



TOWN OF BLACK MOUNTAIN

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

Date: **June 21, 2023** Time: **8:30 a.m.** **Special Call Meeting**

Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, June 21, 2023, at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the meeting to order at 8:30 a.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
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney

Black Mountain Center for Research & Technology and Mountain Life Development requested a meeting with the Town Council through attorney Jeff Roether of the Morning Star Law Group. This meeting was requested after representatives of the businesses were informed that no agreement in writing was found supporting their assertion that an agreement was made not to annex Black Mountain Center for Research & Technology property. Such agreement was allegedly made by former town manager Matt Settlemyer at the time of the economic development agreement negotiations for incentives for infrastructure improvements to support the construction of an Avadim factory on property owned by Black Mountain Center for Research & Technology.

The attorney for Black Mountain Center for Research & Technology, Jeff Roether, requested that the Town Council ratify the unwritten agreement made between Mr. Settlemyer and Black Mountain Center for Research & Technology.

The property owners paid \$172,420 towards the design and engineering of the water and sewer extensions that are now incorporated into the municipal systems and paid \$52,580.00 to cover the local government matching component of the economic development grant. The Avadim development did not move forward as planned due to financial issues that eventually led to its filing for Chapter 11 bankruptcy. Black Mountain Center for Research & Technology intends to

develop the property for another purpose and seeks now to formalize the water supply agreement.

Town Attorney Ron Sneed advised the Town has no authority to contract away its annexation authority or obligate itself to annex.

After much discussion, the Town Council agreed to allow attorneys for Black Mountain Center for Research & Technology and incoming Town Attorney Craig Justus to attempt an agreement to provide water service. However, they did not agree to support such an agreement, only that they would consider it.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 10:07 a.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk