



TOWN OF BLACK MOUNTAIN

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

Date: **December 12, 2022** Time: **6:00 p.m.**

Regular Session

Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, December 12, 2022, at 6:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

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

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

Mayor Elect, C. Michael Sobol
Council Member Elect, Alice Berry

The following staff members were present:

Josh Harrold, Town Manager
Ron Sneed, Town Attorney
Angela Reece, Deputy Town Clerk

1. PROCLAMATIONS | AWARDS | RECOGNITIONS

A. Proclamation of Recognition for Vice Mayor Ryan Stone – *Presented by Mayor Larry B. Harris*

Mayor Larry B. Harris presented a proclamation to Vice Mayor Ryan Stone and expressed thanks and appreciation to him for his service to the town.

B. Proclamation of Recognition for Mayor Larry B. Harris – *Presented by Vice Mayor Ryan Stone*

Vice Mayor Ryan Stone presented a proclamation to Mayor Larry B. Harris and expressed thanks and appreciation to him for his service to the town.

C. Proclamation of Recognition Owen Soccer & Cross Country – *Mayor Larry B. Harris*

Mayor Larry B. Harris and special guest, Dr. Rob Jackson, Buncombe County Superintendent presented a proclamation to Trei Morrison, Head Coach of Men's Varsity Soccer Team, and Bob Sadlemire, Head Coach of Men's Cross Country Team recognizing their accomplishments over the last year.

D. Special Guest Introduction – Dr. Rob Jackson, Buncombe County Schools Superintendent

Dr. Rob Jackson, Buncombe County Superintendent formally introduced himself to the Council and public in attendance stating it was an honor and pleasure to be selected for the role. The Town thanks Dr. Jackson for his dedication and leadership and extends well wishes in his new role.

E. Life Saving Award Presentation – Presented by John Coffey, Fire Chief

Fire Chief, John Coffey presented a Life Saving Award to Phil Berry for going above and beyond to save a person in allergy induced anaphylactic shock while flying over the Atlantic Ocean on an American Airline flight that was short medical staffing.

2. CITIZEN COMMENTS

*Individuals wishing to address the Board are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Board. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

Roger Brown of Owen High School Boosters addressed Town Council expressing thanks and appreciation the Council has shown in support of the athletic programs at the school.

Ann Lutz of Black Mountain addressed Town Council expressing thanks and appreciation of Council's support of the Greenway and Trails Program.

Tyler Atkins of Black Mountain addressed Town Council advocating for youth sports and upgrades to Black Mountain Veterans Park. Mr. Atkins stated he would like to see a PA system installed at the park to assist with marketing and advertising as a way to thank sponsors and keep them in the loop for other announcements.

3. PRESENTATIONS | COMMUNICATIONS from Staff, Councils, Commissions & Agencies

There were no presentations or communications.

4. 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.

A. Adoption of Minutes

Motion: *I move that Council adopt the minutes of November 10, 2022, Agenda Session, November 14, 2022, Regular Session, November 17, 2022, Special Call Meeting, November 17, 2022, Closed Session Meeting, December 7, 2022, Special Call Meeting, and December 7, 2022, Closed Session Meeting.*

B. 2023 Town Manager Performance Goals

Motion: *I move that Council accept the 2023 performance goals as discussed and agreed upon with the Town Manager for his performance.*

Vice Mayor Ryan Stone moved that Council approve consent agenda items A-B as presented. The motion was approved by a vote of 5-0.

5. UNFINISHED BUSINESS

There was no unfinished business.

6. ORGANIZATIONAL MEETING

A. Oath of Office and Installation of Mayor-Elect, C. Michael Sobol

Oath issued by Steven D. Cogburn, Clerk of Superior Court

Clerk of Superior Court, Steven D. Cogburn issued the oath of office to Mayor Elect, C. Michael Sobol.

B. Oath of Office and Installation of Council Member-Elect, Alice Berry

Oath issued by Steven D. Cogburn, Clerk of Superior Court

Clerk of Superior Court, Steven D. Cogburn issued the oath of office to Council Member Elect, Alice Berry.

C. Oath of Office and Installation of Council Member-Elect Bill Christy

Oath issued by Steven D. Cogburn, Clerk of Superior Court

Clerk of Superior Court, Steven D. Cogburn issued the oath of office to Council Member Re-Elect, Bill Christy.

D. Appointment of Vice-Mayor for the Town of Black Mountain

[Historically, the Town Council chose to nominate council member with the most votes at the previous election. Council Member Pertiller received the most votes in the 2020 General Election.]

Council Member Pam King moved that Council appoint Council Member Archie Pertiller as Vice-Mayor of the Town of Black Mountain Town Council. The motion was approved by a vote of 5-0.

E. Oath of Office of Vice-Mayor for the Town of Black Mountain

Oath issued by Steven D. Cogburn, Clerk of Superior Court

Clerk of Superior Court, Steven D. Cogburn issued the oath of office to Vice Mayor, Archie Pertiller.

Mayor C. Michael Sobol recessed the meeting at 6:34 p.m. for a brief recess. The meeting was reconvened at 6:40 p.m.

F. Adoption of the schedule for the Town Council Agenda Workshop and Regular Session Meetings for 2023 – Angela L. Reece, Deputy Town Clerk

Vice Mayor Archie Pertiller moved that Council adopt the 2023 schedule of regular meetings of the Black Mountain Town Council as presented. The motion was approved by a vote of 5-0.

G. Acceptance of November 8, 2022, Official General Election Results *Angela L. Reece, Deputy Town Clerk*

Town Manager Josh Harrold explained the Town has historically confirmed the results of the most recent municipal election as certified by the Buncombe County Board of Elections. Manager Harrold confirmed that the abstract of votes are entered into the minutes for the Town's record.

Council Member Doug Hay moved that Council accept the Abstract of Votes as presented by the Buncombe County Board of Elections for the November 8, 2022, General Election and direct the Clerk to enter them into the minutes as part of the Town's record. The motion was approved by a vote of 5-0.

H. Appointments of Representatives and Alternates to Represent the Town of Black Mountain on Advisory Boards/Committees of Area Agencies

1. Black Mountain Center for the Arts:

There is one Board appointment and one Alternate to be filled for the Black Mountain Center for the Arts.

Vice Mayor Archie Pertiller advised Council he would like to retain the position. Council agreed.

By consensus, Council appointed Vice Mayor Archie Pertiller to serve as member of the Black Mountain Center for the Arts.

Vice Mayor Archie Pertiller moved that Council appoint Council Member Bill Christy to serve as alternate member of the Black Mountain Center for the Arts. The motion was approved by a vote of 5-0.

2. Black Mountain- Swannanoa Chamber of Commerce Executive Board

There is one Board appointment and one Alternate to be filled for the Black Mountain-Swannanoa Chamber of Commerce Executive Board.

Council Member Bill Christy moved that Council appoint Council Member Doug Hay to serve as member of the Black Mountain-Swannanoa Chamber of Commerce Executive Board. The motion was approved by a vote of 5-0.

Vice Mayor Archie Pertiller moved that Council appoint Council Member Alice Berry to serve as member of the Black Mountain-Swannanoa Chamber of Commerce Executive Board. The motion was approved by a vote of 5-0.

3. Land of Sky Regional Council Board of Directors:

There is one Board appointment and one Alternate to be filled for the Black Mountain- Swannanoa Chamber of Commerce Executive Board.

Council Member Doug Hay moved that Council appoint Council Member Pam King to serve as member of the Land of Sky Regional Board of Directors. The motion was approved by a vote of 5-0.

Council Member Doug Hay moved that Council appoint Vice Mayor Archie Pertiller to serve as alternate member of the Land of Sky Regional Board of Directors. The motion was approved by a vote of 5-0.

4. French Broad River MPO Board of Directors:

There is one Board appointment and one Alternate to be filled for the French Broad River MPO Board of Directors.

Council Member Bill Christy moved that Council appoint Vice Mayor Archie Pertiller to serve as member of the French Broad River MPO Board of Directors. The motion was approved by a vote of 5-0.

Vice Mayor Archie Pertiller moved that Council appoint Council Member Pam King to serves as alternate member of the French Broad River MPO Board of Directors. The motion was approved by a vote of 5-0.

5. French Broad River MPO Technical Coordinating Committee (TCC):

There is one Committee appointment and one Alternate to be filled for the French Broad River MPO Technical Coordinating Committee (TCC).

By consensus, Council appointed Planning Director, Jessica Trotman to serve as member of the French Broad River MPO Technical Coordinating Committee (TCC).

By consensus, Council appointed Town Manager, Josh Harrold to serve as alternate member of the French Broad River MPO Technical Coordinating Committee (TCC).

6. Asheville Regional Housing Consortium:

There is one Board appointment and one Alternate to be filled for the Asheville Regional Housing Consortium.

Vice Mayor Archie Pertiller moved that Council appoint Council Member Alice Berry to serve as member of the Asheville Regional Housing Consortium. The motion was approved by a vote of 5-0.

Vice Mayor Archie Pertiller moved that Council appoint Planning Director, Jessica Trotman to serve as alternate member of the Asheville Regional Housing Consortium. The motion was approved by a vote of 5-0.

7. Friends of the Fonta Flora State Trail Board:

There is one Board appointment and one Alternate to be filled for the Friends of the Fonta Flora State Trail Board.

Council Member Pam King moved that Council appoint Mayor Mike Sobol to serve as member of the Friends of the Fonta Flora State Trail Board. The motion was approved by a vote of 5-0.

Council Member Bill Christy moved that Council appoint Council Member Doug Hay to serve as alternate member of the Friends of the Fonta Flora State Trail Board. The motion was approved by a vote of 5-0.

8. NEW BUSINESS

A. Annual Green Tee Grille Lease – Presented by Ron Sneed, Town Attorney

Attorney Ron Sneed advised Council the lease is expiring for operations at the 19th hole facility at the Black Mountain Golf Course and stated the owner of the Green Tee Grille has requested to renew her lease with a modification to allow the closure on Monday's due to staffing shortages. Council Member Alice Berry inquired regarding the amount the town is subsidizing as compared to operating costs incurred by the Town. After a brief discussion Council members conceded to continue the current lease under existing terms and directed the Town Manager to provide subsidy costs.

Attorney Sneed reminded everyone the facility has never generated much revenue and has historically been utilized to solicit patrons at the Golf Course.

Council Member Bill Christy moved that Council continue the current leasing terms with the Green Tee Grille and to consider the proposed lease at the January 9, 2023, meeting. The motion was approved by a vote of 5-0.

B. RFP for Town Attorney Services Discussion – Council Member Doug Hay

Council Member Doug Hey stated he feels it is good for the Town and the Town Attorney to issue an RFP (request for proposals) periodically to ensure that everyone's needs are being met.

Council Member Hay moved that Council to direct staff to put together a draft RFP for Town Attorney services to be considered at the January 9, 2023, meeting. The motion was approved by a vote of 5-0.

Council Member Christy indicated that he supports reissuing an RFP every 4 years as procedure.

9. CITIZEN COMMENTS

There were no comments.

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10. PUBLIC HEARING -NONE

The chair will recognize individuals requesting to address the Board 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.

11. COMMUNICATION FROM STAFF

1. Town Attorney – Ron Sneed - none
2. Town Manager – Josh Harrold

Town Manager Harrold stated the Town of Black Mountain is pleased to participate in the 2022 Deck the Trees and said the community raised almost \$42,000 in 2021 to support the Swannanoa Valley Christian Ministry Fuel Fund. Manager Harrold stated the money is used exclusively to serve the needs of our neighbors who face heating crises and encouraged citizens to donate.

Manager Harrold announced the Town of Black Mountain will once again provide overflow dumpsters for residents to bring excessive trash & recycling to that will accumulate during the holiday season. The dumpsters are only available to residents inside the town limits. The schedule and additional information are available on the Town's website.

Manager Harrold announced the following holiday office closures: Christmas December 23rd, 26th and 27th for Christmas and New Year's Day, Monday January 2nd.

12. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Vice Mayor Archie Pertiller welcomed and congratulated the incoming Council Members.

Council Members wished everyone happy holidays and Merry Christmas.

Council Member Pam King thanked chamber of Commerce for organizing the Christmas parade and thanked the Recreation Department for hosting the Circle of Lights at Lake Tomahawk. Mayor Sobol concurred.

Council Member Alice Berry reminded everyone and invited them to attend Holly Jolly in downtown.

Mayor Sobol clarified the Town may qualify for NCDOT funding for a crosswalk at CVS since the sidewalk was completed.

13. CLOSED SESSION

At 7:03 p.m. Vice Mayor Archie Pertiller moved that Council enter into closed session to prevent the disclosure of information that is privileged or confidential and to consider to property acquisition as permitted by NC General Statute 143-318.11(1) and (5). The motion was approved by a vote of 5-0.

14. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 7:16 p.m.

ATTEST:

C. Michael Sobol, Mayor

Angela L. Reece, Deputy Clerk