Jessica Trotman, Planning Director

Planning Director Jessica Trotman presented the information to the Town Council. The Active Mobility Commission is looking 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.

Councilmember Alice Berry moved to approve Ordinance #O-23-11 as presented amending the duties of the Active Mobility Commission. The motion was approved by a vote of 4-0.

9. NEW BUSINESS

A. Town Council Vacancy – Josh Harrold, Town Manager

Councilmember Bill Christy resigned on Sept. 13, 2023, citing health concerns. The Town Council will consider applications submitted to fill the vacancy on Town Council. There was some discussion. Councilmember Hay thanked Bill Christy for his service to the Town.

Ryan Stone, former vice mayor, was unanimously nominated to fill the vacancy.

Councilmember Pam King moved to appoint Ryan Stone to fill an unexpired term ending December 9, 2024. The motion was approved by a vote of 4-0.

Jennifer Tipton issued the oath of office to Ryan Stone.

10. COMMUNICATION

Town Attorney Craig Justus gave an update on the State's budget, including restrictions on municipalities to restrict single use plastics.

Town Manager Josh Harrold read a statement from Bill Christy expressing his thanks to the council and public for their expressions of support.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 7:34 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk