



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
January 10 2019

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, January 10, 2019 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for Monday, January 14, 2019 at 6:00 p.m.

1. CALL TO ORDER

Mayor Don Collins called the meeting to order at 5:00 p.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry B. Harris
Alderman Carlos Showers
Alderman Ryan Stone
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Angela L. Reece, Town Clerk
Ron Sneed, Town Attorney

Shawn Freeman, Police Chief
John Wilson, Deputy Fire Chief
Jessica Trotman, Planning Director
Joshua Henderson, Recreation Director
Jamey Matthews, Public Works Director

The Board reviewed the items that were proposed for the January 14, 2019 regular session meeting and REMOVED Item 5B, Call for Public Hearing for Text Amendment to Add Graffiti Ordinance.

Mayor Don Collins opened the meeting.

Mayor Don Collins presented the proposed agenda to the Board of Aldermen. Reverend Jeremy Shoulta of First Baptist Church will give the invocation.

Mayor Collins discussed **Items 5B**, Call for Public Hearing for Text Amendment to Add Graffiti Ordinance inquiring of the provision for an appeals review committee stating appeals have always gone through the Zoning Board of Adjustment. Attorney Ron Sneed clarified this ordinance is an exercise of police power of the town and not its zoning authority, and said that an appeal to the board of adjustment is not appropriate and the provision for appeal at this level may be unnecessary. If the board wants to give property owners a route to appeal, it may be possible

Type: CONSOLIDATED REAL PROPERTY
Recorded: 1/14/2019 2:18:34 PM
Fee Amt: \$26.00 Page 1 of 4
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5735 PG 1832 - 1835

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Prepared by and return to
Ronald E. Sneed (Box 47)

TOWN OF BLACK MOUNTAIN

**CORRECTED RESOLUTION TO CLOSE A PORTION OF UN-OPENED, PLATTED
STREET KNOWN AS FIRST STREET, OFF BLUE RIDGE ASSEMBLY DRIVE
PLAT BOOK 19, PAGE 45
RESOLUTION #R-18-23**

Submitted electronically by "Ronald E. Sneed, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

Book: 5735 Page: 1832 Seq: 1

RESOLUTION #R-18-23

**CORRECTED RESOLUTION TO CLOSE AN UNOPENED, PLATTED STREET
KNOWN AS FIRST STREET, PLAT BOOK 19, PAGE 45**

This Amended Resolution is executed to correct a Scrivener's Error in the description of the street portion being closed in the Resolution recorded in Book 5723 at Page 1700, Buncombe County Registry.

WHEREAS, the Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted street known as First Street; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted street to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar set in the northern edge of First Street as said street is shown on that plat recorded in Plat Book 19 at Page 45, Buncombe County Registry, said rebar also marking the southeast corner of Tract 2 as described in that deed record in Book 5169 at Page 1476, Buncombe County Registry; thence from said Beginning and with the northern boundary of said street North 86° 23' 05" West 90.47 feet to a 3/4ths inch iron pipe marking the southern common corner of Tract 2 and Tract 1 as described in Book 5169 at Page 1476; thence continuing with the northern boundary of said street North 85° 39' 47" West 185.37 feet to a rebar set in the western edge of the right of way of Blue Ridge Assembly Drive; thence with the edge of the right of way of Blue Ridge Assembly Drive South 02° 32' 47" West 40.00 feet to an iron pin; thence leaving Blue Ridge Assembly Drive and running with the southern boundary of First Street South 86° 24' 28" East 181.91 feet to a No. 5 rebar; thence South 86° 24' 35" East 15.00 feet to a point; thence South 84° 38' 40" East 75.00 feet to a No. 5 rebar marking the northeast corner of that property described in Book 1940 at Page 54, Buncombe County Registry; thence leaving the southern boundary of First Street and running almost due north approximately 40 feet to the No. 5 rebar marking the southeast corner of Tract 2 as described in Deed Book 5169 at Page 1476, Buncombe County Registry.

WHEREAS, the Board of Aldermen of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 8th day of October, 2018 and for good cause shown, the Board of Aldermen declared its intent to close the described unopened, platted street; and

WHEREAS, a copy of the resolution adopted by the Board of Aldermen at their October 8, 2018 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted street was posted at two prominent places along said street no later than October 25, 2018; and

WHEREAS, the owners of all properties adjoining the described unopened, platted street joined in the petition to close the unopened, platted street; and

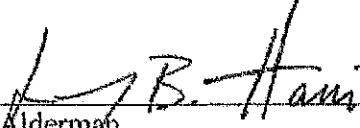
WHEREAS, a public hearing was held to receive public comment at the regular meeting of the Board of Aldermen in the Board meeting room in the Town Hall Building on Monday, November 19, 2018 at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Board of Aldermen that closing the described unopened, platted street is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted street would be hereby deprived of reasonable means of ingress or egress; but

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain that:

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted street described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

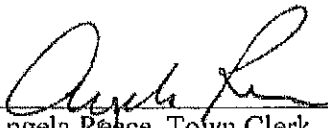
I move the adoption of the foregoing resolution:




 Alderman

READ, APPROVED AND ADOPTED, by a vote of 4 to 0 on the 19th day of November, 2018.

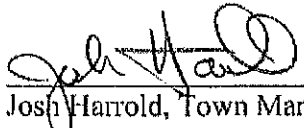
ATTEST:



 Angela Reece, Town Clerk



 Don Collins, Mayor



 Josh Harrold, Town Manager

CERTIFICATE

I, Angela Reece, Town Clerk for the Town of Black Mountain, North Carolina, do hereby certify that the foregoing is a true and accurate copy of Resolution #R-18-23 adopted at the regular meeting of the Black Mountain Board of Aldermen on November 19, 2018, and re-executed on January 10, 2019, to correct omitted calls in the description, and said Amended Resolution #R-18-23 is duly filed in the Official Records of the Town of Black Mountain dated November 19, 2018.



Angela Reece
Angela Reece, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Cortney N. Kidd, a Notary Public of the aforesaid County and State, do hereby acknowledge that Angela Reece, Town Clerk of the Town of Black Mountain, North Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing certificate.

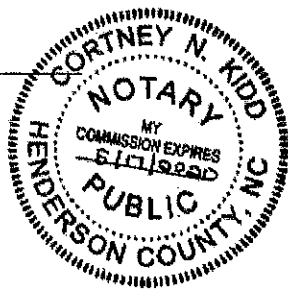
WITNESS my hand and Notarial Seal, this the 11th day of January, 2019.

Cortney N. Kidd
Notary Public

Cortney N. Kidd
Typed or Printed Name of Notary

My Commission Expires:

5/17/2020



Black Mountain Board of Aldermen
Agenda Workshop Minutes -January 10, 2019

but needs to be thought out. The Board agreed the proposed ordinance should be researched further before consideration.

Alderman Larry B. Harris moved to remove Item 5B, Call for Public Hearing for Text Amendment to ADD Graffiti Ordinance from the agenda.

The motion was unanimously approved by a vote of 5-0.

Mayor Collins discussed **Items 7A**, Wholesale Purchase of Water from City of Asheville. Attorney Sneed stated he has presented a draft agreement for consideration by the board stating it is mostly based on the timeline. Alderman Larry B. Harris stated he would like more information regarding the town's fee structure to compare with the numbers in the draft agreement.

Alderman Larry B. Harris asked Planning Director Jessica Trotman to discuss **Item 8C**, River Walk Greenway Phase II Preliminary Engineering and Design contract with Michael Baker International Inc. Director Trotman stated the small area plan will result in multi modal transportation information to connect to our existing pedestrian and bike network and how to respond to some of the changing conditions as a result of the interchanges relationship to land use.

Mayor Collins discussed **Items 9A**, Public Hearing for Text Amendments to Notices of Violations for Warning Letters stating this ordinance will require everyone to receive a warning letter prior to an action.

Mayor Collins discussed **Items 9B**, Public Hearing for Text Amendments to Privilege Licenses for Building Permits stating this ordinance removes language inconsistent with state law.

Mayor Collins discussed **Items 9C**, Public Hearing for Text Amendments to Noticing Requirements stating this ordinance will make all noticing requirements consistent with state law and allows additional notice to be given but does not require it above what the state law sets forth.

There was no further discussion on the agenda by the Board.

Attorney Ron Sneed addressed the Board of Aldermen presenting them with a corrective resolution **#R-18-23**, Closure of First Street (off of Blue Ridge Assembly Drive) reminding the Board they voted 4-1 in favor of closing the street at their regularly scheduled November 19, 2018 meeting. Attorney Sneed stated the surveyor noticed the description had errors in it and said he is requesting this resolution to be re-executed to correct omitted calls in the description. This action did not require vote since it was already passed. Mayor Don Collins, Alderman Larry B. Harris, and Town Clerk Angela Reece re-signed corrected resolution #R-18-23 which is made part of and included in these minutes. A copy will be filed with the original version in the November 19-2018 meeting documents as well.

There being no further discussion, on a motion by Larry B. Harris with a vote of 5-0 Mayor Don Collins adjourned the meeting at 5:25 p.m.

ATTEST:



Angela L. Reece, Town Clerk



Don Collins, Mayor