



TOWN OF BLACK MOUNTAIN

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

Date: January 9, 2022 Time: 6:00 p.m.

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, January 9, 2023, at 6:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Alice Berry
Council Member Bill Christy
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

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

2. PROCLAMATIONS | AWARDS | RECOGNITIONS

A. Proclamation for Martin Luther King, Jr. Day – Presented by Mayor C. Michael Sobol

Mayor C. Michael Sobol presented a proclamation celebrating Dr. Martin Luther King Jr.

B. Life Saving Award – Presented by Chief of Police Steve Parker

Police Chief Steve Parker presented Life Saving Awards to Sgt. Monte Hensley and Officer Alexander Cruz.

C. Wellhead Protection Award – Presented by NC Rural Water Association, Debbie Maner

Debbie Maner presented the Wellhead Protection Award to the Town and Public Works Director, Jamey Matthews for having successfully completed a state approved Wellhead Protection Plan on April 12, 2022.

3. 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.

Rick Early of Black Mountain addressed Town Council regarding questions about percentages of water being purchased and agreements with the City of Asheville. Mr. Early inquired regarding drilling additional well heads.

Frank Cappelli of Owen Babe Ruth Baseball addressed Town Council stating the Babe Ruth organization is donating \$4,000.00 in services to assist in repairing fields at Veterans Park. Mr. Cappelli asked for consideration of installation of a permanent fence behind field #3.

Tyler Atkins of Black Mountain addressed Town Council advocating for youth sports in Black Mountain. Mr. Atkins stated he is a board member of the Babe Ruth organization.

Clint Creasman, Commissioner of Owen Babe Ruth Baseball, stated they have been selected to host the 2023 State Championship which will bring 16 teams to Black Mountain to compete between June 22 through June 27, 2023. Mr. Creasman stated the organization needs help and requested new benches, fencing, dugouts, and a new PA system. Mr. Creasman said he feels the facilities are inadequate and requested assistance from Council.

4. COMMUNICATIONS [AGENCIES COUNCILS, COMMISSIONS & STAFF]

A. North Carolina Glass Center Presentation—*Janice Gouldthorpe, Executive Director, & Candace Reilly, Capital Campaign Manager*

Janice Gouldthorpe, Executive Director of the North Carolina Glass Center presented information to Council regarding the new location opening in town. Director Gouldthorpe presented renderings of the new space and extended invites to Council and the public upon opening day. More information may be found on their website at <https://www.ncglasscenter.org/>.

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.

A. Adoption of Minutes

Motion: *I move that Council adopt the minutes of December 8, 2022, Agenda Session, December 12, 2022, Regular Session, December 12, 2022, Closed Session, and December 22, 2022, Special Call Meeting as presented [or as amended].*

B. Resolution Designating Official Bank Depository and Authorizing Signers of Checks

Motion: *I move that Council approve the Resolution Designating Official Bank Depository and Authorizing Signers of Checks for the Town of Black Mountain as presented.*

C. Resolution in Support of Friends of Fonta Flora State Trail's Application for NCDOT Paved Trails and Sidewalk Feasibility Study Grant

Motion: *I move that Council approve the Resolution in Support of Friends of Fonta Flora State Trail's Application for NCDOT Paved Trails and Sidewalk Feasibility Study Grant as presented.*

D. Grant Project Fund Ordinance for Disaster Relief (Tropical Storm Fred)

Motion: *I move that Council approve the Tropical Storm Fred Disaster Recovery Grant Project Fund Ordinance and Budgets as presented.*

Council Member Doug Hay moved that Council approve consent agenda items A-D as presented. The motion was approved by a vote of 5-0.

6. UNFINISHED BUSINESS

A. Green Tee Grille Lease - Ron Sneed, Town Attorney

Attorney Ron Sneed recalled prior discussions regarding the lease and again advised Council the lease is expiring for operations at the 19th hole facility at the Black Mountain Golf Course. Attorney Sneed stated the rental amount has been historically low (proposed \$400.00 per month) due the necessity of keeping a tenant in the space. Attorney Sneed also discussed electric usage costs referring to an annual average provided by the Town Manager of \$8,303.00 annually. Attorney Sneed discussed leasing terms and options for renewal with Council and reminded them the tenant maintains the equipment when it becomes in disrepair but not if it is irreparable then the cost is the Town's as it belongs to the town.

Mayor Sobol stated he is very pleased with the way the Grill has attracted customers. By consensus the Council agreed to renew the lease terms by removing proposed paragraph #2 and adding the option to renew if tenant and Council can come to an agreement on rent next year.

Vice Mayor, Archie Pertiller moved that Council approve the Green Tee Grille Lease as amended. The motion was approved by a vote of 5-0.

B. DRAFT RFP for Town Attorney Services – Town Council

Staff presented a draft proposal for attorney services. Attorney Ron Sneed clarified regarding representation for and against town. Request for Proposals (RFP's) will be due to the Town Clerk by close of business day on March 9, 2023 and will be given to Town Council to review.

Attorney Sneed advised Council to consider appointing a firm rather than an individual attorney to aid with any potential conflicts of interest that may arise.

Council Member Bill Christy moved that Council direct staff to issue the RFP for Town Attorney Services as presented. The motion was approved by a vote of 5-0.

C. Personnel Position Classification and Pay Plan– Josh Harrold, Town Manager & David Hill, Piedmont Triad Regional Council

Town Manager Josh Harrold recalled priorities of Town Council stemming from their retreat in March 2022 of having a pay study and analysis conducted of town employees. David Hill, Piedmont Triad Regional Council presented the Town of Black Mountain Pay and Classification Study Findings and Recommendations to the Council. A copy of which is included in and attached to these minutes. Mr. Hill advised Council if adopted, the recommendations would maintain relative position of employee salaries to each other and would not create compression. Town Manager Harrold advised Council the

cost of implementation of the study would be \$360,593 annually. Mayor C. Michael Sobol stated he is apprehensive about making adjustments without a plan and feels the study is subjective. Council Member Pam King reminded everyone that Council Members spent a day in a retreat going over many town priorities and stated at the end of the day the number one issue facing the town was staffing and pay. Council Member King stated she is committed to do right by the town employees especially during uncertain economic times. Council Member King stated she also feels this is a moral issue and feels employees should be earning a fair wage. Council Member King further reminded everyone that this study was Council driven and stated she never had any employees come to her to ask about pay. Council Member King stated employees should feel they are being treated fairly and know that Council values them and said if the town hopes to retain and recruit quality staff the Council must move forward with adopting the study. Council Member Doug Hay concurred with Council Member King and stated he feels the additional information the Town Manager provided to Council regarding a breakdown of salary costs illustrated the bulk going to staff who are providing services such as trash pickup or public services. Council Member Hay stated he feels implementing the recommendations would position the town to recruit and retain quality candidates. Vice Mayor Archie Pertiller also concurred with Council Members King and Hay and said he feels it is difficult to maintain qualified personnel if they are not being paid a fair wage and said he would hate to see current staffing diminished if wages were not fairly adjusted.

Town Manager Harrold clarified if the recommendations were adopted as presented the cost in this fiscal year would be approximately \$150,000 and then would be the full amount on July 1st in addition to any cost of living (COLA) or merit. Manager Harrold reminded Council there is excess funds in the salary line at this time in addition to some remaining ARPA (American Rescue Plan Act) funds. Manager Harrold clarified he plans to propose merit and COLA in the next budget. Council Member Bill Christy additionally concurred with Council Members, King, Hay and Vice Mayor Pertiller but added he does not support using ARPA funds to implement the study. Council Member Christy inquired how often pay studies should be conducted or what the best practices are and Mr. Hill stated the longer a municipality waits between studies the higher the cost implementation will be. After much discussion, the general consensus of the Council was to support conducting pay studies more frequently to keep salary scales in line with market rates to keep implementation costs lower.

Council Member Doug Hay moved that Council approve the Resolution Adopting a New Personnel Position Classification and Pay Plan for The Town of Black Mountain as presented. The motion was approved by a vote of 5-0.

7. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Board regarding the specific New Business or Unfinished Business items below. 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.

Shawn Slome of Black Mountain addressed Town Council regarding concerns of the rent amounts of the Golf Course snack shop lease. Mr. Slome also expressed concerns regarding usage of the basement of the facility by the women's golf club.

Mayor C. Michael Sobol briefly recessed the meeting at 8:08 p.m. for a short break. The meeting was reconvened at 8:14 p.m.

8. NEW BUSINESS

A. Designation of 2023-24 Voting Delegate for NCLM Legislative Goals

The Town of Black Mountain is a member of the NC League of Municipalities and must select a member annually as the voting delegate to formulate and vote on municipal goals across the state. The NCLM requires each voting delegate to cast the single vote of the municipality for the Legislative Goals and Core Municipal Principles. Nominees must be an elected official of the Town of Black Mountain.

Council Member Doug Hay moved that Council appoint Council Member Pam King to serve as the Town of Black Mountain's voting delegate for the NC League of Municipalities. The motion was approved by a vote of 5-0.

B. Skyrunner Equipment Placement Agreement – J.J. Boyd, President of Skyrunner

J.J. Boyd, President of Skyrunner made a presentation to Council regarding placement of equipment on the Town's antenna which is located on top of Fire Station #1. In his presentation Mr. Boyd explained that Skyrunner services approximately 75 customers in the area and said the average cost is around \$35 for each. Mr. Boyd agreed to pay the town \$200 per month with a 5% increase in the agreement after one year for placement of his equipment.

Council Member Bill Christy moved that Council approve the agreement as prepared by Town Attorney Sneed for Skyrunner equipment placement as presented. The motion was approved by a vote of 5-0.

C. Clarification Regarding Council Members as Advisory Board Members – Josh Harrold, Town Manager

Town Manager Josh Harrold recalled Town Council amending the Greenway Commission ordinance to rename and restate the duties thereby creating the Active Mobility Committee on January 10, 2022. He also recalled Council previously adopting a handbook on November 4, 2019, which set forth policy and procedures regarding appointment to advisory boards and commissions as well as roles and responsibilities and Council policies. Manager Harrold stated both documents are silent regarding Town Council Members serving as voting members of advisory boards created by the governing body. Prior to election, Mayor C. Michael Sobol was appointed to the Active Mobility Commission and has advised he wishes to remain a member. Manager Harrold asked Council for guidance or clarification regarding appointments of Council Members to town advisory boards as voting or non-voting members or liaisons. Attorney Ron Sneed advised the practice of allowing governing body members to sit on advisory boards to the governing body is problematic. After much discussion Council Members conceded that they do not wish to allow governing body members to be members of their advisory boards, commissions, or committees.

Council Members directed staff to create a policy prohibiting governing body members from becoming members on advisory boards to the governing body and to bring back for adoption.

[An update will be included in the Handbook policies and presented for readoption]

D. Budget Calendar & Process Review – Josh Harrold, Town Manager

Council Members discussed the prior year process and conceded they wished to have a similar process in the upcoming budget cycle.

9. 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.

10. COMMUNICATION FROM STAFF

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

Town Manager Harrold stated the Town of Black Mountain participated in the 2022 Deck the Trees and announced the community raised \$63,178 for the Swannanoa Valley Christian Ministry Fuel Fund. Manager Harrold stated Town Hall was recognized as the top Community Tree and said the Black Mountain Fire Department was recognized as a runner up for one of the trees raising the most money.

Manager Harrold announced town residents can place Christmas trees at the curb for regular brush collection by filling out the online form or contacting the Sanitation Department to be placed on the pickup list at Please remember to remove lights, ornaments, and stands from your tree. The form may be found on the Town's website.

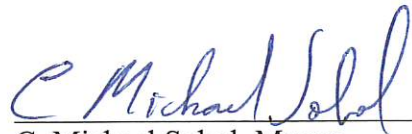
11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

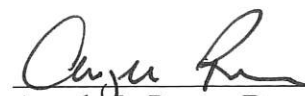
Council Member Alice Berry praised the Town Manager for sacrificing vacation hours to keep the town running through the recent weather events. Council Member Pam King praised the community for conserving water to alleviate the burden on the system during recent weather events. Council Member King also encouraged citizens to visit the website to sign up for notifications through the Notify Me portion at the bottom of the screen.

12. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 8:52 p.m.

ATTEST:


C. Michael Sobol, Mayor


Angela L. Reece, Deputy Clerk