



TOWN OF BLACK MOUNTAIN

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

Date: **March 8, 2021**

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

Regular Session Minutes

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*Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 6:00 p.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Council Member Archie Pertiller
Council Member Ryan Stone
Council Member Tim Raines
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Deacon Levon Lindsey Mills Chapel Baptist Church offered an invocation.

Council Member Tim Raines asked that Agenda Item 5F, a motion to suspend fees for providing fire department personnel for home football games at Owen High School during COVID-19 restrictions. The item was added to the agenda by a vote of 5-0.

2. PROCLAMATIONS, AWARDS & RECOGNITION

None

3. CITIZEN COMMENTS

Town Manager Josh Harrold read the following comments

- Affordable housing is like the old weather adage, everyone talks about it but nobody does anything about it. Well unlike the weather situation, I feel Black Mountain has a unique opportunity at this time to do something about affordable housing. Right now there is an abandoned bldg within walking distance of downtown. This is the Bi Lo building on Rt 9.
(I do not know if the following is true but I feel I need to mention it. I have heard that Ingles bought the bldg and will not sell it to anyone who wants to put in another grocery store. If true that is definitely their right. But also if it is true than what better way to serve the community that they are headquartered in then to donate the property to Black Mountain as an affordable housing site. It would definitely benefit them three fold. 1 Great tax writeoff, 2 their customer base would be increased by the number of units built and 3 It would be good press. So enough of Ingles.)
If the previous paragraph is totally wrong this does not change the fact that the site could and should be purchased for housing. Since it is close to but remote from the old historic downtown bldgs and is surrounded by more modern structures like the UPS bldg and Starbucks and a gas station it could be a more modern structure. I picture an apt bldg like the one recently erected in Swannanoa.
So this is an opportunity that should be pursued in a timely manner. It won't be long before someone purchases this land for some other use. Thanks for listening
Ron Marcello
- My name is Theresa Fuller from 207 Rhododendron Ave. Thank you for providing this three minute forum for me to voice my concerns. Since 2016, I have presented my concerns about the conditions of Lake Tomahawk Park to the city and town manager. I invite you to review the supporting documentation accumulated. You will see a historical *timeline*, past newspaper articles, *videos*, and *photos* that may be of interest to you. The files are located on *our Google drive*. I have not been able to personally present to the board since the Covid-19 shutdown, March 2020. I was hoping to attend a meeting, but my letter and documentation will have to suffice. I am asking for your attention and support in putting proper money in the budget for this beloved park. For those new to Black Mountain, Lake Tomahawk Park provides our community a place to play, walk, swim, gather, commune, and relax within a 16.3-acre parcel located centrally in Black Mountain. Lake Tomahawk is fed by Tomahawk Branch, which runs through the Black Mountain golf course. This park was created by Civil Works Administration in the '30s. The Lakeview Center was constructed around 1932 and semi-renovated in 1975 and 2010. Today, the center serves as an Active Aging Center. It hosts senior walks and lunches; offers programs ranging from exercise classes to bridge, and is rented for various private occasions. The park features amenities as a pavilion, fishing pier, playground, tennis courts, horseshoe pits, public restrooms, and a walking trail. The tennis courts were refurbished in 1989. The pavilion was built in 1993 and features ten picnic tables and one small charcoal grill. The Black Mountain Pool was completely renovated in 2009. We could talk for hours about really what has been done or is happening. In early 2020, Elevate Black Mountain meetings occurred. The general consensus is people want their greenways, especially Lake Tomahawk. As proof, *daily and monthly loop counts* were taken from an installed counter. *Could some of these steps possibly be yours?* The issue is maintenance projects are overlooked as Capital projects are worked as they are easier to get approved. This is a real problem in many communities. Before I voice my grievances, I give thanks to the City Works and the town Manager for work performed in 2020. The town did perform some of the work on the Lake Tomahawk community garden to stop erosion. More needs to be done. A large dead tree was removed for safety reasons. The sediment damn was re-engineered from the one that was destroyed in May of 2018. I ask you to please walk the park, or review the supporting document, with open eyes and observe what is happening to the park.

• Storm water is not being controlled off the mountain and hillsides. It washes down across Tomahawk Avenue and down the Lake Tomahawk banks. Review the video on just how badly Lake Tomahawk Ave slopes towards the lake. This is even becoming a danger for driving. Also, all the new

builds in the past five years have removed so many trees. This sends enormous amounts of uncontrolled water towards the lake. How do we control our environment from being destroyed? The current maintenance must be improved. When it rains, the trails are washed out and the gravel goes into the lake. The city puts fresh gravel on top of washed-out trail. It rains again and the city repeats. We have beaches of gravel and it is polluting filling the lake. Our lake is rapidly disappearing. Please review the lake's *2019 depth measurement* performed by Friends of Lake Tomahawk. You will see the deepest was 8' two years ago. Have article where this was around 22' at one time.

· In many spots, the trails have sunk approximately 6" in the past four years. People and the city backhoes are using the grass areas instead of the trails because they are underwater.

· Mowing needs to change. The grass is cut so short, it dies off what little grass we have in our park. All of this is resulting in a dying shallow lake.

· Observe some of the structures around the lake. The Kiwanis perform maintenance to their benches, but the other ten benches are old-looking and a lot of them are in erosion areas. One by the island is going to fall into the lake soon. The benches need to be moved and revitalized or replaced. We offered to work with the city to replace the wood on the benches staying in place and will replace the wood on those moved by the city to better locations.

· Please look at the gazebo. Did you know it was built and donated and had been used by weddings? Please take a look at it. It has graffiti, a bad roof, and the gravel from the trail is put at the entrance. I have had some donations and sales to contribute to replacing one of the beds along the trail. Will you please put money in the budget and plan for improvements?

- Brandon Moffitt, Executive Director/Founder of Black Mountain Academy Reasons for concern:
 1. Traffic often passes this intersection above the posted speed limit of 35mph.
 2. Pedestrian safety – pedestrians do not have clear right-of-way based on current crosswalk markings. I have observed numerous situations in which cars almost hit pedestrians including elderly and disabled citizens.
 3. Lack of visible signage, road markings, or crosswalk signals to ensure it this intersection is safe for pedestrians.
 4. Safe routes to school – we are a private school and NC law indicates that we should have safe walking access to and from our campus. Our staff and students regularly walk to Cragmont Park, Lake Tomahawk, the Library, and to town. We opened in 2016 and I have been unable to make progress on this request despite persistent attempts.
 5. An injury to one of our students or staff, or other community member is an avoidable tragedy.Specific requests for board consideration:
 1. Install bright pedestrian signage to raise awareness for drivers as they approach the intersection. This is a lower cost option that would signal cars, semi trucks, and tourists to slow down and pay closer attention. This is a first step to improving the safety of the intersection.
 2. Install a section of sidewalk on the south side of Hwy 70 (CVS / Black Mountain Academy side) of the street. Sidewalks on both sides of the Hwy 70 meet NCDOT requirements to further improve an intersection with signs, crosswalk stripes, and/or crosswalk signals. Public works developed a bid for this in 2019 but it stalled last year due to COVID and loss of tax revenue.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

Jamey Matthews, Public Works Director, presented the Public Works Annual Water Report to the Town Council. The report is made part of and included in these minutes.

Shawn Freeman, Police Chief, presented the Black Mountain Police Department to the Town Council. The report is made of and included in these minutes.

5. CONSENT AGENDA

A. Adoption of Minutes

Motion: *To adopt the minutes of February 4, 2021 Agenda Workshop, the February 8, 2021 Regular Session Meeting and the February 25, 2021 Special Call Meeting.*

B. Memorandum of Understanding with Buncombe County concerning vaccine sites.

Motion: *To approve or deny Intergovernmental Agreement for providing staffing at the COVID-19 vaccination sites*

C. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street.

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street to be held on Monday, May 10, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

D. Approve Agreement for Anna Major to Girl Scout Gold Award Project on the Oaks Trail.

Motion: *To approve the agreement for Anna Major to complete a Gold Award Project on the Oaks Trail or Community Garden.*

E. Call for Public Hearing for consideration of Charter Update.

Motion: *To call for public hearing for consideration of Town Charter update to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

F. Suspension of fees for Fire Department Staff at Owen High School Football Games

Motion: *To approve the suspension of fees while COVID-19 restrictions continue.*

Vice Mayor Ryan Stone moved to approve consent items A-F as presented. The motion passed with a vote of 5-0.

6. CITIZEN COMMENTS

None

7. UNFINISHED BUSINESS

Town Manager Josh Harrold offered a brief Riverwalk Greenway Update. An alternate route has been identified, but there is still work to be done to determine if the route will impact any federal funding or be approved by the railroad.

8. NEW BUSINESS

Tim Lyons of Mauldin & Jenkins presented the 2019-2020 audit to the Town Council. The report is made of and included in these minutes. The audit was clean with one minor finding concerning segregation of duties.

Council Member Archie Pertiller moved approve the FY 2019-2020 audit as presented. The motion passed by a vote of 5-0.

Manager Harrold presented the refinancing options on 304 Black Mountain Avenue. The proceeds of the sale of the old public works building will be applied to the debt reducing the amount to refinance by half (approximately \$700,000).

Vice Mayor Ryan Stone moved to approve or deny refinancing for debt on 304 Black Mountain Avenue for 11 years at 2.03%. The motion passed by a vote of 5-0.

Manager Harrold presented the DWQ Grant Agreement for Swannanoa River Restoration Project, which will allow the Town to complete the project with the only cost being in-kind work. The project will mitigate erosion and restore approximately 1,500 linear feet of the Swannanoa River.

Council Member Archie Pertiller moved to approve the grant agreement as presented. The motion passed by a vote of 5-0.

Manager Harrold explained that the town has requested permission to use an existing box culvert for a bike/ped connection under I-40. In order to do this, the Town is required to execute a maintenance agreement with NC DOT. NC DOT Maintenance Agreement.

Council Member Dog Hay moved approve the agreement as presented. The motion passed by a vote of 5-0.

Manager Harrold presented the request from the Fire Department to apply for the SAFER Grant. The closing of submission date is March 12th. The grant assistance is for 3 years with FEMA paying 75% the first year and 35% on years 2 and 3 of the salaries and benefits. The fourth year and beyond would be 100% the responsibility of the town. The fire department would like to request six (6) Firefighter in the grant application process.

There was some discussion about the cost and the impact to the budget. Fire Chief Scottie Harris entered the meeting to address the council. Chief Harris expressed concerns about the staffing in his department. He noted that the department had recently responded to a house fire, and

reiterated that there was always uncertainty about what firefighters would face at work each day and the need for adequate staffing.

Vice Mayor Ryan Stone moved to deny allowing the Fire Department to apply for the SAFER Grant. The motion passed by a vote of 5-0.

A recommendation and request has been made to change the name of the town's governing board to Town Council.

Council Member Pam King moved to adopt Ordinance #O-21-02 as presented. The motion passed by a vote of 5-0.

The North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) recently approved two Volkswagen Settlement Level 2 ZEV Infrastructure Program rebate applications in the amount of \$10,000.00 each. The proposed projects would add 2 ports, each equipped with 2 chargers, at the Black Mountain Library and at Lake Tomahawk.

Council Member Archie Pertiller moved to approve acceptance of the rebate to expand electric vehicle charging infrastructure. The motion passed by a vote of 5-0.

9. PUBLIC HEARING

Planning Director Jessica Trotman entered the meeting.

Vice Mayor Ryan Stone moved to open the public hearing for the proposed text amendments. The motion passed by a vote of 5-0.

The Planning Director presented the new definitions to the Town Council. The proposed definitions will allow staff and applicants to clearly differentiate between residential and non-residential uses.

Vice Mayor Ryan Stone moved to close the public hearing for the proposed text amendments. The motion passed by a vote of 5-0.

Vice Mayor Ryan Stone moved to adopt Ordinance #O-21-01 as presented. The motion passed by a vote of 5-0.

10. COMMUNICATION FROM STAFF

The Town Attorney, Ron Sneed let the Council know the charter as drafted has been sent to the NC legislature and the process is on track.

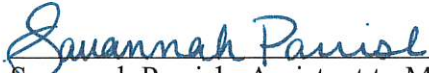
11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Mayor Harris reminded the public about the Budget Workshop on Wednesday, March 20, 2021. He also encouraged the Town Manager to look into projects that may need to be done at Lake Tomahawk.

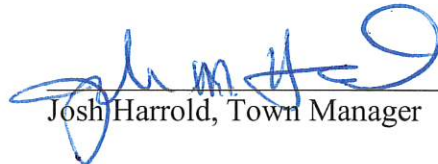
12. ADJOURNMENT

There being no further business, on a motion from Council Member Pam King, Mayor Larry B. Harris adjourned the meeting at 7:46 PM.

ATTEST:


Savannah Parrish, Assistant to Manger/Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager