



## TOWN OF BLACK MOUNTAIN

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

Date: April 12, 2021 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 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. Mayor Harris also invited the council and members of the public to reflect on gratitude, especially in light of the COVID-19 pandemic, during a moment of silence.

Manager Harrold explained that during rain events the Town is required by state law to lower the lake levels to take into account the increase of water. The valve during a recent rain event became blocked by debris and was not able to be closed. The public works department is working to clear the valve and it should be closed shortly.

### 2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read a proclamation for retiring building inspector Dan Cordell.

Mayor Harris read the Mayors Monarch Pledge, which proclaims support for the monarch butterfly species.

### 3. CITIZEN COMMENTS

Town Manager Josh Harrold read the following comments:

**Andrea Menzel** - Our current skatepark is in need of updating so that it is more attractive to the community's youth skateboarders and bikers as well as giving them a safe location to ride. I believe construction of a new skatepark / pump track in the Veterans Park would be a new way to envision a playground for all wheels.

Today there are more improved designs that allow reasonable ways to construct skateparks / pump tracks.

My vision would be that kids could safely skate/bike our greenways to access this skatepark / pump track therefore making our community safe for our kids to stay active and healthy.

I have teamed up with The skateboard project to ensure this vision would be created efficiently and up to community standards. As well as guidance on ways to raise money for the town and apply for grants to help fund this project.

To conclude, I would like to ask the Council Members of Black Mountain to consider I organize a steering committee with members from the town as well as interested parents that would meet on a regular basis to pursue this project and be able to look into it further.

Thank you for your time and consideration of this project.

**Melisa Pressley** - Thank you, Council members, for renaming our governing body from archaic terms to those more inclusive and representative of our community. The fact that you approved the name change to Town Council on International Women's Day did not escape the notice of your constituents. Kudos to you and thank you!

**Jeannie Regan** - I would like to propose a 'Lake Monster' parade around Lake Tomahawk. Drawing on the myth of the giant snapping turtle that lives in the lake, participants could design and create their own lake monster, fish, pirate or mer-person and we can progress in a parade around the lake. A kayak could be used to present a large scale puppet. This event could be socially distanced and masked.

I think the community could do with something fun and creative to look forward to and participate in. Food trucks and vendors could be invited as well.

Thank you for your time and everything you do to keep Black Mountain running so smoothly.

**Joseph Blalock** - I, my wife, and several of our neighbors on the east side of Tomahawk Avenue have concerns about storm water flows, as well as flows of muddy, polluted, waters into the town

golf course, Lake Tomahawk, and the waterways of the Swannanoa River, and downstream. In a previous meeting March 8, 2021, Theresa Fuller voiced similar concerns.

My concerns are more pointed, particularly as the Council is also voting on today's Agenda items 9B, *Resolution #R-21-02*, and 9C, *Resolution #R-21-05*.

Flooding, and runoff of storm water and muddy (turbid) waters from developments from the east bank of the Lake Tomahawk from sites on Allen Mountain and even immediately adjacent to rights-of-way noted in Agenda items 9B and 9C is clearly damaging Town property – parts of the golf course, such as the 5<sup>th</sup> hole, appear to be permanent wetlands – and damaging to the roads, and almost certainly violations of the Clean Water Act. State, county, and municipal responsibility are ultimately governed by the Clean Water Act and continued unmitigated release of turbid waters is not only against the interests of the Town (“contrary to the town”) and citizens of North Carolina, but also the United States, since the Swannanoa flows ultimately into the Tennessee River Basin. I have photographic evidence of multiple releases of muddy (turbid) water from nearby developments that are not being addressed by the Town. I have unsuccessfully raised only some of these issues with the Town previously.

There are multiple storm water and pollution issues related to the watercourse crossing both tracts in the rights-of-way under discussion in Items 9B and 9C. Chronically muddy water flows across or under both of these tracts, damaging: roads, the golf course, parks, Lake Tomahawk, and downstream waters. The discharge from Tomahawk now appears to be eroding the dam at the south end of the lake (as recently as yesterday, April 11, 2021).

I ask the Council to please act expeditiously and wisely to address on-going damage to the Town's and citizen's roads, culverts, property, and also to uphold the Town's obligations under local, state, and federal environmental law.

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

Gail Bromer gave The Black Mountain Beautification Committee annual report to the Town Council. Although several events had to be canceled due to COVID-19, the Beautification Committee accomplished their three major commitments. The 42 plant containers throughout town, maintenance of the over 20 garden sites, and Town Square. They also renovated several garden sites and began work on the hill.

Mayor Harris thanked the Beautification Committee for their work.

Recreation and Parks Director Josh Henderson gave the annual report for the Recreation and Parks Department. His presentation focused on what the department was able to accomplish in spite of COVID-19. The new outdoor programs were especially successful, including the Arm's Length Adventures, Park cleanups, and the Fall Peaks Hiking Series. Director Henderson's slides are made part of these minutes.

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

*All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.*

Manager Josh Harrold presented the consent agenda to the Town Council.

**A. Adoption of Minutes**

***Motion:*** *To adopt the minutes of March 4, 2021 Agenda Workshop, the March 8, 2021 Regular Session Meeting and the March 10, 2021 Special Call Meeting.*

**B. Budget Amendment for debt payment at 304 Black Mountain Avenue.**

***Motion:*** *To approve the budget amendment #FY-2021-14*

**C. Call for Public Hearing for Voluntary Annexation for 201 and 207 Old Toll Road  
#O-21-03**

***Motion:*** *To call for a public hearing for voluntary annexation for 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000) 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, 160 Midland Avenue.*

**D. Call for Public Hearing for Rezoning of 201 and 207 Old Toll Road #Z-O-21-01**

***Motion:*** *To call for a public hearing for rezoning 201 and 207 Old Toll Road (PIN #'s:0619-87-6495.00000 and 0619-87-7613.00000) to UR-8 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, 160 Midland Avenue.*

**E. Call for Public Hearing for Text Amendments to Open Space Requirements for Major Subdivisions  
#O-21-04**

***Motion:*** *To call for a public hearing for text amendments to open space requirements for major subdivisions 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, 160 Midland Avenue.*

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

**6. CITIZEN COMMENTS - NONE**

**7. UNFINISHED BUSINESS**

Manager Harrold presented an update on the Riverwalk Greenway. The preferred alignment is no longer an option. He mentioned there was some interest in using the Hemphill property in a new alignment, which would avoid another alternate alignment set to use sidewalks through town. Manager Harrold presented the Riverwalk Hemphill options to the board. The route narrative is made part of these minutes. This project is able to be split into two portions in order to move forward with a portion without delay.

*Council Member Pam King moved to split the project. The motion was approved by a vote of 5-0.*

#### **8. NEW BUSINESS**

Recreation and Parks Director Josh Henderson presented the Black Mountain Library Garden Proposal. The Black Mountain Library Garden Proposal would offer growing space for gardeners that integrates art, education, conservation, and community while serving as an extension to the library. The proposal includes plans for raised beds, pollinator beds, and a ground bed. If approved by Town Council, the proposal will go before the Library Board.

*Council Member Doug Hay moved to approve the Black Mountain Library Garden Proposal. The motion was approved by a vote of 5-0.*

Golf Course Manager Brent Miller presented the proposed golf course rates for fiscal year 2021-22. The Town increases the rates yearly in order to stay competitive with surrounding courses and cover increased costs for maintenance, supplies, chemicals, etc. The golf course manager is proposing an increase in annual pass rates, cart fees, and greens fees. The rate sheet, and comparison sheet with surrounding courses are made part of these minutes.

*Council Member Tim Raines moved to approve the proposed golf course rates for FY 21-22. The motion was approved by a vote of 5-0.*

Brent Miller presented the need for new golf carts to the Town Council. He stated that the golf carts at the Black Mountain Golf Course are reaching the end of their useful life for the course. They are nearing 10 years old and need to be replaced soon. Staff has received two quotes. One from Yamaha and one from Club Car. Either vendor will purchase our existing carts in turn reducing the cost of new carts. Both the Town Manager and the Golf Course Manager feel purchasing new carts instead of leasing is a better option financially.

*Vice Mayor Ryan Stone moved to approve the purchase of gas Club Car golf carts. The motion was approved by a vote of 5-0.*

Recreation and Parks Director presented the updated Town Square Use Policy. The current Town Square Use Policy was developed and adopted in 2016. The policy outlines proper and prohibited use on the grounds of Town Square Park. The Chamber of Commerce recently requested amendments to the policy in an effort to expand the reach of the Sourwood Festival by moving certain elements of the festival to Town Square Park. In order to do this in the manner in which the Chamber of Commerce would prefer, certain amendments to this policy would need to be made and adopted, including allowing structures such as tents on Town Square.

***Council Member Doug Hay moved to approve amendments to the Town Square Use Policy. The motion was approved by a vote of 5-0.***

Josh Henderson presented the Memorandum of Understanding to the Town Council. He explained that the Charles D. Owen Babe Ruth organization has partnered with the Town in recent years to provide little league baseball and softball. As a part of this partnership, an MOU was established and was last updated in 2016. The Charles D. Owen Babe Ruth organization is requesting to update the MOU to make several changes, including reducing the amount of time required in noticing the Town of games and practices.

***Council Member Archie Pertiller moved to approve the updated MOU with Charles D. Owen Babe Ruth Organization as presented. The motion was approved by a vote of 5-0.***

## **9. PUBLIC HEARING**

Consideration of Charter Update

***Vice Mayor Ryan Stone moved to open the public hearing for the proposed charter amendments. The motion was approved by a vote of 5-0.***

Manager Josh Harrold presented the information to the Town Council concerning the changes to the charter. The current town charter has not been updated for several decades, although there have been amendments. The proposed updated town charter is to be considered, modified as deemed appropriate by the town council, and, if approved, submitted to our delegation in the state legislature for approval and adoption. The state legislature will not take the matter up until the short session begins in May 2022 due to time constraints in the legislature. The changes to the charter were discussed at length in a special call meeting, which was held on February 25, 2021.

There were no public comments.

*Vice Mayor Ryan Stone moved to close the public hearing for the proposed charter amendments. The motion was approved by a vote of 5-0.*

*Vice Mayor Ryan Stone moved approve the proposed charter amendments. The motion was approved by a vote of 5-0.*

Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel to Fairway Drive and Tomahawk Avenue.

*Vice Mayor Ryan Stone moved to open the public hearing for Resolution #R-21-02 to Close Unopened, Platted Right-of-Way Terminating at Fairway Drive and Tomahawk Avenue intersection. The motion was approved by a vote of 5-0.*

Planning Director Jessica Trotman presented the matter to the Town Council. Jerry Jackson has filed a petition to close a portion of a right-of-way between Fairway Drive and Tomahawk Avenue. The properties that abut the right-of-way are 99999 Hiawassee Avenue, 99999 Hiawassee Avenue, 99999 Tomahawk Avenue, and 603 Tomahawk Avenue. The requested closure is approximately 75 feet in the length and 8 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

There were no public comments.

*Vice Mayor Ryan Stone moved to close the public hearing. The motion was approved by a vote of 5-0.*

*Vice Mayor Ryan Stone moved to approve Resolution #R-21-02 for the right-of-way closure. The motion was approved by a vote of 5-0.*

Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between Hiawassee Avenue and S. Oconeechee Avenue.

*Council Member Archie Pertiller moved to open the public hearing for Resolution #R-21-05 to Close Unopened, Platted Right-of-Way Parallel and Between Hiawassee Avenue and S. Oconeechee Avenue. The motion was approved by a vote of 5-0.*

Planning Director Jessica Trotman presented the matter to the Town Council. Becki Janes, Brandon and Abigail Moffitt, Toby and Sarah Broughton-Ives, Darla Sublette, Eric and Erica Christopher, Phillip Abernathy, Caitlin Hettich and Casey Sharpe, and Don and Dorinda Blankenship have filed a petition to close a portion of a right-of-way between Hiawassee Avenue and S. Oconeechee Avenue. The requested closure is approximately 759 feet in the length and 8-

10 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

Manager Josh Harrold read the following public comments:

***Becki Janes*** – I'm writing to support the closure of the utility right-of-way that runs between houses on Hiawasse Avenue and South Oconeechee. Closing this right of way will allow me and my neighbors take better care of our properties and ease the way for planning any improvements such as fences or shrub and tree planting. Thank you for the work you do

***Sally Broughton*** - We live at 313 S Oconeechee Ave, Black Mountain, NC and support the closure of the alley (utility right away). When we bought this house in 2017, it raised some concern for us to have this nebulous alley on the plat map, and perhaps even more so, because there was no evidence of any current utility access there. We are NOT interested in selling, but if it remains officially open, there would be always be some question for potential buyers in the future. Also, it's land that we could, in confidence, put to use as part of our yard, and willingly maintain, since no other entity is going to maintain it.

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

***Council Member Archie Pertiller moved to approve Resolution #R-21-05 for the right-of-way closure. The motion was approved by a vote of 5-0.***

## **10. COMMUNICATION FROM STAFF**

Town Attorney – Ron Sneed mention a few bills currently before state legislature, and will have a legislative update for the Town council at the May 10, 2021 regular session meeting.

Town Manager – Josh Harrold informed the Town Council that staff plans to submit requests for funding through federal earmarks. The application will be sent through Rep. Cawthorn's office.

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

Mayor Harris informed the public that there would be several upcoming special call meetings to discuss the stormwater utility, the comprehensive plan, and 160D updates. Those special call meetings will be held after May's regular session meeting.



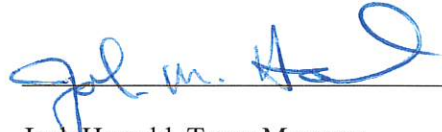
**12. ADJOURNMENT**

*There being no further business Mayor Larry B. Harris adjourned the meeting at 7:48 p.m.*

ATTEST:

  
Savannah M. Parrish Town Clerk

  
Larry B. Harris, Mayor

  
Josh Harrold, Town Manager