



TOWN OF BLACK MOUNTAIN

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

Date: **November 13, 2023**

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

Regular Meeting Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular agenda workshop meeting on Monday, November 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 Doug Hay
Council Member Pam King
Council Member Ryan Stone

The following staff members were present:

Josh Harrold, Town Manager
Craig Justus, Town Attorney
Wesley Barker, Town Clerk
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 the Proclamation for Indigenous Peoples Heritage Month.

3. CITIZEN COMMENTS

Andrew Clark, with VFW Post 9157, spoke on Veteran's support and the recent Veterans Day parade.

Phil Bisesi asked the Council to have a dialogue with the State on diagonal parking spaces, and also spoke on the need for a crosswalk on the east and west sides of Broadway Ave.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

No reports.

5. CONSENT AGENDA

A. Adoption of Minutes: *October 5, 2023, Agenda Work Session and October 9, 2023, Regular Session*

- B. Budget Amendments**
- C. Stormwater Infrastructure Planning Grant Project Ordinance**
- D. Tomahawk Dam Capital Project Amended Ordinance**
- E. Monthly Property Tax Collector Report**
- F. Disaster Relief Capital Project Fund Ordinance Amendment -Tropical Storm Fred**
- G. Resolution to apply for Water Sources Development Grant through North Carolina Department of Water Quality (NCDWQ) #R-23-17**
- H. Swannanoa River Floodbench Project Ordinance**

Town Manager Harrold stated that Consent Item A, Approval of Minutes, would need to be tabled until the December meeting. Also, Consent Item B, Budget Amendments, will not include the Dugout Replacement at Veterans Park, as that portion has been pulled out and placed under Unfinished Business, 8A, for Council to discuss.

Council Member Alice Berry made a motion to approve Consent Agenda items B - H as amended. The motion was approved by a vote of 5-0.

6. PUBLIC HEARING

A. Public Hearing for Text Amendment to Fee Schedule #O-23-18

Vice Mayor Archie Pertiller made a motion to open the public hearing. The motion was approved by a vote of 5-0. With no public comment, Council Member Doug Hay made a motion to close the public hearing. The motion was approved by a vote of 5-0.

Council Member Ryan Stone made a motion to adopt Ordinance #O-23-18 to amend the fee schedule to add subcategories for floodplain development permits, adding a fee for working without a permit, increasing the fee for demolition permits, correcting ABC inspection fees, reinspection fees, and mechanical changeout fees. The motion was approved by a vote of 5-0.

B. Public Hearing for Conditional Zoning Request for Montreat College #O-23-22

Planning Director Jessica Trotman, and Design Engineer for Montreat College, Jesse Gardner, P.E., both gave a presentation to the Council on the proposed Conditional Zoning Request for Montreat College and the proposed college expansion project.

Council Member Alice Berry made a motion to open the Public Hearing for the Conditional Zoning Request for Montreat College. The motion was approved by a vote of 5-0.

A lengthy discussion ensued between Council Members, the Town Attorney, Town staff, and representatives from Montreat College as it relates to conditional zoning, the Montreat College expansion development agreement, setbacks, and impacts on Town of Black Mountain citizens and services.

Public Comments:

- Lincoln Walters, town resident, spoke on inclusion and smart commerce.

- Chris Curry, business owner, spoke in support of Montreat College's proposed expansion.
- Greg Feightner, town resident, spoke on several concerns with the proposed plan that included traffic flow, tractor trailer traffic, stream buffer encroachment and fiber broadband access.
- Dot Nielsen, town resident, spoke on the quality of the neighborhood immediately next to this development and spoke on a buffer zone. She requested clarity on the development agreements to ensure citizens are protected.
- Rick & Jennifer Tozier, town residents, both spoke in support of the development plan and its impact on the community and economy.
- Beth Ballhausen, business owner, spoke on the enhancement Montreat College gives to the Town of Black Mountain and its economy.
- Nathan Goodman, town resident, voiced support for Montreat College and use of Vance Ave. for access to greenways.
- Todd Blackstone, town resident, stated Montreat College's property for the proposed development surrounded his property and would like to see a stronger barrier of setbacks around the college. He also spoke on dedicated paths for foot traffic and the use of shuttles to help traffic concerns.

Council Member Archie Pertiller made a motion to close the Public Hearing for the Conditional Zoning Request for Montreat College. The motion was approved by a vote of 5-0.

Mayor Sobol called a meeting recess at 8:10 p.m. Council reconvened at 8:21 p.m.

Council Member Doug Hay made a motion to strike item 9A, Montreat College Development Agreement Presentation, from the agenda as well as the Closed Session items. The motion was approved by a vote of 5-0.

Continued discussion of agenda item 6B- conditional zoning request for Montreat College

A list of conditions that would be made part of this development agreement between Montreat College and the Council was then discussed among Council Members, the town attorney and Montreat College representatives. The town attorney provided some direction to the Engineer for the Montreat College expansion which included proposed language on the entrance by Blue Ridge Rd., clarity on the term "shuttles" and more accurate detail on the buffer and setbacks with the master plan. Town staff, the town attorney and Montreat College representatives would take all these items and come back to the December Council meeting with revisions and a possible vote.

C. Public Hearing for Map Amendment for Montreat College #Z-O-23-23

Council Member Doug Hay made a motion to open the public hearing. The motion was approved by a vote of 5-0. No public comment was provided. Council Member Doug Hay then made a motion to close the public hearing. The motion was approved by a vote of 5-0.

The Council was in consensus to hold off on voting on this map amendment item for Montreat College until the December meeting. No action taken.

7. CITIZEN COMMENTS – *none.*

8. UNFINISHED BUSINESS

- A. Dugout Replacement at Veteran's Park-** This project would replace dugouts at 8 ball fields. After some discussion, ***Council Member Archie Pertiller made a motion to approve 8 dugout replacements at the cost of \$71,428.92, but to also explore options of sponsorships. The motion was approved by a vote of 5-0 in favor.***

9. NEW BUSINESS

- A. Montreat College Development Agreement Presentation-** *tabled*

- B. Amendments to Chapter 8, Section 8.2, Phase II Stormwater Ordinance #O-23-21**

Council Member Ryan Stone made a motion to approve Ordinance #O-23-21 as presented. A vote of 5-0 in favor.

- C. Art in the Afternoon Building Renovation-** This renovation would include removal of a knee wall in one of their classrooms. There would be no cost to the Town. ***Council Member Archie Pertiller made a motion to approve. A vote of 5-0 in favor.***

- D. Duke Progress Easement-** *This was removed from the agenda.*

- E. Library Lease (one-year)-** Former Town Attorney Ron Sneed presented this item stating this lease agreement is between the Town and Buncombe County for the Black Mountain Library. With the updated lease, the County will now pay the Town \$5,000/year. In turn, the Town will be responsible for minor repairs. Buncombe County has agreed to the language in the revised lease. Mr. Sneed suggested the Council make this revised lease effective January 1, 2024. ***Council Member Doug Hay made a motion to approve the one-year library lease as presented with an effective date of January 1, 2024. A vote of 5-0 in favor.***

- F. Lakeview Center Rental Deposit Increase-** Josh Henderson, Parks and Recreation Director, gave a presentation to Council regarding an increase in rental deposits for the Lakeview Center stating the reasoning to propose a deposit increase is due to an increase in facility renters damaging the facility and/or not properly following rental clean-up guidelines. Several examples of rental fees in neighboring communities were shared. After some Council discussion, staff were asked to check on software for credit card holds for such deposits, and then to bring the item back to Council for approval.

- G. Authorization to sale fire apparatus- 1984 GMC Brigadier-** John Coffey, Fire Chief, stated the sale of this apparatus was part of the fleet replacement plan for aging fire apparatuses. Chief Coffey said that sales of similar models sold for as much as \$50,000. ***Council Member Archie Pertiller made a motion to authorize the sale of this fire apparatus. A vote of 5-0 in favor.***

- H. Black Mountain Fire Department ISO Inspection Rating Results-** James Bingham, Deputy Fire Chief, stated that the Black Mountain Fire District is currently a Class 3 and will once again remain a Class 3 effective February 1, 2024. Deputy Chief Bingham said that the ISO rating scale ranges from 1 to 10 and the lower the number, the better. Deputy Chief Bingham will provide a more detailed Fire Department presentation to the Council in the future.

10. **COMMUNICATION-** Town Manager Josh Harrold stated Town offices would be closed for the Thanksgiving holiday November 23-24.
11. **COMMUNICATION FROM MAYOR AND TOWN COUNCIL-** *none.*
12. **CLOSED SESSION-** *Removed from this agenda.*
13. **ADJOURNMENT**

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 9:45 p.m.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk