BLACK MOUNTAIN TOWN COUNCIL MINUTES

December 8, 2025 | Regular Session Agenda | Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

Black Mountain Town Council held their regular session agenda on Monday, December 8, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

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, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, Town Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Michelle Kennedy, Planning Director; Doug Morrow, Fire Marshal; Chris Kuhn, Deputy Police Chief; Rick Burton, Building Inspector.

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, SPECIAL RESOLUTIONS.

Town Manager Josh Harrold recognized Assistant Town Manager Jessica Trotman for being awarded the Robert E. Shepherd Excellence in Local Government Award by the Land of Sky Regional Council. This award is presented by Land of Sky to a local government professional who has shown great leadership in improving governance and service delivery, especially in the areas of regional cooperation and collaboration.

3. CITIZEN COMMENTS.

- Blake Martin, 3 Shakespeare Cir., commented on the Planning and Stormwater staff's expertise and good customer service.
- Linda Shifflett, 319 Circle Ln., spoke about the Senior Center renovations requesting an update on the status after Council approved monies at a special-called meeting to move forward with reopening.

- Carl Bartlett, 277 North Fork Rd., spoke about the Senior Center and current Town financials. Mr. Bartlett also suggested a recall referendum of the current Council members.
- Cheryl Milton, 202 Mountain St., spoke about Black Mountain Brewing's recent issues with the Town, and spoke about the Town Manager's performance.
- Richard Hudson spoke about the Senior Center reopening and the ongoing repairs to town facilities since Helene.
- Nicole Stallings, 267 Fern Way, spoke about the "704 Cell Towers" legislation, which would eliminate barriers to wireless tower deployment and encouraged reaching out to Senators in opposition.
- Lisa Milton, 25 Maney Ln., spoke about Black Mountain Brewery and permitting.
- John Richardson, 111 Church St., spoke on Black Mountain Brewery, and requested accountability, transparency and corrective action by the Town.
- Richard King, 1104 North Fork Rd., is the owner of Pure & Proper Restaurant and spoke about inspections that took place at his business, and about the current town inspector.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. **Buncombe County 2026 Tax Reappraisal Presentation, Eric Cregger, Buncombe County Tax Assessor.** Buncombe County Tax Assessor Eric Cregger provided a presentation on the 2026 County Reappraisal process that is currently underway. This presentation included information about the reappraisal timeline, process, and its impact. ***A copy of this presentation is included at the end of these minutes as Appendix A.***

4.B. **Updates on Recovery Capital Projects.** Assistant Town Manager provided an update to the Council regarding recovery capital projects that were approved at the November 1, 2025 special work session.

4.C. **Updates on S. Ridgeway Ave. Speed Control Measures.** Public Works Director Jamey Matthews provided an update on this item stating that Public Works would get quotes for sidewalks for the east side of the roadway and bring these quotes back to the Council once received.

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL – none.

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER – none.

7. CONSENT AGENDA

7.A. **Adoption of the 2026 Town Council Meeting Schedule.** N.C. General Statute 143-318.12, Public Notice of Official Meetings, states that public bodies must publish and keep on file a copy of a schedule of regular meetings

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that also shows the time and place of its regular meetings. The Clerk's office also publishes the Town Council meeting schedule in the newspaper once approved, and if revised. This agenda item is the proposed meeting schedule of the Town Council's agenda review and regular meetings for calendar year 2026. Note: Special called meetings of the Council occur throughout the year, including budget meetings, and are duly advertised following N.C. General Statutes.

2026 TOWN COUNCIL MEETING SCHEDULE

Agenda Work Session – 5:00 P.M.	Regular Monthly Meetings- 6:00 P.M.
January 8	January 12
February 5	February 9
March 5	March 9
April 9	April 13
May 7	May 11
June 4	June 8
July 9	July 13
August 6	August 10
September 10	September 14
October 8	October 12
November 5	November 9
December 10	December 14

All meetings will be held at Black Mountain Town Hall
160 Midland Ave., Black Mountain, NC, 28711 (unless otherwise noted).

Town Council Member Ryan Stone made a motion to approve the 2026 Town Council meeting schedule as presented. A vote of 5-0 in favor.

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7.B. Consideration of 2026 Town Holiday Schedule. The 2026 Town Holiday Schedule follows the same observances as 2025. This aligns with Buncombe County's holiday schedule for 2026, as well as the State of North Carolina's holiday observances. Further, this holiday schedule follows the current Town Personnel Policy Manual for Holidays.

- ***January 1, 2026 (Thursday) New Year's Day***
- ***January 19, 2026 (Monday) Martin Luther King Day***
- ***April 3, 2026 (Friday) Good Friday/Easter***
- ***May 25, 2026 (Monday) Memorial Day***
- ***June 19, 2025 (Friday) Juneteenth***
- ***July 3, 2026 (Friday) Independence Day***
- ***September 7, 2026 (Monday) Labor Day***
- ***November 11, 2026 (Wednesday) Veterans Day***
- ***November 26, 2026 (Thursday) Thanksgiving***
- ***November 27, 2026 (Friday) Thanksgiving***
- ***December 24, 2026 (Thursday) Christmas Eve***
- ***December 25, 2026 (Friday) Christmas Day***

Town Council Member Ryan Stone made a motion to approve the 2026 Town Holiday Schedule. A vote of 5-0 in favor.

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7.C. Monthly Tax Collector Report. ***Town Council Member Ryan Stone made a motion to approve the monthly tax collector report as presented. A vote of 5-0 in favor.***

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7.D. Resolution to Adopt the Buncombe County Long-Term Recovery Plan. The purpose of this agenda item is to request Town Council's consideration of a resolution adopting the Buncombe County Long-Term Recovery Plan. The plan has already been formally adopted by Buncombe County and includes a dedicated section outlining Black Mountain's priorities, impacts, and strategic needs following Tropical Storm Helene. This regional plan was developed collaboratively by Buncombe County staff, Town of Black Mountain staff, FEMA Community Planning and Capacity Building (CPCB) personnel, and other recovery partners. It is grounded in previously identified needs and project concepts that directly relate to the Town's ongoing recovery operations. Adopting the plan allows the Town to formally align its recovery work with the county-wide framework, reinforces local priorities at the regional and state level, and establishes the foundation for developing a future hyper-local Recovery and Resiliency Plan for Black Mountain.

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Town Council Member Ryan Stone made a motion to approve the Buncombe County Long-Term Recovery Plan as presented. A vote of 5-0 in favor.

A RESOLUTION TO ADOPT THE BUNCOMBE COUNTY LONG-TERM RECOVERY PLAN
RESOLUTION NO. R-25-104

WHEREAS, Tropical Storm Helene caused widespread and severe impacts across Buncombe County and the Town of Black Mountain, resulting in extensive damage to public infrastructure, private property, natural systems, housing, and essential community services; and

WHEREAS, Buncombe County, with support from FEMA's staff, municipal partners, and regional stakeholders, developed the Buncombe County Long-Term Recovery Plan to guide strategic recovery, mitigation, and capacity-building efforts over the coming years; and

WHEREAS, the Town of Black Mountain actively participated in the development of the Long-Term Recovery Plan, contributing data, project needs, and community-specific priorities to ensure that the plan accurately reflects local impacts and proposes actionable strategies tailored to the Town; and

WHEREAS, on November 18, 2025, the Buncombe County Board of Commissioners formally adopted the Helene Long-Term Recovery Plan, establishing it as the regional framework to guide coordinated long-term recovery actions across Buncombe County; and

WHEREAS, adopting the Buncombe County Long-Term Recovery Plan will reinforce regional alignment, strengthen the Town's ability to leverage partnerships and funding opportunities, and serve as the foundation for the development of a future hyper-local Recovery and Resiliency Plan for the Town of Black Mountain; and

WHEREAS, the Town of Black Mountain recognizes the importance of comprehensive, coordinated, and forward-looking recovery planning to restore and improve community systems, enhance resilience, and support residents, businesses, and institutions affected by Tropical Storm Helene.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that:

1. The **Buncombe County Long-Term Recovery Plan** is hereby formally **adopted** as a guiding framework for long-term recovery and resilience efforts in the Town of Black Mountain.
2. Town staff are directed to use the principles, strategies, and recommendations contained within the plan to support ongoing recovery operations; inform local project development; and align future planning documents, including the forthcoming hyper-local Recovery and Resiliency Plan.

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3. The Town expresses its appreciation to Buncombe County, FEMA personnel, and all partners involved in the development of the plan for their collaborative work and regional leadership.

Adopted this 8th day of December 2025.

A copy of this plan is included at the end of these minutes as Appendix B.

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7.E. Resolution Authorizing the Town of Black Mountain to Apply for North Carolina Department of Commerce Small Business Infrastructure Program Funding for the Stormwater Capacity Improvement Project.

This resolution authorizes staff to pursue funding for downtown stormwater infrastructure improvements along Sutton Ave. on the Eastern side of NC Hwy 9 to where the Swannanoa River passes under the railroad tracks. These improvements align with the Stormwater Master Plan and would reduce flooding risks, support resiliency, and protect economic vitality for downtown small businesses. ***Town Council Member Ryan Stone made a motion to approve the resolution as presented. A vote of 5-0 in favor.***

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR NORTH CAROLINA DEPARTMENT OF COMMERCE SMALL BUSINESS INFRASTRUCTURE PROGRAM FUNDING FOR THE STORMWATER CAPACITY IMPROVEMENT PROJECT.

RESOLUTION NO. R-25-113

WHEREAS, the Town of Black Mountain Town Council has indicated its desire to assist in Hurricane Helene recovery efforts within the Town of Black Mountain; and

WHEREAS, the Town's Stormwater Master Plan calls for replacement of the downtown stormwater system to reduce flooding risks, support small business resiliency, and protect economic vitality; and

WHEREAS, the Council fully supports the proposed project titled Stormwater Capacity Improvement Project, which will improve the stormwater system along Sutton Avenue between NC Hwy 9 and S Ridgeway Ave. and continuing East to where the Swannanoa River passes under the railroad tracks, an area critical to the long-term viability of downtown businesses; and

WHEREAS, the North Carolina Department of Commerce administers the Small Business Infrastructure (SmBiz) program to support infrastructure improvements that directly benefit existing small businesses and downtown investment; and

WHEREAS, the Council wishes to pursue a formal application in the amount of $1,000,000 from the North Carolina Department of Commerce, Small Business Infrastructure Grant Program (SmBIZ) Rural Engagement & Investment Program; and

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WHEREAS, the Small Business Infrastructure program does not require a local match for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN:

1. That the Town of Black Mountain is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Engagement & Investment Program, in order to provide assistance to benefit the Stormwater Capacity Improvement Project.

2. That the Town Manager (or designee) is authorized to execute and file the application, including all assurances and agreements required, on behalf of the Town of Black Mountain.

This Resolution shall take effect immediately upon its adoption.

Adopted this the 8th day of December 2025.

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7.F. Resolution in Support of North Carolina Department of Transportation Project Planned for Black Mountain.

NCDOT is planning an improvement project to improve the crosswalks on E State at Black Mountain Primary and on Flat Creek Road at Black Mountain Elementary. The Town would like to offer support for this project and the Active Mobility Commission met with representatives of NCDOT who spoke about this project and would also like to offer their support for this project. **Town Council Member Ryan Stone made a motion to approve the resolution in support as presented. A vote of 5-0 in favor.**

RESOLUTION IN SUPPORT OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT PLANNED FOR BLACK MOUNTAIN
RESOLUTION# R-25-112

WHEREAS, the North Carolina Department of Transportation ("NCDOT") is planning an improvement project in Black Mountain; specifically, improving the crosswalk on Flat Creek Road at Black Mountain Elementary School and improving the crosswalk on E State Street at Black Mountain Primary School; and

WHEREAS, the project will improve pedestrian safety in the area; and

WHEREAS, the NCDOT requests the support of the Council for this improvement project; and

WHEREAS, this Council believes that it is in the best interests of the citizens and residents of Black Mountain to see this project completed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council hereby supports the improvements of two crosswalks on Flat Creek Road and E State Street.

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this 8th day of December 2025.

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7.G. Appointment to Black Mountain Library Maintenance Board.

The Black Mountain Library Maintenance Board is a volunteer board that was established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the facility (Library), as the Town owns the library property and buildings. Currently, the Library Maintenance Board has one vacancy. The Town Council recently appointed Emily Phillips to the other vacancy at the September 8, 2025 meeting. Resident Kev Hollo expressed interest in serving on this board as indicated in their advisory board application. Library Manager Melisa Pressley reached out to Kev, who attended a meeting and would like to officially join this board.

Town Council Member Ryan Stone made a motion to appoint Kev Hollo to the Black Mountain Library Maintenance Board. A vote of 5-0 in favor.

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7.H. Consideration of FY25-26 Budget Ordinance Amendments.

The following FY25-26 budget amendment resolutions are proposed as follows:

- BA26-0057: Police Department 100-4510-52020 transfer of $28,000 to 425-8806-52012 for Public Safety building engineering services. (R-25-106)
- BA26-0058: Sale of capital assets 100-0000-48020 transfer of $3,000 to Police Department R&M Vehicle 100-4510-52316. (R-25-107)
- BA26-0059: Powell Bill Unassigned Fund Balance 220-0000-32000 of $120,000 to Powell Bill Capital Outlay 220-4625-57610. (R-25-108)

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0.

A RESOLUTION BUDGETING FOR PUBLIC SAFETY BUILDING ENGINEERING SERVICES

RESOLUTION NO. R-25-106

WHEREAS, the Town of Black Mountain Public Safety Building project requires engineering services for planning improvements to the facility to provide public safety services; and

WHEREAS, the Police Department has funds budgeted for a building needs study; and

WHEREAS, the engineering services for the public safety building are required to determine the improvements necessary for the provision of the Town's public safety services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

1. The Town budgets $28,000.00 to perform Public Safety Building engineering services.

    - $28,000.00 – to the Capital Projects – Emergency Management Grant fund Professional Services - Engineering and Design account from the General Fund Contract Services account (*transfer to 425-8806-52012 from 100-4510-52020*).

2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0.

A RESOLUTION BUDGETING THE SALE OF CAPITAL ASSETS TO THE POLICE DEPARTMENT REPAIR AND MAINTENANCE BUDGET

Resolution No. R-25-107

WHEREAS, the Town of Black Mountain has completed the sale of a Police Department vehicle; and

WHEREAS, the proceeds for the sale are intended to be directed toward repair and maintenance of Police Department vehicles; and

WHEREAS, these two accounts are not located within a single departmental budget.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

1. The Town budgets $3,000.00 to the Police Department Vehicle Repair & Maintenance account.

    - $3,000.00 – to the General Fund R&M Vehicle account from the General Fund Sale of Capital Assets account (*transfer to 100-4510-52316 from 100-0000-48020*)

2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS FOR POWELL BILL CAPITAL OUTLAY

Resolution No. R-25-108

WHEREAS, the Town of Black Mountain has resources dedicated to the Powell Bill fund for the performance of work eligible under the Powell Bill; and

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WHEREAS, the Powell Bill program provides state aid to local governments for building, resurfacing, and maintaining streets and street infrastructure; and

WHEREAS, the Town desires to allocate a portion of this funding to an account set up for capital outlay expenses on Powell Bill eligible projects.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

1. The Town allocates $120,000.00 to the Powell Bill Capital Outlay account.
    - $120,000.00 – to the Powell Bill Capital Outlay – Street/Bridge/Sidewalk/Greenway account from the Powell Bill Unassigned Fund Balance account (*to 220-4625-57610 from 220-0000-32000*)
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

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7.I. **Town Attorney Performance Evaluation Document Approval.** Town Council decided they would like to review the town attorney annually. This will allow an opportunity for the Town Attorney and the Town Council to discuss performance and expectations. Two Town Attorney performance evaluation templates from other municipalities were reviewed by Council at a previous meeting to decide which template to use for the evaluations. After feedback given and edits made to include Town information, a final draft of the evaluation form is ready for review by Council, showing a few additional edits. If in agreement, Council should now vote to approve the document as amended, which will be used for evaluation of the Town Attorney annually. ***Town Council Member Ryan Stone made a motion to approve the Town Attorney performance evaluation document as amended. A vote of 5-0 in favor. A copy of this document is included at the end of these minutes as Appendix C.***

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7.J. **Resolution of Acceptance of Dedication of Utility Easements.** The Town of Black Mountain is currently undertaking repairs and improvements to existing stormwater facilities along Tomahawk Avenue. A recorded plat (Plat Book 41, Page 146, Buncombe County Registry) identifies several 10-foot-wide utility easements that were originally offered for dedication by the subdivider. While the Town has previously installed stormwater infrastructure within these easement areas, formal acceptance of the dedication has not yet occurred. This resolution affirms and officially accepts all 10-foot utility easements shown on the referenced plat, ensuring clear authority for ongoing and future maintenance of stormwater facilities within these areas.

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Town Council Member Ryan Stone made a motion to approve the resolution of acceptance of dedication of utility easements as presented. A vote of 5-0 in favor.

RESOLUTION OF ACCEPTANCE OF DEDICATION OF UTILITY EASEMENTS
RESOLUTION #R-25-114

WHEREAS, the Town of Black Mountain is in the process of repairing and improving existing stormwater facilities on property along Tomahawk Avenue in the Town limits;

WHEREAS, plat recorded in Plat Book 41, Page 146, of the Buncombe County Registry, North Carolina ("Plat") shows various utility easements of 10 feet in width, which constitute offers of dedication from the subdivider of property to the Town of Black Mountain;

WHEREAS, although the Town has previously used these utility easement areas for installation of stormwater pipes in the past, the Town is desirous of formalizing its acceptance of the utility easement offers of dedication to the Town of Black Mountain,

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain hereby affirms and formally accepts the offers of dedication of utility easements, being all the 10-foot-wide easements shown on the Plat.

ADOPTED this 8th day of December 2025.

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8. PUBLIC HEARING - NONE

9. CITIZEN COMMENTS- NONE

10. UNFINISHED BUSINESS

10.A. Consideration of Ordinance to Amend the Town Code of Ordinances Ch. 47-Traffic & Vehicles; Article V, to add new Sect. 47-165: Wheeled vehicles other than bicycles and skates.

As Black Mountain continues to grow in residents and tourists alike, the need to prohibit certain wheeled and toy vehicles on sidewalks in the CB zoning district (downtown) has grown. The town currently prohibits bicycles on sidewalks and skates in the CB zoning district. This item was presented to the Town Council at the November 11, 2025 meeting and a few questions arose that warranted some further research by the Police Department, related to these proposed restrictions and with strollers and disability-related matters. The overall purpose of the proposed ordinance is public safety. While municipalities don't want to restrict people's ability to travel, state law does make clear distinctions. Bicycles, UTVs, mopeds, and cars are all permitted to operate in the roadway. However, skateboards, toy vehicles, and scooters are not permitted to travel in the roadway due to safety risks to both drivers and pedestrians. These items can, as always, be used when crossing the street in designated crosswalk areas — this has long been the standard, though not always strictly enforced. A suggestion was also made to amend the

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proposed ordinance clarifying that these restrictions do not apply to infant-carrying devices or mobility devices for individuals with disabilities. The proposed text additions to the ordinance are included, which would be under Section 1. - Sec. 47-165: Restrictions on Use of Bicycles, Toy Vehicles, and Similar Devices:

- This section shall not apply to infant-carrying equipment, strollers, or mobility devices designed and used by persons with disabilities.
- Nothing in this section shall prohibit the lawful operation of bicycles or other permitted vehicles in the roadway as defined and authorized under North Carolina General Statutes.

Police Chief Steve Parker provided a short update on this item to the Council per their request.

Council Member Alice Berry made a motion to approve the following Ordinance as presented. A vote of 5-0 in favor.

ORDINANCE TO AMEND TOWN CODE OF ORDINANCES CHAPTER 47- TRAFFIC & VEHICLES; ARTICLE V - BICYCLES AND TOY VEHICLES, TO ADD NEW SECTION SEC. 47-165- WHEELED VEHICLES OTHER THAN BICYCLES AND SKATES.

ORDINANCE # O-25-37

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January 2010; and

WHEREAS, the Town of Black Mountain seeks to promote public safety for pedestrians and motorists within the downtown district; and

WHEREAS, the Town Council finds it necessary to clarify and update existing ordinances governing bicycles, toy vehicles, and other similar devices to address public safety concerns and ensure accessibility for all residents and visitors.

NOW, THEREFORE BE IT ORDAINED that Chapter 47, Article V, Secs. 47-165 - 47-181, of the Town of Black Mountain Code of Ordinances, be amended with the following new section (additions are underlined in bold and deletions are shown in red struck text):

Chapter 47 – Traffic and Vehicles

Article V – Bicycle and Toy Vehicles

Sec. 47-165. – Restrictions on Use of Bicycles, Toy Vehicles, and Similar Devices.

(a) No person upon roller skates or riding in or by means of any skateboard, coaster, sled, tricycle, velocipede, toy vehicle, hoverboard, electric scooter, motorized play vehicle, or any other similar device shall go upon any roadway, sidewalk, or

pedestrian walkway within the downtown business district, except while crossing a street at a crosswalk.

(b) When crossing a street or crosswalk, such person shall be granted all rights and be subject to all duties applicable to pedestrians under the same circumstances.

(c) This section shall not apply to infant-carrying equipment, strollers, or mobility devices designed and used by persons with disabilities.

(d) Nothing in this section shall prohibit the lawful operation of bicycles or other permitted vehicles in the roadway as defined and authorized under North Carolina General Statutes.

(e) It shall be unlawful for any person to use or operate any device in a manner that interferes with or disturbs pedestrian traffic, creates a safety hazard, or obstructs the free passage of persons in the downtown area.

Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Secs. 47-166-47-181. – Reserved.

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this the 8th day of December 2025.

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11. NEW BUSINESS

11.A. Approval of the Revised MOU between the Town and the Black Mountain Beautification Committee (BMBC).

The Black Mountain Beautification Committee (BMBC) has revised its Memorandum of Understanding (MOU) with the Town of Black Mountain regarding collaboration on the Downtown Tree Revitalization Plan. The updated MOU outlines shared responsibilities between the Town and BMBC for tree care, revitalization, planting, maintenance, and ongoing coordination. The MOU formalizes the following primary responsibilities:

Town of Black Mountain

1. Allocate annual budget funds for ongoing maintenance of all downtown trees, including watering, pruning, fertilizing, and general care.
2. Provide weekly watering of downtown trees and planters and maintain rain barrels.
3. Collaborate with BMBC on maintenance planning and respond to reported needs.
4. Clean out and brick over identified empty tree wells.
5. Partner with BMBC to secure a certified arborist for annual maintenance.

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Black Mountain Beautification Committee

1. Fund initial 2025 pruning, fertilization, air spading, and planting of approximately 15 new trees.
2. Use a donation from Circle K to purchase replacement trees and coordinate with a local arborist on appropriate species.
3. Organize volunteers for weeding and assist with monitoring tree conditions.
4. Report maintenance needs, arborist recommendations, and cost estimates to the Town.
5. Hire arborist Andrew Wagner for the initial revitalization work.
6. Upon completion of the initial 2025 project, ongoing maintenance and replacement responsibilities will rest solely with the Town of Black Mountain.

Discussion of this item ensued among Council members. Town staff was asked reach out to the Beautification Committee requesting them attend a future Council meeting for more discussion on this MOU. ***The item was tabled by Council.***

11.B. Trout Unlimited Tree Giveaway & Planting at Veterans Park.

Recreation & Parks staff have been in communication with Jeff Yates, Senior Director of Engagement with Trout Unlimited (TU) regarding a time-sensitive opportunity to partner on a tree planting and free tree giveaway event in December. Trout Unlimited must spend down State Farm grant funds by December 15, 2025, with a reporting deadline of December 31, 2025, and intends to plant and distribute a total of 550 trees through this funding in the region. Veterans Park has been identified as a suitable site for part of this project. This collaboration supports the Town goals related to environmental stewardship, community engagement, and enhancement of public green spaces. Upon approval by the Town Council, a date in December 2025 will be scheduled via coordination with Recreation & Parks and Trout Unlimited.

Trout Unlimited has confirmed they can:

- Plant 15 trees at Veterans Park, specifically to replace dead or damaged trees near the parking lot and along the riverside walking path.
- Give away 150–175 trees onsite the same day (or coordinated with the planting event).
- Provide all trees, stakes, tools, equipment, and volunteer management for both the planting and distribution activities.

The Town would provide:

- Formal permission to plant at Veterans Park.
- A preferred list of native species appropriate for the site.
- Staff coordination and planning support.

Staff recommends approval to partner with Trout Unlimited for:

- The December tree planting and giveaway at Veterans Park, including planting of 15 replacement trees and onsite distribution of 150–175 trees; and
- Continued coordination for a larger-scale community tree event in March 2026.

Town Council Member Alice Berry made a motion to approve the Trout Unlimited tree giveaway and planting at Veterans Park as presented. A vote of 5-0 in favor.

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11.C. Resolution Updating Code of Ethics & Decorum Policies.

The Town Council is requested to consider a resolution updating the Town of Black Mountain's Code of Ethics and associated policies on civility, decorum, conduct of meetings, and enforcement. These updates are made in accordance with the authority granted to municipal governing boards under N.C.G.S. §160A-12, §160A-71(c), and §160A-86, which empower the Town to adopt rules of procedure and mandate the adoption of a Code of Ethics for elected officials. Town Attorney Craig Justus has prepared the attached document revisions. The existing Code of Ethics and Rules of Procedure were adopted by Resolution R-10-17 on December 20, 2010. This update seeks to reaffirm and strengthen the Council's commitment to ethical governance, civil discourse, and respectful conduct in all official meetings and interactions.

The updated Code of Ethics:

- Reinforces the Town Council's commitment to transparency, integrity, and responsible public service.
- Emphasizes the importance of robust, open debate while upholding civility, mutual respect, and decorum.
- Recognizes the central role of the First Amendment and the value of diverse viewpoints in democratic governance.
- Highlights the responsibility of elected officials to model respectful behavior and foster a positive environment for public participation.
- Clarifies expectations for meeting conduct and provides additional enforcement mechanisms for violations of ethical or decorum standards.
- Applies not only to the Mayor and Town Council, but also to all committees, advisory boards, commissions, and task groups appointed by the Town Council.

It was requested by the Town Attorney that this item be tabled and discussed at a later meeting. Council agreed to table this item.

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11.D. Resolution of Rules of Procedure for Comments During Public Hearings and Public Comment Periods.

The Town Council will consider a resolution adopting formal Rules of Procedure for comments during public hearings and public comment periods. These rules are intended to promote civility, orderly participation, and efficient meeting management, consistent with

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the Town's commitment to respectful and constructive civic engagement. Authority for adopting such rules is granted by N.C.G.S. §160A-12, §160A-71(c), §160A-81, and §160A-81.1, which together empower the Town Council to establish meeting procedures and regulate public comments during regular meetings and public hearings.

The proposed rules of procedure:

- Affirm the Town's commitment to civil engagement and respectful exchange of viewpoints during all public meetings.
- Establish clear guidelines for Citizen (Public) Comment, including sign-up procedures, order of speakers, and time limits.
- Public comment: 3 minutes per person or group.
- Public hearings: 10 minutes per person or group.
- Time limits may be adjusted by the Mayor or Town Council at the start of a hearing.
- Outline requirements for supplemental printed materials, including providing a minimum of 9 copies and noting that such materials become public records under NCGS §132-1.
- Provide standards for conduct during public comment, prohibiting:
    - Personnel-related disclosures protected under NCGS §160A-168.
    - Rude behavior, harassment, derogatory statements, name-calling.
    - Disruptions such as applause, heckling, or verbal outbursts.
- Authorize the Mayor to rule comments out of order if they are unruly, repetitive, inappropriate, or harassing, and to take reasonable actions to ensure compliance.
- Note that the Town Council may also act under its adopted Code of Ethics regarding conduct concerns.

It was requested by the Town Attorney that this item be tabled and discussed at a later meeting. Council agreed to table this item.

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12. CLOSED SESSION - NCGS 143-318.11(A)(6).

Council would enter Closed Session pursuant to N.C.G.S. 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. ***Vice Mayor Archie Pertiller made a motion to enter into Closed Session pursuant to N.C.G.S. 143-318.11 (a)(6). A vote of 5-0 in favor. The time was 7:40 p.m.***

Town Council returned from Closed Session at 8:54 p.m. ***Town Council Member Ryan Stone made a motion to award Town Manager Josh Harrold a one-time bonus of $8,000 in recognition of his additional work as Interim Finance Director. A vote of 5-0 in favor.***

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13. ADJOURNMENT. With nothing further, Mayor Sobol adjourned the meeting at 8:55 p.m.

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C. Michael Sobol, Mayor

Attest:

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Wesley M. Barker, Town Clerk

DRAFT