



BLACK MOUNTAIN TOWN COUNCIL MINUTES

April 8, 2024 | Regular Meeting | Time: 6:00 P.M.

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

The Black Mountain Town Council held their regular meeting on Monday, April 8, 2024, at 6:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

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, and Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Wesley Barker, Town Clerk; Jessica Trotman, Assistant Town Manager/Planning Director; Angela Reece, Project & Facilities Manager; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director. Town Attorney Craig Justus was also present.

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, SPECIAL RESOLUTIONS

Mayor C. Michael Sobol read a proclamation recognizing Earth Day on April 22nd, 2024.

Mayor C. Michael Sobol then read two proposed resolutions entitled “Resolution to Move Black Mountain Away from Single Use Plastics” and “Resolution Recognizing Climate Action Efforts within the Town of Black Mountain.”

3. CITIZEN COMMENTS

Pat Thompson, a Black Mountain resident, spoke on the need for a Town climate action plan and sustainability goals on ways to reduce waste. She expressed her concern for climate change requesting the Town take immediate action.

David Billstrom, 825 N. Oconeechee Ave., addressed the Council on recent water problems along his street which resulted in being without water for several days. He praised the Town’s Public Works staff, stating he was well informed during the whole process.

Phil Bisesi, 15 Hi View Dr., spoke on town recycling, stating he felt it should be a weekly event. He also spoke on Broadway St. parking, and about pedestrians crossing all along the street, creating a hazard to drivers. Mr. Bisesi proposes a crosswalk mid-block on Broadway St.

Linda Tatsapaugh, 48 Beech Glen Dr., spoke on the proposed resolution to reduce single use plastics in town, and encouraged reduction of plastic use by citizens.

At this time, the Town Council discussed the proposed special resolutions.

A motion was made by Council Member Alice Berry to approve the following resolution. A vote of 5-0 in favor.

A Resolution to Move Black Mountain Away From Single Use Plastics

Resolution #: R-24-16

WHEREAS, plastic pollution starts with fossil fuel extraction and harms individuals, communities, and ecosystems all along the supply chain; and

WHEREAS, studies have shown the presence of microplastics in terrestrial and marine systems throughout the entire planet, including human food systems and human bodies, and have been detected in troubling concentrations in the French Broad River into which the Swannanoa River flows; and

WHEREAS, oil refineries, plastic manufacturers, and incinerators are disproportionately located in low-wealth and low-income communities, which bear the brunt of the associated health impacts; and

WHEREAS, recycling alone is insufficient to meet these threats as plastic production accounts for 20% of global fossil fuel consumption, and the majority of plastics created cannot be recycled in standard curbside recycling programs; and

WHEREAS, plastic bags cause operational problems at recycling processing facilities, landfills, and transfer stations, and contribute to litter throughout the Western North Carolina region; and

WHEREAS, single-use plastic bags degrade the environment, pollute our rivers and streams, block storm drains, become entangled in treetops, and foul public areas; and

WHEREAS, styrene, the main ingredient in polystyrene, has been declared as a probable carcinogen by the NIH, National Research Council, the World Health Organization, and others; and

WHEREAS, curbing the supply of single-use plastic will expand the lifespan of local landfills; and

WHEREAS, it is the duty of the Black Mountain government to protect the natural environment, the economy, and the health of its residents and visitors; and

WHEREAS, Article XIV, Sec. 5 of the North Carolina Constitution guarantees the people of the State the right to enjoy a clean and healthy environment by stating “It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.”

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council that the Town Council is dedicated to reducing its carbon footprint, extending the life of the County landfill, and improving the quality of its waters.

BE IT FURTHER RESOLVED, coinciding with Earth Day 2024, the Town Council urges all government entities, private businesses, and residents to forgo or limit their use of plastic bags, other single-use plastics, and Styrofoam wherever and whenever possible.

BE IT FURTHER RESOLVED, The Town Council hereby encourages all town departments to begin phasing-out the use of plastic bags, single use plastics, and Styrofoam by incrementally substituting such products with viable alternatives where possible, or recycling plastics when feasible alternatives are unavailable.

Approved and Adopted by the Town Council of the Town of Black Mountain by a vote of _5_ to _0_ on this 8th day of April 2024.

A motion was made by Council Member Alice Berry to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION RECOGNIZING CLIMATE ACTION EFFORTS WITHIN THE TOWN OF BLACK MOUNTAIN

Resolution #R-24-17

WHEREAS, the Town of Black Mountain has a history of climate consciousness and dedication to efforts for sustainability; and

WHEREAS, the “Elevate Black Mountain” Comprehensive Plan, which was adopted by Town Council in June 2021, featured a section entitled “Green and Resilient” which provides sustainable development approaches that includes five (5) goals that will enhance quality of life, reduce long term energy costs, increase energy efficiency, and lower greenhouse gas emissions and pollution within the Town; and

WHEREAS, there has been ongoing sustainability practices and new initiatives put into place by Town departments following the adoption of the Comprehensive Plan which includes, but not limited to, the following: 1) Energy Conservation Measures, 2) Waste Reduction and Recycling

Initiatives, 3) Water Conservation Strategies, 4) Stormwater/Water Quality Management Practices, and 5) Use of Environmentally Friendly Products; and

WHEREAS, examples of energy conservation measures include solar panels installed on the Carver Center, motion-sensor activated lights in town offices, and LED converted light fixtures are present in town buildings and facilities; and

WHEREAS, examples of waste reduction and recycling initiatives includes providing recycling pickup services to Town residents that includes new recycling carts, recycling containers being placed in all town parks, facilities and offices, and hiring a full-time Waste Reduction Specialist to assist in waste reduction engagement and education; and

WHEREAS, an example of water conservation strategies includes planned irrigation around rainfall events at the Black Mountain Golf Course to reduce amount of water and power needed to irrigate, rainwater catch basins at the Community Garden; and

WHEREAS, examples of stormwater/water quality management practices includes hiring a full-time Stormwater Specialist, an updated Stormwater Master Plan, completion of the stormwater utility, installation of new and improving current stormwater infrastructure such as rain gardens and bioswales, integrations of stormwater/stormwater related development regulations into the Unified Development Ordinance (UDO), water quality projects on the Swannanoa River, creation of buffer/no-mow zones to slow stormwater runoff; and

WHEREAS, examples of usage of environmentally friendly products includes usage of battery powered weed eaters and battery powered blowers at the Black Mountain Golf Course, the use of biodegradable and eco-friendly cleaning chemicals at town facilities, and organic growing practices at the Community Garden; and

WHEREAS, The Town Council has expressed its support calling for a reduction of plastic use by its citizens and businesses to mitigate plastic-use.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the ongoing climate action efforts as stated above are recognized and the Town is dedicated to continuing efforts for sustainability and will continue to work toward achieving the goals set forth in the “Elevate Black Mountain” Comprehensive Plan.

Approved and Adopted by the Town Council of the Town of Black Mountain by a vote of _5_ to _0_ on this 8th day of April 2024.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. Police Department 2023 Annual Report.** Police Chief Steve Parker presented the Police Department’s 2023 Annual Report to the Council. During this presentation, Chief Parker reviewed the Police Department's annual crime stats, call volumes, various crime and ticketing numbers, and flock camera hits on wanted people and stolen cars. Chief Parker then reviewed employment numbers for the department, budget percentages, the NC Law

Enforcement Accreditation process, and finally, technology and spacing needs for the department.

- B. Sustainability Practices Presentation.** Planning Director Jessica Trotman gave a presentation to the Council on environmental sustainability practices that the Town of Black Mountain is currently working on or will soon be pursuing. Jessica's presentation focused on sustainability versus resiliency, and she mentioned five areas of focus with the environmental sustainability plan that included: 1) water resources, 2) transportation and mobility, 3) built environment and energy, 4) green space and land use, and 5) solid waste. Jessica highlighted current efforts within each area of focus.

5. CONSENT AGENDA

Town Manager Josh Harrold reviewed the consent agenda items with the Town Council.

- A. Adoption of Meeting Minutes:** March 7, 2024 Agenda Workshop Meeting, March 11, 2024 Regular Meeting, and March 21, 2024 Special Called Meeting.

Council Member Doug Hay made a motion to approve all minutes as presented. A vote of 5-0 in favor.

B. Monthly Property Tax Collector Report.

Council Member Doug Hay made a motion to approve the report. A vote of 5-0 in favor.

C. Consideration of Budget Amendments.

- 1) *Correction of Recycling Carts Budget Amendment (BA131)*
- 2) *Reallocation of Administration, HR and Finance Budget Adjustment*
- 3) *Reallocation of Parks & Recreation and Pool Budget Adjustment*
- 4) *Police Department Sponsorship and Golf Tournament*
- 5) *Valetine 5K Donation Expense*

Adjustment Number	Description	Summary	Account Number	Sum of Amount
BA0000139	Appropriated Fund Balance for Recycle carts	To correct Original BA 131 budget amendment should have hit Appropriated fund balance instead of Transfer in.	100-0000-48900	\$126,680.00
BA0000142	BADJ- Admin, HR, Finance - Expense Line Allocation	Reallocation of budgeted Expenses between Administration, HR, and Finance	100-7000-48590	\$126,680.00
			100-4010-51511	\$2,000.00
			100-4020-51510	\$2,000.00
			100-4020-52024	\$2,000.00
			100-4020-52217	\$3,000.00
			100-4020-53000	\$2,000.00
			100-4025-50105	\$5.00
			100-4025-50232	\$1,400.00
			100-4025-52025	\$2,000.00
			100-4025-52419	\$1,005.00
			100-4025-55015	\$1,400.00
			100-4030-50105	\$25.00
			100-4030-51510	\$475.00
			100-4030-52112	\$1,000.00
			100-4030-52410	\$1,500.00
BA0000151	BADJ - Parks and Rec Expense Line Adj	Reallocation of budgeted Expenses between Parks and Rec and Pool	100-4700-50100	\$10,000.00
			100-4700-50101	\$16,100.00
			100-4700-52100	\$221.00
			100-4700-52112	\$1,300.00
			100-4700-52214	\$100.00
			100-4700-52310	\$2,200.00
			100-4700-53000	\$13,095.00
			100-4710-52020	\$115.00
			100-4710-52213	\$925.00
			100-4710-52214	\$5,500.00
			100-4710-57510	\$1,134.00
BA0000175	BAMD PD Community Outreach - Family Sponsorship	Appropriate Fund Balance for Sponsorship of Playset for Community Child with Cancer. Additional funds also needed for the golf tournament.	235-0000-48900	\$10,000.00
			235-4510-52100	\$150.00
BA0000177	BAMEND-Parks and Rec Valentine 5K Donation	Recognize Valentine 5k Revenue and Donation Expense	235-4510-55023	\$9,850.00
			100-4700-45690	\$2,505.00
			100-4700-56110	\$2,505.00

Council Member Doug Hay made a motion to approve the budget amendments as presented. A vote of 5-0 in favor.

D. Call for Public Hearing for Text Amendment to Chapter 20, Article V, Nuisances.

The purpose of this item is to call for a public hearing for proposed text amendments to Chapter 20, Article V, Nuisances, within the Code of Ordinances to be held on Monday, May 13, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue.

Council Member Doug Hay made a motion to approve the call for the public hearing as presented. A vote of 5-0 in favor.

E. Call for Public Hearing for Text Amendment to Chapter 43, Article VI to add a Downtown Social District.

The purpose of this item is to call for a public hearing for proposed text amendments to Chapter 43, Article VI, within the Code of Ordinances to add a Downtown Social District to be held on Monday, May 13, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue.

Council Member Doug Hay made a motion to approve the call for the public hearing as presented. A vote of 5-0 in favor.

F. Resolution to Apply through the Great Trails State Program Grant for Professional Engineering Funding for the Ridgecrest Connector Trail.

The purpose of this agenda item is to approve a resolution to apply through the Great Trails State Program Grant for professional engineering funding for the Ridgecrest Connector Trail.

Council Member Doug Hay made a motion to approve this resolution as presented. A vote of 5-0 in favor.

RESOLUTION TO PURSUE A GRANT THROUGH NC DIVISION OF PARKS AND RECREATION GREAT TRAILS STATE PROGRAM (GTSP) FOR PE FUNDING FOR THE RIDGECREST CONNECTOR TRAIL

Resolution # R-24-18

WHEREAS, the Great Trails State Program (GTSP) provides funding for new trail development and extensions of existing trails; and

WHEREAS, the grant will be distributing \$25 million dollars in non-recurring funding; and

WHEREAS, the grant allows for any municipality, county, regional council of government, public authority, or non-profit in North Carolina to apply for funding; and

WHEREAS, eligible projects include paved trails or greenways, natural surface trails, bike trails, equestrian trails, and any other type of trail recognized by the Department of Natural and Cultural Resources; and

WHEREAS, the grant requires a fifty (50) percent match.

NOW THEREFORE, BE IT RESOLVED that the Black Mountain Town Council bless Town staff to apply for funding through the NC Division of Parks and Recreation Great Trails State Program (GTSP) for Professional Engineering (PE) funding for the Ridgecrest Connector Trail.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this 8th day of April 2024.

G. Consideration of Resolution to Apply for the Water Infrastructure Grant through the NC Department of Environmental Quality (DEQ) Water Infrastructure Grant for Lead Line Inventory and Replacement.

The purpose of this agenda item is to approve a resolution to apply through the NC Department of Environmental Quality (DEQ) Water Infrastructure Grant for Lead Line Inventory and Replacement Program.

Council Member Doug Hay made a motion to approve this resolution as presented. A vote of 5-0 in favor.

**RESOLUTION TO PURSUE A WATER INFRASTRUCTURE GRANT THROUGH THE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR LEAD
SERVICE LINE IDENTIFICATION AND REPLACEMENT**

Resolution #R-24-19

WHEREAS, the Town of Black Mountain has need for and intends to construct, plan for, or conduct a study in a project described as lead service line inventory and replacement; and

WHEREAS, the Town of Black Mountain intends to request State loan and/or grant assistance for the project.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain:

That the Town of Black Mountain, the Applicant, will arrange financing for all remaining costs of the project, if approved for a state loan and/or grant award.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Black Mountain to make a scheduled repayment of the loan, to withhold from the Town of Black Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

If applying for a regional project, that the Applicant will partner and work with other units of local government or utilities in conducting the project including Buncombe County and the Town of Montreat.

That Josh Harrold, Town Manager, and Jessica Trotman, Assistant Town Manager, the Authorized Representative and successor so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the Authorized Representative, and successors so titled, is thereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such

application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this 8th day of April 2024.

H. Call for Public Hearing for Conditional Zoning for Montreat College- #O-23-22.

The purpose of this agenda item is to call for the public hearing to amend text for the conditional zoning request for Montreat College to be held on Monday, May 13, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue.

Council Member Doug Hay made a motion to approve the call for public hearing as presented. A vote of 5-0 in favor.

I. Call for Public Hearing for Map Amendment for Montreat College.

The purpose of this agenda item is to call for a public hearing to amend the zoning map for Montreat College to be held on Monday, May 13, 2024 at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Ave.

Council Member Doug Hay made a motion to approve the call for public hearing as presented. A vote of 5-0 in favor.

6) PUBLIC HEARING

A. Voluntary Annexation of Property Owned by Givens Highland Farms.

Planning Director Jessica Trotman stated this property is a 5.36-acre parcel off Frances Avenue (identified as Buncombe County PIN #0609-56-5118.00000 and referred to as 99999 Frances Avenue) that has been purchased by Givens Highland Farms. Givens Highland Farms is seeking voluntary annexation of this parcel to be able to combine the parcel with their existing 75+ acre campus, all of which is inside Town limits. The Planning Board heard this request at their February 26, 2024, meeting and found no reasons the property should not be annexed into the Town limits. The purpose of this agenda item is to hold a public hearing on the voluntary annexation request before Council action is taken. *Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:00 p.m. With no public comment, Vice Mayor Archie Pertiller made a motion to close the public hearing. A vote of 5-0 in favor. The time was 7:01 p.m.*

Some discussion ensued among Council members and staff. It was stated that this property would not be on Town water as they are on City of Asheville water. Further, with the annexation it was stated that the property would be eligible for Town services including police and fire protection.

With no further discussion Vice Mayor Archie Pertiller made a motion to approve the following ordinance of annexation. A vote of 5-0 in favor.

AN ORDINANCE ANNEXING THAT PROPERTY OF GIVENS HIGHLAND FARMS, LLC, ON THAT PLAT RECORDED IN PLAT BOOK 0236 AT PAGE 0100 INTO THE TOWN OF BLACK MOUNTAIN

ORDINANCE #0-24-01

WHEREAS, Givens Highland Farms, LLC has requested that the Town of Black Mountain annex that property owned by Givens Highland Farms, LLC and described as that 5.36-acre tract of land shown on that plat recorded in Plat Book 0236 at Page 0100, Buncombe County Registry; and

WHEREAS, Givens Highland Farms, LLC owns all of the property proposed to be annexed and submitted an application in their name and signed by them, so that such application and petition is signed by or on behalf of all the property owners as required by N.C.G.S. 160A-31 et seq.; and

WHEREAS, The Town Clerk has investigated the annexation petition and has certified that he found as a fact that the petition was signed by all owners of the property lying within the area to be annexed; and

WHEREAS, Givens Highland Farms has asserted that there are no vested rights that they wish to retain after annexation; and

WHEREAS, a public hearing was held by the Town Council of the Town of Black Mountain after proper notice was given to the public and the parties; and

WHEREAS, the Town of Black Mountain will benefit from annexation of the proposed area to be annexed in that its annexation will allow the Town to regulate development and ensure a use of such property that is beneficial to the area where it is located and not detrimental to the properties surrounding it.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Black Mountain, North Carolina, that the property described in *Exhibit A* as being all of that 5.36 acre parcel of land shown on that plat record in Plat Book 0236 at Page 100, Buncombe County Registry, is hereby annexed and made a part of the corporate limits of the Town of Black Mountain, North Carolina.

This ordinance shall become effective on the 8th day of April 2024, if confirmed by the Town Council at its regular meeting on the 8th day of April 2024. In the absence of a majority vote of the Council to confirm this ordinance at that meeting, it shall become void and have no force or effect.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 8th day of April, 2024.

EXHIBIT A
LEGAL DESCRIPTION OF AREA TO BE ANNEXED

Beginning at a #5 re bar in the NE corner of the Givens Highland Farms LLC property as shown in Plat Book 165 Page 9; thence South so• 25' 49" West 380.78 feet to a 24" Double Black Gum Tree; thence North 85° 26' 07" West 390.61 feet to a capped iron pipe; thence North 08° 40' 58" East 329.10 feet to an axle; thence South 89° 04' 38" East 426.26 feet to a ¾ inch iron pipe; thence South 89° 12' 25" East 224.98 feet to a capped iron pipe; thence South 12° 44' 20" East 290 feet to a #5 re bar at the point of beginning, being all of that real property shown as Tract 1 in Plat Book 236 Page 100 and containing 5.361 acres more or less.

B. Consideration of Rezoning Property Owned by Givens Highland Farms, known as 99999 Frances Avenue, PIN #0609-56-5118.00000, from R-1 to OI-6.

Planning Director Jessica Trotman stated this parcel is currently zoned R-1 by Buncombe County. Upon voluntary annexation approval of this property, the property owner would like to have the property rezoned to OI-6 (Office and Institutional District), which is the zoning designation for the existing 75+ acre campus. The Planning Board heard the request at their February 26, 2024 meeting and recommends the property be rezoned to OI-6 upon annexation into the Town limits. The motion passed with a vote of 6-0 by the Planning Board.

Vice Mayor Archie Pertiller made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:06 p.m. With no public comments, Council Member Ryan Stone made a motion to close the public hearing. A vote of 5-0 in favor. The time was 7:07 p.m.

Town Attorney Craig Justus stated if the Council approves this rezoning, they should also approve a statement of consistency and reasonableness to reflect consistency with the Town's Land Use Plan and per 160D Legislation.

A motion was made by Vice Mayor Archie Pertiller to approve the following ordinance amending the Town of Black Mountain Zoning Map, and to adopt a statement of consistency and reasonableness as it relates to the Town's Comprehensive Plan for reasons indicated within the ordinance text below. A vote of 5-0 in favor.

**AN ORDINANCE AMENDING THE ZONING MAP FOR A PORTION OF PROPERTY
LOCATED AT 99999 FRANCES AVENUE**

Zoning Ordinance No. #Z-O-24-02

WHEREAS, the Town of Black Mountain has the authority pursuant to Article 6 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance No. #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on January 11, 2010, Ordinance No. #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town and is determined to be reasonable and in the public interest for the following reasons:

- a. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan or elements thereof.
- c. The impact to the adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconveniences or harm to the community.
- d. The allowed uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BLACK MOUNTAIN
TOWN COUNCIL THAT:**

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain portion of real property described in ***Exhibit A*** and identified on the Buncombe County tax maps as PIN 0609-56-5118, recorded in Deed Book 6347, Page 207 and currently owned by Givens Highland Farms LLC, from R-1 to Office and Institutional (OI-6). A copy of the official zoning map showing said lot is attached hereto as ***Exhibit "A"*** and made a part thereof.

This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 8th day of April 2024.

EXHIBIT A

Legal description of property to be conveyed by Michael Bartlett, an unmarried man to
Givens Highland Farms, Inc., a North Carolina Corporation.

Being all of Lot 1, consisting of 5.361 acres, more or less, as described on a survey drawn by John M. Stollery dated July 28, 2023, entitled "Subdivision for: Michael A. Bartlett and Kristina H. Bartlett" recorded in Plat Book 236, Page 100 of the Buncombe County Registry, reference to which is hereby made for a more particular description.

TOGETHER WITH a non-exclusive easement for ingress, egress and regress over Frances Avenue as it crosses over the retained property of Grantor described in Deed Book 2354 at Page 139, Buncombe County Registry, said easement being twenty (20) feet in width, as laid down and shown on the aforesaid plat.

Grantor RESERVES an easement for the benefit of Lot 2 described in Plat Book 236, Page 100 of the Buncombe County Registry ("Lot 2") for access to and maintenance, repair, and replacement of that well, piping, pump, and other associated improvements located upon the property hereinabove described, said easement being six (6) feet in width and centered along the existing pipe, and in an area having a radius often (10) feet having as its center point the center of the existing well, together with the right to take water from the well. Grantor shall be solely responsible for maintenance of said well and piping system, unless and until such time as Grantee shall connect a residence or business to the said well, in which event the cost of ongoing maintenance and operation of the well shall be shared equally by those owners making use of the said well. This easement shall automatically terminate in the event Grantor is either (1) given use for a public water line, along with any necessary conveyance of any appropriate easements, for the service of water to Lot 2 or (2) Seller installs a new well on Lot 2 with servicing piping, pump and other necessary improvements to serve said lot that replaces the well that is the subject of the easement.

PIN: 0609-56-6108-00000

Address: 55 Frances Avenue, Black Mountain, NC 28711

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2354, at Page 139, Buncombe County Registry.

7) CITIZEN COMMENTS- *none.*

8) UNFINISHED BUSINESS

A. Carver Center Flooring Replacement.

Recreation and Parks Director Josh Henderson gave an overview of this item stating in April of 2023, the Carver Center had a leak in the roof which resulted in a classroom being flooded. As a result, the laminate flooring in the affected classroom needs to be replaced. Estimates have been obtained from local flooring contractors including Black Mountain Handyman, Rodriguez Flooring, Carpet City and Arbor Zen Hardwood Floors. Discussion ensued on quotes received and using a flooring company to complete the work. ***Council Member Doug Hay made a motion to direct staff to move forward with the Arbor Zen estimate. A vote of 5-0 in favor.***

B. Public Safety Interoperability Program (PSIP) Agreements.

Town Attorney Craig Justus explained this item to Council stating he had worked with the County Attorney on amending these agreements, which was first discussed, and tabled, at the January 8, 2024 Town Council meeting. The PSIP agreement with Buncombe County is being updated to reflect new software required as the current software is at its end of life. Attorney Justus stated there were three separate agreements for Council to consider which includes: 1) Intergovernmental Agreement between Buncombe County and the Town of Black Mountain for the Public Safety Interoperability Program (PSIP); 2) Service Level Agreement (SLA) between Buncombe County and the Town of Black Mountain for providing technology services related to PSIP applications; and 3) Service and Cost Share Agreement between Buncombe County and the Town of Black Mountain related to PSIP applications.

Council Member Pam King made a motion to approve the Intergovernmental Agreement between Buncombe County and the Town of Black Mountain for the PSIP as presented. A vote of 5-0 in favor.

Council Member Ryan Stone made a motion to approve the Service Level Agreement (SLA) between Buncombe County and the Town of Black Mountain as presented. A vote of 5-0 in favor.

Vice Mayor Archie Pertiller made a motion to approve the Service and Cost Share Agreement between Buncombe County and the Town of Black Mountain as presented. A vote of 5-0 in favor.

9) NEW BUSINESS

A. Consideration of Charles D. Owen Babe Ruth MOU.

Recreation and Parks Director Josh Henderson stated Charles D. Owen Babe Ruth has requested revisions to their current MOU with the Town to add temporary batting cages and a storage building at Veteran's Park.

Vice Mayor Archie Pertiller made a motion to approve the revision to the MOU as presented. A vote of 5-0 in favor.

B. Consideration of 2024 Black Mountain Golf Course Rates effective May 1, 2024.

Golf Course Manager Brent Miller gave an overview of the proposed increase to the golf course rates by citing comparisons to neighboring courses of similar size and the need to remain competitive and keeping up with rising maintenance costs for the golf course.

A motion was made by Council Member Pam King to approve the following resolution. A vote of 5-0 in favor.

**RESOLUTION TO APPROVE BLACK MOUNTAIN GOLF COURSE RATES
EFFECTIVE MAY 1, 2024**

Resolution #R-24-20

WHEREAS, there is a need to amend the Black Mountain Golf Course before incorporating them into a new budget cycle for approval; and

WHEREAS, town staff has researched and compared rates of competitor golf courses in the area, in order to propose the amended rates for Black Mountain Golf Course to remain competitive with neighboring courses of similar size and to keep up with the costs of maintaining the golf course.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following rates are for the Black Mountain Golf Course are approved and will become effective May 1, 2024 and valid through April 30, 2025:

2024 Annual Pass Rates

Family	\$2300 (\$2200)
Individual	\$1550 (\$1500)

2024 Cart Fees

Ride 18	\$22.43 (\$24 with tax)
Ride 9	\$12.15 (\$13 with tax)

*Riding (Cart Fee) is required on weekends (Friday-Sunday) before 12pm by all non pass holder players 5/1 through 9/30. Walking will be allowed anytime 10/1 to 4/31. Pass holder players can walk anytime.

2024 Greens Fees

<u>Weekday (Monday – Thurs)</u>		<u>Weekend (Friday, Saturday and Sunday)</u>	
Ride 18	\$52 (\$50)	Ride 18	\$62 (\$60)

Ride 9	\$30 (After 11am)	Ride 9	\$35 (After 11am)
Walk 18	\$28	Walk 18	\$38
Walk 9	\$17	Walk 9	\$22

Senior Riding 18 Only (Mon-Thursday Only; 60 and older) \$45 (\$42)

<u>Weekday Twilight After 1pm</u>		<u>Weekend Twilight After 1pm</u>	
Ride 18	\$38 (\$35)	Ride 18	\$45 (\$42)
Ride 9	\$23	Ride 9	\$25
Walk 18	\$25	Walk 18	\$30
Walk 9	\$13	Walk 9	\$15

BE IT FURTHER RESOLVED that the following “Player’s Pass Program” is approved:

Player’s Pass Program

The Player’s Pass will be \$200 for the year and good until December 31st, 2024. A round is included the day of the purchase and then allows the golfer \$10 off the rack rate (highest rate of the day) every time they play until December 31st, 2023. If the rack rate is \$52 during the week, the Player’s Pass holder will play for \$42. Weekends would be \$62 so the pass holder will play for \$52. The discount is not eligible for any other rate (senior, 9-hole, twilight, walking) we offer other than the rack rate.

APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain by a vote of 5 to 0 on this 8th day of April 2024.

C. Consideration of Adoption of Electronic Records and Imaging Policy.

Town Clerk Wesley Barker explained to the Council that the purpose of this Electronic Records and Imaging Policy is to follow guidelines established by the NC Department of Natural and Cultural Resources (NC DNCR) which requires a local government entity to have an approved policy in place if they wish to store electronic records in lieu of retaining duplicate paper copies. Further, having this policy in place increases the reliability and accuracy of records stored in information technology systems and ensures they will be accessible over time. This policy will follow the NC DNCR Municipal Records Retention and Disposition Schedule that was adopted by the Town Council in 2021. By adopting and following this policy, as well as the Record Retention Disposition Schedule, the Town will continue to stay in compliance with NC Public Record Law.

A motion was made by Council Member Doug Hay to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO ADOPT THE ELECTRONIC RECORDS AND IMAGING POLICY & PROCEDURES

Resolution #R-24-21

WHEREAS, the North Carolina Department of Natural and Cultural Resources (N.C. DNCR) is the state agency which provides direction to record retentions of local/state government agencies; and

WHEREAS, the purpose of the Electronic Records and Imaging Policy and Procedures, hereafter referred to as “Policy,” are guidelines established by the N.C. DNCR to be used when an agency wishes to store electronic records that are public records as defined by N.C. G.S. § 132-1; and

WHEREAS, this policy serves as basic documentation of the procedures followed by the department in imaging, indexing, auditing, backing up, and purging electronic records in accordance with the records and retention disposition schedule, and in handling the original paper records, if applicable; and

WHEREAS, this policy also serves to protect those records digitized by the agency’s in-house scanning and server stored imaging system, which reduces required storage space for original documents as the agency transitions to a “more paperless” digital system and provides instant and simultaneous access to documents as needed; and

WHEREAS, this policy has been reviewed by officials at N.C. DNCR and reviewed by the Town’s current IT contractor, Advanced Data and Network Solutions, who have found the policy satisfactory for adoption.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the “Electronic Records and Imaging Policy & Procedures” document be adopted in its entirety and that a copy of the document shall be included with this resolution as “Attachment A.”

APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain by a vote of 5 to 0 on this 8th day of April 2024.

10) COMMUNICATION- *none.*

11) COMMUNICATION FROM MAYOR AND TOWN COUNCIL- *none.*

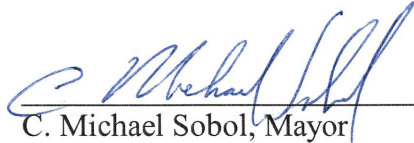
12) CLOSED SESSION.

- A. § 143-318.11 (a)(3)-** To consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body, which privilege is hereby acknowledged.
- B. § 143-318.11 (a)(5)-** To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

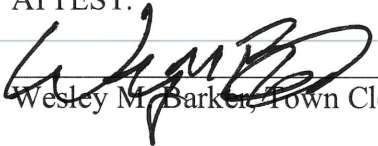
Vice Mayor Archie Pertiller made a motion to go into closed session as allowed by G.S. § 143-318 (a)(3) and G.S. § 143-318 (a)(5) . A vote of 5-0 in favor. The time was 7:56 p.m.

The Town Council returned from Closed Session and went back into Open Session at 8:22 p.m.

13) ADJOURNMENT- *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 8:22 p.m.*


C. Michael Sobol, Mayor

ATTEST:


Wesley M. Barker, Town Clerk