



## TOWN OF BLACK MOUNTAIN

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

Date: **March 14, 2022** Time: **6:00 p.m.** **Regular Session Minutes**

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### 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 Bill Christy  
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 the public and led the Pledge of Allegiance. Dr. David Phillips of First Baptist Church Offered an invocation.

### 2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read resolution R-22-03, a resolution in Support of Ukraine. Mayor Harris also read the Mayor's Monarch Pledge.

### 3. CITIZEN COMMENTS

Judy Eubanks addressed the Town Council and asked for consideration of additional tennis courts.

Nathan West commented on the importance of youth sports in the community and asked the Town Council to further support those programs.

Joe Scotto spoke on behalf of the Recreation Commission to request support for the maintenance and repair of Grey Eagle.

Shawn Slome thanked Council Member Doug Hay for the listening session he held online. Mr. Slome encouraged other council members to do the same.

#### **4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES**

- A.** Chip Craig addressed the Town Council concerning the Asheville-Buncombe Sports Complex. Mr. Craig has identified Black Mountain Commerce Park as a potential site for the Sports Complex, which would make it the anchor tenant. The Town Council had a resolution of support for the Sports Complex to be located in the Commerce Park in their consent agenda. Mr. Craig is currently completing the 501©3 requirements for the project.
- B.** Steffi Rauch presented to the Town Council information concerning the Citizens Climate Lobby, which is a climate change organization focused on national policies to address climate change. Ms. Rauch specifically asked the Council to support an economy-wide carbon tax which would be implemented at a federal level.
- C.** Libba Farleigh, on behalf of the pickleball group, expressed to the Town Council a desire for more pickleball courts. She cited the growing group of players and the increasing popularity of pickleball.

#### **5. CONSENT AGENDA**

##### **A. Adoption of Minutes**

**Motion:** *To adopt the minutes of the March 5, 2022 Strategic Planning Workshop, February 14, 2022 Regular Session Meeting, the February 14, 2022 Closed Session Meeting, and the February 10, 2022 Agenda Meeting.*

##### **B. Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor Courts**

**Motion:** *To call for a public hearing to add text for mobile food vendors and mobile food vendor courts to be held on Monday, April 11, 2022, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

##### **C. Budget Amendment for trade of used firearms for Police Department**

**Motion:** *To approve the budget amendment as presented.*

##### **D. Black Mountain Police Department Off-Duty Fee Schedule**

**Motion:** *To approve and adopt the Police Department Fee Schedule presented.*

E. Recreation Fee Schedule Amendment (Pool)

***Motion:** To approve the addition of the group rates for the Black Mountain pool in recreation fee schedule as presented*

F. Resolution By the Town of Black Mountain in Support of the Asheville-Buncombe Sports Complex #R-22-02

***Motion:** To approve Resolution #R-22-02 as presented.*

G. Resolution By the Town of Black Mountain in Support of Ukraine #R-22-03

***Motion:** To approve Resolution #R-22-03 as presented.*

H. Summer Camp Temporary Employee Pay Increase

***Motion:** To approve the Summer Camp Temporary Employee Pay Increase as presented.*

*Council Member Archie Pertiller moved to approve consent item A-H as presented. The motion was approved by a vote of 5-0.*

**6. CITIZEN COMMENTS**

Shawn Slome of 115 3<sup>rd</sup> Street addressed the Town Council with concerns about the updated Code of Ethics, which the Town Council considered under new business.

**7. UNFINISHED BUSINESS - None**

**8. NEW BUSINESS**

A. Resolution R-22-01 to Adopt an Updated Code of Ethics for the Governing Body of the Town of Black Mountain.

Attorney Sneed stated that the update to 160D broadened the requirements for the Code of Ethics, and the Town Council required a minor update to their policy. The Town Attorney also addressed some matters of overreach which were present in the previous policy.

*Council Member Doug Hay moved to approve R-22-01 as presented. The motion was approved by a vote of 5-0.*

B. Administration Agreement with NCDOT for Ninth Street Bridge

This is an agreement for NCDOT to administer the Ninth Street Bridge replacement project. Each agreement will be completed by phase, Professional Engineering/Right-of-Way/Construction. This agreement is for Professional Engineering only. It represents an 80/20 cost share with an estimate match of \$40,000 for the PE phase.

*Council Member Pam King moved to approve the Administration Agreement with NCDOT for Ninth Street Bridge. The motion was approved by a vote of 5-0.*

C. Pet and Other Waste Ordinance and Definition

The stormwater management plan, required by the NPDES permit require review of ordinances related to the management of fecal coliform. The environmental regulations lacked specific ordinances related to fecal coliform management. This ordinance meets the requirements of the stormwater management plan by prohibiting pet waste from being left in public space. It also includes a section to prohibit things like yard waste from entering the stormwater system, including open ditches.

*Council Member Bill Christy moved to approve the ordinance as presented. The motion was approved by a vote of 5-0.*

D. Board Appointments

**Zoning Board of Adjustment** – One (1) 3-year terms ending June 30, 2025

One applicant, Chloe Riddle, applied for the vacant seat. There was some discussion among the Council Members in which they concluded that Ms. Riddle was an excellent candidate for ZBA.

*Council Member Pam King moved to appoint Chloe Riddle fill a 3-year term ending June 30, 2025. The motion was approved by a vote of 5-0.*

## 9. PUBLIC HEARING

*The chair will recognize individuals requesting to address the Council 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 Rezoning of 713 NC 9 Hwy #Z-O-22-01 – *continued from February 14, 2022*

Planning Director Jessica Trotman gave a brief review of this matter. The property is currently TR-4 and the applicant is requesting a zoning designation of HB-8 to allow for commercial use. The Planning Board heard this request at the regular meeting on December 20, 2021 and voted 6-1 (Kathy Phillips voting against) to not recommend the HB-8 zoning designation as there is an unknown impact to the neighbors, a problematic traffic situation, unknowns about the DOT roundabout project and the possibility of unconventional development. The Planning Board believes this area will become more commercial over time but hope that the roundabout will be finished before advancing that change.

The applicant, Steve Holland, of 39 Farm Way in Weaverville addressed the Town Council. He addressed a few of the concerns expressed by the neighbors, including traffic. Sonya Melton of 115 Hill Street expressed concern about the traffic, the height of the building and

parking issues.

Joe Tyson of 309 N Dougherty Street spoke against the rezoning, stating that it should wait until traffic conditions on Highway 9 are improved and the neighborhood expresses a desire for more commercialization.

*Council Member Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.*

*Council Member Pam King moved to deny the Rezoning of 713 NC 9 Hwy. The motion was approved by a vote of 5-0.*

#### **10. COMMUNICATION FROM STAFF**

- A. Town Attorney Ron Sneed is continuing to work with Buncombe County to update the agreement for the use of the library building.
- B. Town Manager Josh Harrold updated the Town Council on the FEMA Funds. The Greenway Project will be fully funded at just over \$50,000. FEMA will not be providing all of the funding for the golf course, but they will pay \$5000 towards those repairs. FEMA will also provide \$12,000 for the stream restoration work.

#### **11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL**

Council Member Pam King recognized International Women's Month and offered thanks for all of the women on Town of Black Mountain's staff.

Mayor Harris acknowledged the Black Mountain Library's 100<sup>th</sup> Birthday by reading an article from the Black Mountain News from 1968 which commemorated the libraries move into the current building.

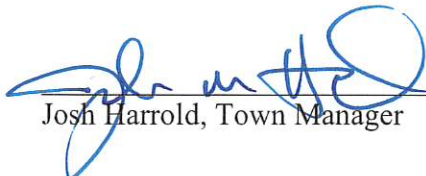
#### **12. ADJOURNMENT**

*There being no further business, Mayor Harris adjourned the meeting at 7:39 p.m.*

ATTEST:

  
Savannah M. Parrish Town Clerk

  
Larry B. Harris, Mayor

  
Josh Harrold, Town Manager