



TOWN OF BLACK MOUNTAIN

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

Date: **September 11, 2023**

Time: **6:00 p.m.**

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, September 11, 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 - *absent*
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

Josh Harrold, Town Manager
Craig Justus, Town Attorney
Savannah Parrish, Town Clerk

Mayor Sobol led those in attendance in the pledge of allegiance and a moment of silence, then read the ethics statement.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS

- A. **Recognition of Chris Sloan – MESH Certification** – *Jamey Matthews, Public Works Director*
- B. **9/11 Remembrance Proclamation** – *Mayor Sobol*
- C. **Love Corner Proclamation** – *Mayor Sobol*

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.*

Emily Hurd spoke on behalf of Christmount Christian Assembly to support the Single-use Plastic Reduction Resolution

Anna Alsobrooke of MountainTrue spoke to support the Single-use Plastic Reduction Resolution

Linda Tatsapol spoke to support the Single-use Plastic Reduction Resolution.

Andrew Clark spoke on behalf of Disabled American Veterans Chapter 14. Mr. Clark asked the Town Council to support various legislation related to veteran support.

Robin Stiles spoke on behalf on the Earth Care Team of Black Mountain Presbyterian Church. Mrs. Stiles requested that the Town Council support the Single-use Plastic Reduction Resolution.

Judy Maddox, chair of the local Sierra Club, also spoke in support of the Single-use Plastic Reduction Resolution.

Rev. Bill Moore of First Christian Church (Disciples of Christ) also supports the Single-use Plastic Reduction Resolution.

John Curry spoke of environmental concerns and encouraged the reduced use of all plastics.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. Auditors Report 2022 – Travis Kever, Gould Killian CPA Group

Travis Kever of Gould Killian CPA Group presented the 2022 Annual Financial Report. The group issued an unmodified opinion on the June 30, 2022 financial statements, finding two material weaknesses in internal control over financial reporting and one instance of material non-compliance with NC Statutes. They weaknesses and issue of non-compliance are listed below:

- Audit not submitted within 5 months and 1 day of fiscal year end (December 1st)
- Expenditures in excess of appropriations (material non-compliance)
- Material audit adjustments/prior period adjustments (material weakness)
- Bank Accounts not reconciled in a timely manner (material weakness)

Many of the issues were due to a transition to a new financial software system.

Mr. Kever noted the general fund balance is growing every year, which is a good indicator of the financial health of the town.

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 – Savannah Parrish, Town Clerk

B. Text Amendment to add Park, Facility, and Program User Code of Conduct – Josh Henderson, Parks and Recreation Director

C. Call for Public Hearing for Conditional Zoning Request for Montreat College –

Jessica Trotman, Planning Director

D. Addendum of Interlocal Collection Agreement and Appointment of Town Tax

Collector – Tammy Holland, Finance Director

E. Annual Property Tax Settlement and Order of Collection – Tammy Holland, Finance

Director

Vice Mayor Archie Pertiller moved that the Town Council approve consent items A – E as presented. The motion was approved by a vote of 4-0.

6. 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.

Manager Harrold read an email from Julie Atkins asking that the Town Council repair the dugouts at Veterans Park.

Larry Pearlman read an original poem honoring the Love Group.

7. PUBLIC HEARING

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.

Items listed on the agenda for public hearing were removed due to improper noticing. The public hearings will be held at a later date, when adequate public notice has been given.

8. UNFINISHED BUSINESS

A. NCDEACS - Recycling Cart Grant Funding – Josh Harrold, Town Manager

At the August 14th Council meeting, the Council discussed the carts and funding and asked staff for more information and to produce a survey for citizens to respond. We recently received updated costs which have decreased. The total amount to purchase the recycling carts is \$ 334,178. The Town was awarded the full grant amount funding of \$116,000. The Town will need to fund the remainder of \$218,178. Black Mountain is the last remaining town in Buncombe County allowing the use of blue bags for recycling.

After much discussion, there was consensus among the council to let residents choose between 96- and 64-gallon carts. A card will be sent out to all residents with the option to either mail the

card back in with their choice or complete an online form. If no response is given, the default will be a 96-gallon cart.

The Town Council voted 4-0 to accept NCDEACS - Recycling Cart Grant Funding.

9. NEW BUSINESS

A. Field of Honor Parade Ordinance #O-23-19 – Jessica Trotman, Planning Director

The Black Mountain Kiwanis Club in conjunction with the Town of Black Mountain would like to hold an annual Field of Honor Parade in recognition and remembrance of September 11th. The parade will be held every September 11th and will close the road for approximately three hours. Town staff consulted with NCDOT about the closure, and they found no conflicts with the closure of the road and have given their approval for the closure of the road.

Vice Mayor Archie Pertiller moved approve Ordinance #O-23-19 as presented. The motion was approved by a vote of 4-0.

B. Art in the Afternoon Lease (one -year) – Josh Harrold, Town Manager

The lease agreement for Art in the Afternoon is set to expire on August 31, 2023. They plan to continue to operate the program and want to execute another lease for 2023-2024. They plan to continue to use approximately 2,577 square feet at the Carver Center known as the annex. There are no changes from the previous lease and the amount stays at \$1,000 per month.

Councilmember King moved to approve the lease as presented. The motion was approved by a vote of 4-0.

C. Single-use Plastic Reduction Resolution – Josh Harrold, Town Manager

Buncombe County and the Town of Woodfin have both approved a resolution to reduce single-use plastics in the County. For this campaign to be successful, all municipalities should adopt a similar resolution so there is consistency across the county. This resolution is the first step in limiting the usage of single-use plastics in the County. Town Attorney Craig Justus said he questioned the legality of certain aspects of the resolution. After some discussion, the resolution was amended to support efforts to reduce single use plastics.

Councilmember Berry moved to approve the resolution as amended. The motion was approved by a vote of 4-0.

D. Veteran's Park Baseball Dugout Renovations – Josh Harrold, Town Manager

The baseball dugouts at Veteran's Park need renovation. The work will consist of new concrete, new fencing, netting, and roof work. The estimate to complete the work is ~\$70,000. We will need to bid this project out so the costs may fluctuate. Staff is looking for direction to pursue the work or wait until next budget season.

The Town Council directed the Town Manager to gather quotes and additional information to repair the dugouts.

10. COMMUNICATION

1. Town Attorney – Craig Justus
2. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION

A. Closed Session to consult with an attorney – North Carolina General Statute 143-318.11(a)(3)

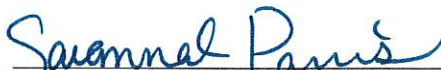
Vice Mayor Archie Pertiller moved to enter closed session to consult with an attorney as permitted by North Carolina General Statute 143-318.11(a)(3). The motion was approved by a vote of 4-0.

13. ADJOURNMENT

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

ATTEST:


C. Michael Sobol, Mayor


Savannah Parrish, Town Clerk