



TOWN OF BLACK MOUNTAIN

TOWN COUNCIL

August 12, 2024

REGULAR SESSION AGENDA

Time: 6:00 p.m.

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

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1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Moment of Silence
- Announcements
- Ethics Statement: In accordance with the Code of Ethics adopted by the Council, all Council Members have a duty to conduct the affairs of the governing board in an open and public manner free of conflicts of interest. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Council Member, his or her family or close business associates? Does any Council Member have a financial interest in any public contract coming before this Council today? There being none, all Council Members have a duty and obligation to vote.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

A. Resolution- Discontinuation of Glyphosate Use on Town-owned Properties

3. CITIZEN COMMENTS

Individuals wishing to address the Council 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 Council. **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.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. Council on Aging Presentation on Meal-Site Funding

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 Meeting Minutes – Wesley Barker, Town Clerk

- 1) *July 3, 2024 Agenda Meeting Minutes*
- 2) *July 8, 2024 Regular Meeting Minutes*

Motion: *To approve the meeting minutes as presented.*

B. Monthly Property Tax Collector Report - Tammy Holland, Finance Director

Motion: *To approve the monthly tax collection report as presented.*

C. Consideration of Budget Amendments- Tammy Holland, Finance Director

- 1) *Carry forward remaining unspent funds from prior FY for Paving not yet completed- \$550,000*
- 2) *Carry forward remaining unspent donated funds from prior FY for Police Dept. Community Outreach- \$36,100*
- 3) *Carry forward remaining unspent funds from prior FY for Police Dept. Forfeiture Funds- \$110,700*
- 4) *Carry forward unspent contribution of funds from prior FY for Town Square- \$15,100*
- 5) *Correction of Police Dept. uniforms budget line item that was omitted in final budget- \$33,800*
- 6) *Fairway Dr./Tomahawk Dr. Stormwater Diversion Project to enhance stormwater management by installing a pipe diversion- \$159,000*
- 7) *Replacement of Existing Footers for New Gazebo per Engineering Report- \$2,900*
- 8) *Appropriated Fund Balance required for offices for the Planning Department construction within Public Works building- \$23,000*

D. Approval of Ordinance #O-24-10 to Amend Cragmont Park Renovation Capital Project Ordinance #O-24-09- Tammy Holland, Finance Director

E. Approval of StRAP Flat Creek Stream Restoration Grant Project Ordinance and Budget Amendment- Tammy Holland, Finance Director

F. Call for Public Hearing on Monday, September 9th, 2024 at 6:00 p.m. at Town Hall to Amend Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses to Add Section 5.17 Mobile Retail Vendors and to Amend Chapter 4,

Section 4.7.14, Table of Permitted Uses to Add Mobile Retail Vendors- Jessica Trotman, Assistant Town Manager

G. Consideration of Resolution to Amend the System Development Fee (SDF) Capital Reserve Fund - Tammy Holland, Finance Director

H. Consideration of Resolution Requesting Creating Outdoor Recreation Economies (CORE) Program Planning Services with the NC Department of Commerce Rural Planning Program- Jessica Trotman, Assistant Town Manager

Motion for all Consent items: To approve all consent agenda items as presented (or as amended).

6. PUBLIC HEARING – none

The chair will recognize individuals requesting to address the Council regarding the specific topic of the public hearing. Public hearing comments by any one 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.

7. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Council 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.

8. UNFINISHED BUSINESS- none.

9. NEW BUSINESS

A. Consideration of Ordinance to Amend Chapter 2, Section 2.1.2, Plumbing Code Additions, of the Land Use Code to Remove Shut-Off Valve Requirements -

Jessica Trotman, Assistant Town Manager

Motion: I move that we approve the proposed text amendments to Chapter 2, Section 2.1.2, Plumbing Code Additions, as presented and find that the proposed changes are consistent with current state regulations and find that these recommendations promote the general welfare and are in keeping with good zoning practice. The NC Residential Code still requires a shut-off valve, this amendment just removes the requirement of a redundant shut-off valve.

B. Consideration of Financing to Purchase Three Police Vehicles- Jessica

Trotman, Assistant Town Manager

Motion: I move that we approve the proposed financing to purchase three new police vehicles with Truist Bank and authorize Town Manager to sign the necessary paperwork.

10. COMMUNICATION

A. Attorney Craig Justus/Brian Gulden

B. Assistant Town Manager Jessica Trotman

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION- *none.*

13. ADJOURNMENT



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, *Town Manager* **MEETING DATE:** August 12, 2024
AGENDA SECTION: SPECIAL RESOLUTION- Item 2A **DEPARTMENT:** Administration
TITLE OF ITEM: Resolution for discontinuing glyphosate use on town-owned properties – *Josh Harrold, Town Manager*

SUGGESTED MOTION(S): I make a motion to approve the resolution to discontinue glyphosate use on town-owned properties as presented.

SUMMARY: The Town uses pesticides and insecticides on town property to limit the growth of weeds and invasive species and to prohibit pests. This resolution requires town staff to use alternative methods of controlling weeds, pests, etc. These alternative methods will prohibit the use of glyphosate on town-owned properties.

BUDGET IMPACT: n/a

Is this expenditure approved in the current fiscal year budget? n/a

If no, describe how it will be funded. n/a

ATTACHMENTS: Copy of Resolution

RESOLUTION
REQUESTING USING ALTERNATIVES TO THE APPLICATION OF GLYPHOSATE-BASED
HERBICIDES AND OTHER HERBICIDES AND PESTICIDES DEEMED CARCINOGENIC ON
TOWN-OWNED AND TOWN-MANAGED PROPERTIES

Resolution #R-24-__

WHEREAS, glyphosate, the active ingredient in many commercial and consumer herbicide products, is commonly used to control nuisance weeds and other unwanted vegetation at public parks, roadsides, businesses, industrial sites, agricultural fields, and homes; and

WHEREAS, there has been increasing concern regarding the toxic effects of glyphosate, which binds tightly to soils and can persist in the ground for months, on fish, amphibians, invertebrates, micro-organisms, and the general eco-system; and

WHEREAS, for example, a recent study of glyphosate's effects on bees concluded that exposure of bees to glyphosate can perturb their beneficial gut microbiota, potentially affecting bee health and bees' effectiveness as pollinators; and

WHEREAS, although the U.S. Environmental Protection Agency has found that glyphosate presents no risks of concern to human health when used in accordance with its label, the World Health Organization's International Agency for Research on Cancer has classified glyphosate as "probably carcinogenic in humans"; and

WHEREAS, although the use of glyphosate-based herbicides has not been prohibited by federal or North Carolina regulatory agencies, the Council believes that the Town should consider alternatives to the use of glyphosate-based herbicides and other herbicides or pesticides deemed carcinogenic as a precautionary measure to mitigate health risks to the general public and Town employees, to protect the environment, and to limit the Town's exposure to liability.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Black Mountain that the Town is requested to consider alternatives to the application of glyphosate-based herbicides and other herbicides or pesticides deemed carcinogenic on Town owned and Town-managed properties; and

BE IT FURTHER RESOLVED those copies of this resolution be transmitted to the Director of Public Works and Director of Recreation and Parks.

READ APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain, North Carolina, upon a motion by Council Member _____, on the ____ day of _____ 2024.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, *Town Clerk* **MEETING DATE:** August 12, 2024
AGENDA SECTION: **Consent Agenda - Item 5A** **DEPARTMENT:** Administration
TITLE OF ITEM: Approval of Meeting Minutes

SUGGESTED MOTION(S):

I move that Council approve the meeting minutes as presented.

SUMMARY:

Minutes from the following Town Council Meetings:

- 1) *July 3, 2024 Agenda Meeting Minutes.*
- 2) *July 8, 2024 Regular Meeting Minutes.*

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

- I. Copy of Draft Minutes

The Black Mountain Town Council held a special-called meeting on Thursday, July 3, 2024, at 5:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

Mayor C. Michael Sobol called the meeting to order at 5:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Doug Hay, Council Member Pam King. *Council Members Alice Berry and Ryan Stone were absent.*

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Josh Henderson, Recreation & Parks Director; Jamey Matthews, Public Works Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Tammy Holland, Finance Director, Angela Reece, Project & Facilities Manager.

CONSIDERATION OF RESOLUTION TO APPLY FOR ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM (ATIIP) FOR PROFESSIONAL ENGINEERING FOR RIDGECREST CONNECTOR TRAIL

Town Manager Josh Harrold explained that the US Department of Transportation and the Federal Highway Administration has issued a funding opportunity notice, and the Town would like to apply for Professional Engineering (PE) for the Ridgecrest Trail Connector in the amount of \$150,000. The required match for this grant would be 20%, so if the Town were to be awarded the grant, there would be a \$30,000 contribution. Mr. Harrold stated the Town has already completed a feasibility study for the Ridgecrest Connector Trail.

With no further discussion, Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 3-0 in favor. Council Members Alice Berry and Ryan Stone were absent.

RESOLUTION TO APPLY FOR ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM FOR PROFESSIONAL ENGINEERING (PE) FOR THE RIDGECREST TRAIL CONNECTOR

Resolution #R-24-24

WHEREAS, the Active Transportation Infrastructure Investment Program (ATIIP) was created by the Bipartisan Infrastructure Law; and

WHEREAS, ATIIP provides grants to construct projects that provide safe and connected active transportation facilities in active transportation networks or active transportation spines; and

WHEREAS, ATIIP projects will help improve the safety, efficiency, and reliability of active transportation networks and community; and

WHEREAS, ATIIP projects will help improve the connectivity between active transportation modes and public transportation; and

WHEREAS, ATIIP projects will help enhance the resiliency of on- and off-road active transportation infrastructure; and

WHEREAS, ATIIP projects will help protect the environment; and

WHEREAS, ATIIP projects will help improve the quality of life in disadvantaged communities through the delivery of connected active transportation networks and expanded mobility opportunities; and

WHEREAS, the Town of Black Mountain would like to apply for \$150,000; and

WHEREAS, the ATIIP does require 20% matching funds (\$30,000) from the Town of Black Mountain; and

WHEREAS, the Town of Black Mountain seeks to apply for funding for professional engineering (PE) for the Ridgecrest Trail Connector.

NOW THEREFORE, BE IT RESOLVED that the Black Mountain Town Council bless Town staff to apply for funding through the Active Transportation Infrastructure Investment Program (ATIIP) for professional engineering for the Ridgecrest Trail Connector.

READ, APPROVED AND ADOPTED, by a vote of 3 to 0 on this 3rd day of July 2024.

**Council Member Ryan Stone arrived at 5:06 p.m.*

JULY 8, 2024 AGENDA REVIEW

Town Manager Josh Harrold reviewed the proposed agenda for the upcoming July 8, 2024 regular Town Council meeting.

There was a short discussion about the agenda item concerning the Abatement of Unsafe Conditions at 1154 Montreat Road and the process the Town has taken to date concerning the unsafe conditions.

Another short discussion entailed concerning shared parking agreements. Mayor Sobol suggested looking into the property owned by the Town that is beside the ABC Store as a possible area to create public parking.

With no further discussion, Vice Mayor Archie Pertiller made a motion to adopt the July 8, 2024 agenda as presented. The motion was approved by a vote of 4-0. Council Member Alice Berry absent.

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:20 p.m.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

The Black Mountain Town Council held their regular meeting on Monday, July 8, 2024, at 6:00 p.m. 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, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Chris Kuhn, Police Major; Jamey Matthews, Public Works Director. Attorney Brian Gulden was also present.

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

Mayor C. Michael Sobol read a proclamation recognizing the month of July as “Recreation and Parks Month,” and Friday, July 19th as “Park and Recreation Professionals Day.”

3. CITIZEN COMMENTS

No citizen comments.

**4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES-
*none.***

5. CONSENT AGENDA

Town Manager Josh Harrold reviewed the consent agenda items with the Town Council.

- A. Adoption of Meeting Minutes:** June 6, 2024 Agenda Meeting and Budget Public Hearing; June 10, 2024 Regular Meeting; June 25, 2024 Special Called Meeting.

Council Member Doug Hay made a motion to approve the minutes as presented with the amendment to June 10, 2024 minutes noting the Town Attorney Craig Justus' presence. A vote of 5-0 in favor.

B. Monthly Property Tax Collector Report.

Council Member Doug Hay made a motion to approve the tax collector report as presented. A vote of 5-0 in favor.

C. Resolution to Authorize Abatement of Unsafe Conditions at 1154 Montreat Road.

Council Member Doug Hay made a motion to approve the following resolution as presented. A vote of 5-0 in favor.

**RESOLUTION AUTHORIZING ABATEMENT OF UNSAFE CONDITIONS AND
PUBLIC NUISANCE VIOLATIONS AT 1154 MONTREAT ROAD (PIN #0710-53-
6021.00000)**

RESOLUTION #R-24-25

WHEREAS, the Town of Black Mountain (the "Town") received an anonymous complaint in August 2023 about nuisance trash and tall grass violations, unsafe electrical conditions, and unsafe building conditions on the deck and accessory structures on the property located at 1154 Montreat Road, Black Mountain, North Carolina, which property is listed of record as owned by Mary Ann Riddle (the "Property Owner"), through Deed recorded in Book 1328, Page 0561, Buncombe County, North Carolina Register of Deeds (the "Subject Property"); and

WHEREAS, Town staff conducted a site of visit of the Subject Property in August of 2023 and confirmed the presence of trash in the yard, tall grass, and unsafe building conditions and the property was posted with an UNSAFE, DO NOT ENTER PLACARD; and

WHEREAS, Town staff mailed a Notice of Unsafe Conditions letter to the Property Owner both by regular mail and certified mail, return receipt and the return receipt card was received with a signature and dated August 24, 2023; and

WHEREAS, Town staff conducted a follow-up site visit on October 2, 2023, and while conditions had not been corrected, contact was made with the Property Owner on site who indicated that plans to correct the remaining violations were being made and staff did note that some progress and been made in removing the trash and debris; and

WHEREAS, Town staff conducted a follow-up site visit on October 9, 2023, and noted that considerable progress had been made, the building was secure, a dumpster had been placed on site, and a lot of debris had been cleaned up; and

WHEREAS, an electrical permit was issued to the Property Owner on November 11, 2023, to replace light fixtures and make sure all plugs are working and the electrical system is in good order; and

WHEREAS, in April of 2024, having received no inspection requests for the electrical work and the timeframe to correct all violations had passed, Town staff conducted a follow-up site visit and found unsafe structural building elements, unsafe electrical system, an inoperable and unsanitary plumbing system, no running water, and no electricity; and

WHEREAS, on April 24, 2024, a Notice of Hearing was sent to the Property Owner informing the Property Owner of a hearing to be held before the Building Inspector on May 3, 2024, and noted that the Property Owner would have the opportunity to present any testimony and/or evidence pertaining to the matter; and

WHEREAS, at the hearing on May 3, 2024, the Property Owner was not in attendance, however, Kevin Bates, Director of Swannanoa Valley Christian Ministries, was in attendance on behalf of the Property Owner's son, who to our knowledge, had no legal right to be on the property; and

WHEREAS, at the hearing on May 3, 2024, the Building Inspector issued an order to abate the unsafe structural building elements, the unsafe electrical system, the unsanitary plumbing system, and reconnect the water and electricity at the Subject Property; and

WHEREAS, on May 7, 2024, the Property Owner's daughter provided Power of Attorney paperwork for the Property Owner and indicated that it is their intent to sell the property; and

WHEREAS, on May 14, 2024, the order from the Building Inspector was mailed via certified mail, return receipt to the Power of Attorney and the return receipt card was received on May 20, 2024, with the signature of the Power of Attorney; and

WHEREAS, the Property Owner passed away on May 15, 2024; and

WHEREAS, on June 12, 2024, the Building Inspector received a call from the Property Owner's sister who informed the Building Inspector that the Power of Attorney was having difficulties obtaining executorship of the property; and

WHEREAS, in the interest of the public, health, safety, and welfare, and, as a result of the Property Owner and the Power of Attorney of the Subject Property having failed to comply with the Order to Take Corrective Action, the Town has determined that it is now necessary for the Town to proceed with the clean-up and abatement of the unsafe conditions of the Subject Property and to remove all trash and debris, board the building, and remove the unsafe deck and accessory structures as permitted in NCGS 160D-1125.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that pursuant to NCGS 160D-1125 and significant

public health concerns, the clean-up of the Subject Property at 1154 Montreat Road, Black Mountain, North Carolina, is hereby authorized and the Town staff shall contract for and carry out the clean-up of the Subject Property in accordance with the terms of this Ordinance.

ADOPTED this 8th day of July 2024.

6) PUBLIC HEARING- *none.*

7) CITIZEN COMMENTS- *none.*

8) UNFINISHED BUSINESS- *none.*

9) NEW BUSINESS

A. Shared Parking Agreement with Wellspring Direct Primary Care.

Assistant Town Manager Jessica Trotman stated the Town had reached out to various businesses in the downtown area to inquire about providing shared parking in the evenings and on the weekends. Wellspring Direct Primary Care is interested in a shared parking agreement and this parking lot would provide 14 parking spaces and be available for public parking after 5:00 PM Monday through Friday, and all day on Saturday and Sunday. The Town will provide signage for the shared parking at the location. ***Vice Mayor Archie Pertiller made a motion to approve the shared parking agreement with Wellspring Direct Primary Care as presented. A vote of 5-0 in favor.***

****A copy of this agreement is attached to these minutes as Attachment A****

B. Advisory Boards & Commissions Appointments.

ABC Board Appointments- The ABC Board has one seat expiring in July 2024. There were three applications received for this ABC Board seat. The Council voted via ballot method and the Town Clerk tabulated announcing that Sharon Tabor received a unanimous vote.

Vice Mayor Archie Pertiller made a motion to appoint Sharon Tabor to the ABC Board for a second, three-year term. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
ABC Board	Sharon Tabor	7/1/2027

Active Mobility Commission Appointments- The Active Mobility Commission has two seats expiring in July 2024 and has a current vacant seat. Member Julia Weatherford's seat is expiring, but she has served two consecutive terms and will rotate off the Commission. There were two applications received for the Active Mobility Commission. This will continue to leave a vacant seat on the Commission.

Council Member Doug Hay made a motion to appoint Julie White for a second, three-year term, and appoint Karen Neal for a first, three-year term. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
Active Mobility Commission	Julie White	7/1/2027
Active Mobility Commission	Karen Neal	7/1/2027

Board of Adjustment Member Removal- Town Clerk Wesley Barker explained to the Council that Ben Cooper, a member of the Board of Adjustment, has been absent from seven of the eight meetings held since July 2023, which violates the Town's Advisory Board, Commission and Committee Member Handbook's Attendance Policy. This policy, which requires members to adhere to attendance requirements, states "The Council may dismiss any member who misses three consecutive regular meetings, or one-half of meetings held in a single six-month period without good cause." If this member is removed, it will leave a vacant unexpired seat on the Board of Adjustment to be appointed by Town Council. ***Council Member Pam King made a motion to remove Ben Cooper from the Board of Adjustment due to attendance issues. A vote of 5-0 in favor.***

Board of Adjustment Appointments- The Board of Adjustment has two seats expiring in July 2024, and now has an unexpired vacant seat due to the aforementioned removal of member Ben Cooper. The Board of Adjustment has three (3) current member alternates, and Alternate #1, John Hines, and Alternate #2, Nichole Stallings, would now be eligible to be appointed to serve on the Board of Adjustment as full members, if Council approves, while Alternate #3, Linda Brinson, would move up to the Alternate #1 position. Further, one board member, whose seat is expiring in July 2024, is interested in being reappointed. There were two new applications received for the Board of Adjustment, and staff recommends these applicants be appointed to serve in the new alternate member roles of #2 and #3, respectively. Alternate Members do not currently have any term expirations. Some discussion ensued among Council Members.

Council Member Alice Berry made a motion to appoint Lauren Dodgin for a second, three-year term, appoint current Alternate #1 John Hines to a first, three-year term, appoint current Alternate #2 Nichole Stallings to a first, three-year term, appoint David Barley as new Alternate #2, and appoint Amy Golden as new Alternate #3. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
Board of Adjustment	Lauren Dodgin	7/1/2027
Board of Adjustment	John Hines	7/1/2027

Board of Adjustment	Nichole Stallings	7/1/2027
Board of Adjustment- Alternate #2	David Barley	N/A
Board of Adjustment- Alternate #3	Amy Golden	N/A

Historic Preservation Commission- The Historic Preservation Commission (HPC) has one seat expiring in July 2024 and has a current vacant seat. Commission member Jay Pamar's seat is expiring, and did not reapply. There were two applications received for the HPC. If Town Council appoints both applicants, there would no longer be a vacancy on the commission.

Vice Mayor Archie Pertiller made a motion to appoint Chris Zajac for a first three-year term, and appoint Melinda Hester for a first three-year term on the Historic Preservation Commission. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
Historic Preservation Commission	Chris Zajac	7/1/2027
Historic Preservation Commission	Melinda Hester	7/1/2027

Planning Board Appointments- The Planning Board has three seats expiring in July 2024. Staff is not yet done with the Unified Development Ordinance (UDO) project but anticipates completion within the next year. Due to this, staff is recommending that current Planning Board members Pam Norton and Chas Fitzgerald, whose terms are both expiring in July 2024, and who have both served two full three-year terms, be reappointed for one (1) additional year to finish out the UDO project. Further, current Planning Board member Kathy Phillips' seat is expiring, but is eligible to serve for a second, three-year term, if re-appointed by the Town Council.

Town Clerk Wesley Barker stated the Town's Advisory Board, Commission and Committee Members Handbook says, "the Town Council has expressed their preference to limit advisory board and commission members terms of service to two consecutive terms; however they have reserved the right to override that preference when they deem the circumstances of an individual's service to the community to be of such notable importance as to warrant a continuation of service." Several Council Members felt it would be beneficial for these members to remain on the board through the completion of the UDO because they have been part of the process all along. Town Clerk Wesley Barker also informed the Council that with these special one-year appointments, if approved, these two seats would be appointed for two-year terms in 2025 to keep terms staggered, ensuring multiple members aren't rotating off all at once. The Town Council acknowledged this suggestion.

Council Member Alice Berry made a motion to appoint Kathy Phillips for a second three-year term, appoint Pam Norton for an additional one-year term, and appoint Chas Fitzgerald for an additional one-year term to the Planning Board. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
Planning Board	Kathy Phillips	7/1/2027
Planning Board	Pam Norton	7/1/2025
Planning Board	Chas Fitzgerald	7/1/2025

Recreation Commission Member Removal- Town Clerk Wesley Barker explained to the Council that Sally Cochran, a member of the Recreation Commission, has been absent from more than three consecutive meetings, which violates the Town’s Advisory Board, Commission and Committee Member Handbook’s Attendance Policy. This policy, which requires members to adhere to attendance requirements, states “The Council may dismiss any member who misses three consecutive regular meetings, or one-half of meetings held in a single six-month period without good cause.” If this member is removed, it will leave a vacant unexpired seat on the Recreation Commission to be appointed by Town Council.

Council Member Pam King made a motion to remove Sally Cochran from the Recreation Commission due to attendance issues. A vote of 5-0 in favor.

Recreation Commission Appointments- The Recreation Commission has two seats expiring in July 2024, and now has an unexpired vacant seat due to the removal of member Sally Cochran. Current members Joseph Scotto and Nathan West are eligible for reappointment and have applied. There was a total of five applications received for the Recreation Commission and the Town Council voted via ballot method from these applicants to choose two who will serve three-year terms, and one who will serve the unexpired term with two-years remaining. The following applicants received the following number of votes by Council members:

Full three-year term: 2 seats available	Number of Votes Received via Council Ballot
Joseph Scotto	5 of 5
Nathan West	5 of 5

1 Vacated, unexpired seat: two-year term remaining	Number of Votes Received via Council Ballot
Richard Keefer	4 of 5
James Stutesman	1 of 5

Vice Mayor Archie Pertiller made a motion to appoint Joseph Scotto for a second three-year term, to appoint Nathan West for a second three-year term, and to appoint Richard Keefer to the unexpired vacated seat with a two-year term remaining on the Recreation Commission. A vote of 5-0 in favor.

Board/Commission	Member Name	Term Expires
Recreation Commission	Joseph Scotto	7/1/2027
Recreation Commission	Nathan West	7/1/2027
Recreation Commission- unexpired term, two-year term remaining.	Richard Keefer	7/1/2026

10) COMMUNICATION.

Attorney Brain Gulden stated work is continuing on the UDO draft. Town Manager Josh Harrold stated the Blue Ridge Rd. interchange project dates to begin construction has now been pushed back to 2026 by NCDOT.

11) COMMUNICATION FROM MAYOR AND TOWN COUNCIL.

Council Member Doug Hay complimented the Recreation and Parks and Public Works Departments on their work getting ready for the State Little League Tournament, and Council Member Pam King invited citizens to the Park Rhythms concerts.

12) CLOSED SESSION- *none*.

13) ADJOURNMENT- *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 6:50 p.m.*

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Cortney Kidd, *Senior Accountant* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5B **DEPARTMENT:** Finance

TITLE OF ITEM: Monthly Property Tax Collector Report

SUGGESTED MOTION(S):

Approval of the Monthly Tax Collector Report

SUMMARY:

Monthly Property Tax Collector Report

Pursuant to N.C.G.S. § 105-350(7), it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount collected on each year's taxes with which is charged, the amount remaining uncollected, and the steps taken to encourage or enforce payment of uncollected taxes.

Per NCGS 105-381(b) the governing body must approve or deny requests for refunds or releases.

Below is the month end report for collections, refunds, and releases (current and prior years), provided by the Buncombe County Tax Collector. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes.

ATTACHMENTS:

- i. Monthly Tax Collector Report



TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners
FROM: Cortney Kidd, Municipal Tax Collector
DATE: MONDAY, August 12, 2024
SUBJECT: June 2024 Tax Collector Report

According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount collected on each year's taxes with which is charged, the amount remaining uncollected, and the steps taken to encourage or enforce payment of uncollected taxes.

Below is the month end report for collections (current and prior years), provided by the Buncombe County Tax Collector. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments, and NC Debt Setoff.

CURRENT YEAR TAX -ALL TAXES, LIENS, LATE LIST PENALTIES, INTEREST AND FEES

Billed	\$ 5,207,493.16
Collected	\$ 5,185,647.06
Adjustments and Releases	\$ (12,274.96)
Outstanding real and personal property taxes	\$ 9,571.14

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR

99.82%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	\$ 520.01
Adjustments and Releases	\$ 2.79

Per NCGS 105-381(b) the Tax Collector is reporting tax releases/refunds within the current period:

Ad Valorem	\$ 16.50
Motor Vehicle	\$ 194.65



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda - Item 5C **DEPARTMENT:** Finance

TITLE OF ITEM: Carry forward Budget Amendment – *Tammy Holland, Finance Director*

SUGGESTED MOTION(S): I move to approve budget amendments as presented.

SUMMARY:

The Town of Black Mountain Council adopts the following FY24-25 Budget Ordinance Amendments for the purpose of appropriating funding for expenditures that were approved and funded within the prior fiscal year and not completed, unspent donated funds, or unspent restricted drug forfeiture funds.

Budget amendment BA25-4 for the following

- **Carry Forward of funding for paving not completed** **\$550,000**
 - *Budget Amendment to carry forward remaining unspent funds from prior fiscal year.*
- **Carry Forward of funding for PD Community Outreach** **\$36,100**
 - *Budget amendment to carry forward remaining unspent donated funds from prior fiscal year.*
- **Carry Forward of funding for PD Forfeiture Funds** **\$110,700**
 - *Budget amendment to carry forward remaining unspent funds from prior fiscal year.*
- **Carry Forward of funding for Town Square Contribution** **\$15,100**
 - *Budget amendment to carry forward unspent contribution from prior fiscal year.*

ATTACHMENTS:

- i. Budget Amendments Detailed Report

Adjustment Numb	Summary	Description	Account Number	Account Name	Sum of Amount
BA25-0000004	Carryover unspent Funds: Paving	BAMEND - Carryforward of unspent funds -Paving Powell	220-0000-48900	Appropriated Fund Balance	-\$202,000.00
			220-4625-57610	Street/Bridge/Sidewalk/Greenway	\$202,000.00
		BAMEND - Carryforward of unspent funds - Paving General Fund	100-0000-48900	Appropriated Fund Balance	-\$348,000.00
			100-4620-57610	Street/Bridge/Sidewalk/Greenway	\$348,000.00
	Carryover unspent Funds: PD Community Outreach	BAMEND - Carryforward of unspent funds	235-0000-48900	Appropriated Fund Balance	-\$36,100.00
			235-4510-55023	Expense	\$36,100.00
	Carryover unspent Funds: PD Forfeiture Funds	BAMEND - Carryforward of unspent funds	230-0000-48900	Appropriated Fund Balance	-\$110,700.00
		BAMEND - Carryforward of unspent funds State Forfeiture	230-4511-52499	LEO Supplies and Materials	\$50,345.00
		BAMEND - Carryforward of unspent funds US Treasury	230-4512-52499	LEO Supplies and Materials	\$12,740.00
		BAMEND - Carryforward of unspent funds DOJ	230-4513-52499	LEO Supplies and Materials	\$27,990.00
		BAMEND - Carryforward of unspent funds Homeland Security	230-4514-52499	LEO Supplies and Materials	\$19,625.00
	Carryover unspent Funds: Town Square Contribution	BAMEND - Carryforward of unspent funds-Town Square	100-4615-52311	R & M - Grounds/Parks/Greenways	\$15,100.00
		BAMEND - Carryforward of unspent fund-Town Square	100-0000-48900	Appropriated Fund Balance	-\$15,100.00



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5C **DEPARTMENT:** Finance

TITLE OF ITEM: Budget Amendment – *Tammy Holland, Finance Director*

SUGGESTED MOTION(S): I move to approve budget amendments as presented.

SUMMARY:

The Town of Black Mountain Council adopts the following FY24-25 Budget Ordinance Amendments for the purpose of appropriating additional funding required for expenditures.

Budget amendments BA25-1, BA25-5, BA25-9, BA25-10 for the following

- **BA25-1 PD Operating Budget Adjustment** **\$33,800**
 - Appropriate Fund Balance for PD Uniforms budgeted amount was adjusted in error during the final budget approval process.
- **BA25-5 Stormwater Diversion Project** **\$159,000**
 - Budget amendment to recognize contribution received from Buncombe County, remaining funding needed from Appropriated Fund Balance, and expenses to be incurred for the Stormwater Diversion Project.
- **BA25-9 Lake Tomahawk Gazebo Footers** **\$2,900**
 - Appropriated Fund Balance for Gazebo footer replacement required by Engineer..
- **BA25-10 Planning Department Offices Construction** **\$23,000**
 - Appropriated Fund Balance for planning department for funding needed for construction of planning department offices within the Public Works Building.

ATTACHMENTS:

- i. Budget Amendments Detailed Report

TOWN OF BLACK MOUNTAIN BUDGET ADJUSTMENT/AMENDMENT REPORT

Adjustment Number	Summary	Description	Account Number	Account Name	Sum of Amount
BA25-0000001	PD Uniforms budget correction. Uniform expense line final budet was reduced in final budget process in error.	BAMEND - PD Uniforms	100-0000-48900	Appropriated Fund Balance	-\$33,800.00
			100-4510-51015	Uniforms	\$33,800.00
BA25-0000005	Fairway Drive/Tomahawk Drive Stormwater Diversion Project to enhance stormwater manangement by installing pipe diversion.	BAMEND - Stormwater Diversion Project	630-0000-43300	Grant Revenues- Intergovernmental Municipal	-\$75,000.00
			630-0000-48900	Appropriated Fund Balance	-\$84,000.00
			630-5500-57210	Capital Outlay - Land Improvements	\$159,000.00
BA25-0000009	Replacement of Existing Footers for New Gazebo per Engineering report	BAMEND - Gazebo Replacement Footers	100-0000-48900	Appropriated Fund Balance	-\$2,900.00
			100-4615-57210	Capital Outlay - Land Improvements	\$2,900.00
BA25-0000010	Appropriated Fund Balance required for Offices for the Planning Department Construction within Public Works Building	BAMEND - Planning Office Construction	210-0000-48900	Appropriated Fund Balance	-\$23,000.00
			210-4810-57310	Capital Outlay - Buildings	\$23,000.00



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5D **DEPARTMENT:** Finance

TITLE OF ITEM: Cragmont Park Capital Project Ordinance and Budget Amendment

SUGGESTED MOTION(S):

MOTION TO: Approve the Cragmont Park Amended Capital Project Ordinance and Project Budget Amendment transferring approved funding from the General Fund to the Capital Project as presented and recommended.

SUMMARY:

The Town of Black Mountain periodically establishes capital project ordinances for endeavors that involve the acquisition or construction of major capital assets. The expenditure duration of a capital project will extend for a time frame greater than one fiscal year. Consequently, the adoption of a capital project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding on a fiscal year.

This agenda item is an amendment to the Capital Project Ordinance O-24-09, adopted June 25, 2024, and budget amendment for the Cragmont Park Capital Project. Funds were approved and appropriated within the Capital Project capital project budget in Fiscal Year 2024 in the amount of \$442,000. These funds were to complete the renovations to the Basketball, Tennis Court, Parking Lot, Paved Path, Pickleball, and Restrooms within Cragmont Park. Additional funding of \$50,000 is needed to execute the final contract with Harper General Contractors Inc. The contract, adopted in Resolution R-24-22 on May 13, 2024, received from Harper General Contractors for design-build services for the Cragmont Park Renovation Project will not exceed \$492,000.

RECOMMENDATION:

The Finance Department requests appropriate additional funding of \$50,000 from the General Fund Appropriated Fund Balance to the Capital Project Fund for the Cragmont Park renovations. Staff recommends approving the amended capital project ordinance and budget amendment as presented and recommended.

BUDGET IMPACT: Yes

Increase in budgeted funds and Expenditures within the Capital Project Fund of \$50,000.

Transfer out of appropriated fund balance within the General Fund

ATTACHMENTS:

- i. Capital Project Ordinance
- ii. Budget Amendment

Town of Black Mountain
Cragmont Park Renovation
Capital Project Fund Ordinance Amendment

BE IT ORDAINED by the Town Board of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby adopted as follows:

Section 1. Project Defined

The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2. Project Authorization

The project authorized is Cragmont Park Renovation original ordinance O-24-09, adopted June 25, 2024. This project includes, but is not limited to, the purchase, repairs and renovations to the Basketball, Tennis Court, Parking Lot, Paved Path, Pickleball, Restrooms and other amenities as approved by Council on the existing property.

Section 3. Directives

The officers of this unit are hereby directed to proceed with the capital project within the terms and budget contained herein, as approved by the Governing Board of the Town of Black Mountain.

Section 4. Revenues

The following anticipated Revenues are hereby adopted:

<u>Budgeted Revenues</u>	<u>Prior Authorized</u>	<u>Change</u>	<u>Amended Funding</u>
General Fund Transfer In	442,000.00	50,000.00	492,000.00
Total Funds	\$442,000.00	\$50,000.00	\$492,000.00

Section 5, Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenses</u>	Budgeted Expenses		
	<u>Prior Anticipated</u>	<u>Change</u>	<u>Amended Expense</u>
Basketball Court	\$65,000.00	\$0.00	\$65,000.00
Tennis Court	\$70,000.00	\$0.00	\$70,000.00
Pickleball	\$120,000.00	\$0.00	\$120,000.00
Parking Lot	\$45,000.00	\$0.00	\$45,000.00
Paved Path	\$42,000.00	\$0.00	\$42,000.00
Restrooms	\$100,000.00	\$0.00	\$100,000.00
Design Services	\$0.00	\$50,000.00	\$50,000.00
Total Expenses	\$442,000.00	\$50,000.00	\$492,000.00

Section 6. Records and Reporting

The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 7. Official Copies

Copies of this Capital Project Ordinance shall be furnished to the Town Clerk and shall be held in the Finance Department for the direction in carrying out this project.

Section 8. Project Expiration

This project ordinance expires when the project has been completed and all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 12th day of August 2024.

C. Michael Sobol
Mayor

ATTEST:

Wesley Barker
Town Clerk

Adjustment Number	Summary	Description	Account Number	Account Name	Sum of Amount
BA25-0000006	Revised Project Ordinance for Cragmont Park	Cragmont Park Revised Ordinance 081224			
			100-0000-48900	Appropriated Fund Balance	-\$50,000.00
			100-7000-59510	Transfer Out	\$50,000.00
			400-8009-48590	Transfers In	-\$50,000.00
				Professional Services -	
			400-8009-52012	Enginnering and Design	\$50,000.00



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5E **DEPARTMENT:** Finance

TITLE OF ITEM: Flat Creek Stream Restoration Grant Project Ordinance and Budget Amendment

SUGGESTED MOTION(S):

MOTION TO: Approve the Flat Creek Stream Restoration Grant Project Ordinance and Project Budget Amendment as presented and recommended.

SUMMARY:

The Town of Black Mountain periodically establishes grant project ordinances for endeavors that involve funding in whole or in part by revenues received from the Federal and/or State Government. The operating or capital expenditure defined within the grant contract may require a time frame greater than one fiscal year to complete. Consequently, the adoption of a grant project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding each fiscal year.

This agenda item is to consider the creation of a new Grant Project Ordinance and budget amendment for the Flat Creek Stream Restoration Project. The NC Department of Agriculture and Consumer Services Division of Soil and Water Conservation, 2024 Streamflow Rehabilitation Assistance Program (StRAP) approved a grant award directive in the amount of \$317,054 with no Town Match, to the Town of Black Mountain, during the June 27th, 2024, NC Soil and Water Conservation Commission Meeting.

StRAP funds are intended to support projects that restore and protect drainage infrastructure of both natural streams and small watershed structural projects to prevent future flooding, restore streams, and reduce risks to life and property. The Town of Black Mountain will use funding to stabilize and restore the Flat Creek Stream and Streambank.

RECOMMENDATION:

The Finance Department requests the Town Council to accept the grant award in full and to appropriate \$317,054 of revenue from the awarded State Grant. Staff recommends approving the grant project ordinance and budget amendment as presented and recommended. Staff also request the Board to provide authorization for the Town Manager to act on behalf of the Town Council in all matters associated with the project within the terms of all contracts, agreements, and legal requirements binding on the project and within limits of the funds appropriated.

BUDGET IMPACT: Yes

Increase of budgeted Revenues and Expenditures within the Grant Project Fund of \$317,054.

ATTACHMENTS:

- i. Grant Project Ordinance #O-24-11
- ii. Budget Amendment
- iii. Grant Contract Award Letter



**Town of Black Mountain
Flat Creek Stream Restoration
Grant Project Ordinance**

BE IT ORDAINED by the Town Board of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; the following Grant Project Ordinance is hereby adopted as follows:

Section 1. Project Defined

The Town of Black Mountain defines a "Grant Project" as a project financed in whole or in part by revenues received from the Federal and/or State Government for operating or capital proposed as defined by the grant contract. The project may include expenditures that span across multiple fiscal years.

Section 2. Project Authorization

The project authorized is Flat Creek Steam Restoration. Funding received through the StRAP grant are intended to support projects that restore and protect drainage infrastructure of both natural streams and small watershed structural projects to prevent future flooding, restore streams, and reduce risks to life and property. The Town of Black Mountain will use funding to stabilize and restore the Flat Creek Stream and Streambank.

Section 3. Funding

This project is to be funded in whole by the NC Department of Agriculture and Consumer Services Division of Soil and Water Conservation, 2024 Streamflow Rehabilitation Assistance Program (StRAP). A grant award directive in the amount of \$317,054 with no Town Match, was awarded to the Town of Black Mountain, during the June 27th, 2024, NC Soil and Water Conservation Commission Meeting.

Section 4. Directives

The officers of the Town of Black Mountain are hereby directed to proceed with the federal and/or state grant project within the terms of the rules and regulations of those grants and the budget contained. The Town Manager is herby directed to act on behalf of the Town Council in all matters associated with the project within the terms of all contracts, agreements, and legal requirements binding on the project and within limits of the funds appropriated

Section 5. Revenues

The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC StRAP Grant	\$317,054.00
Total Funds	\$317,054.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures	
<u>Expense Type</u>	<u>Anticipated Expenditures</u>
Professional Services	\$60,000.00
Construction	\$257,054.00
Total Expenditures	<u>\$317,054.00</u>

Section 7. Funding

Funds may be advanced from other Town of Black Mountain fund accounts for the purpose of making payments as due. Reimbursement requests should be made to any applicable grantor agency following the regulations and rules of the grant.

Section 7. Records and Reporting

The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable

Section 8. Official Copies

Copies of this Capital Project Ordinance shall be furnished to the Town Clerk and shall be held in the Finance Department for the direction in carrying out this project.

Section 9. Project Expiration

This project ordinance expires when the project has been completed and Project Funds have been obligated and expended for all project expenditures by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 12th day of August 2024.

C. Michael Sobol
Mayor

ATTEST:

Wesley M. Barker
Town Clerk



Town of Black Mountain

Budget Adjustment Report
Adjustment Detail
For Date Range: 08/02/2024 - 08/02/2024

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Budget Code: APPROVED - BOARD APPROVED BUDGET Fiscal: 2025						
Fund: 260 - Grant Non-Capital Projects						
Revenue						
260-8805-43200	Grant Revenues- State			0.00	-317,054.00	-317,054.00
BA25-0000008	BAMEND - Flat Creek Stream Restoration	GLPKT09916	08/02/2024		-317,054.00	
Revenue Total:				0.00	-317,054.00	-317,054.00
Expense						
260-8805-52012	Professional Services - Engineering and Design			0.00	60,000.00	60,000.00
BA25-0000008	BAMEND - Flat Creek Stream Restoration	GLPKT09916	08/02/2024		60,000.00	
260-8805-57210	Capital Outlay - Land Improvements			0.00	257,054.00	257,054.00
BA25-0000008	BAMEND - Flat Creek Stream Restoration	GLPKT09916	08/02/2024		257,054.00	
Expense Total:				0.00	317,054.00	317,054.00
Fund 260 Total:				0.00	0.00	0.00
Budget Code APPROVED Total:				0.00	0.00	0.00

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: APPROVED - BOARD APPROVED BUDGET		Fiscal: 2025		
	260	0.00	0.00	0.00
Budget Code APPROVED Total:		0.00	0.00	0.00



Steve Troxler
Commissioner

**North Carolina Department of Agriculture
and Consumer Services**
Division of Soil and Water Conservation

David Williams
Director

Jessica Trotman
Town of Black Mountain
160 Midland Ave
Black Mountain, NC 28711

Hello Jessica,

The Soil and Water Conservation Commission has approved an allocation of funds to 98 applicants for the Streamflow Rehabilitation Assistance Program (StRAP), 2024 round of funding. I am pleased to notify you that the Town of Black Mountain has been allocated **\$317,054** to conduct work on the stream segments/projects listed below:

Applicant	Project Type	Site	Award Amount
Town of Black Mountain	Stream Restoration	Flat Creek	\$317,054

Moving forward, you have 3 responsibilities before your project begins:

1. Submit Scope of Work revisions and Project Timelines.
2. Attend a virtual Pre-award meeting within 45 days of receiving the draft StRAP contract.
3. Return signed contract.

Scope of Work revision and Project Timeline

The Division received \$222 million in requests for assistance from 118 eligible applicants, but only had \$19 million available to allocate. For most applicants, we were only able to award a portion of the amount requested. We recognize that the amount you requested may be substantially more than the amount we can award at this time. For this reason, we invite you to submit via email a revised scope of work reflecting the work your organization can commit to do based on amount of funding awarded.

Please submit a Project Timeline and revised Scope of Work (SOW) using the attached forms. A separate Scope of Work Revision Form should be used for each separate stream segment/project (as needed).

- **Project Timeline:**
 - For each project type you receive funding for (Stream Debris Removal, Sediment Removal, Streambank Stabilization, Stream Restoration, Other, or PL-566 Repair), please complete one Project Timeline form per project type.
 - If you are funded for multiple projects within a category, you do not need to complete a separate timeline for each individual stream segment/project (EX: if you are awarded funds to complete stream debris removal on 4 different stream segments, only 1 timeline summarizing all 4 segments needs to be submitted).

MAILING ADDRESS
Division of Soil and Water Conservation
1614 Mail Service Center
Raleigh, NC 27699-1614

Telephone: (919) 707-3770

An Equal Opportunity Employer

LOCATION
Old Health Building
216 W. Jones St. 3rd Floor
Raleigh, NC 27603

- I understand that this is early in the process, so the dates listed in your timeline can be approximate and can be revised in the future.
- Include your Tax ID number on the Project Timeline form.
- SOW: Stream Debris Removal Projects:
 - The awarded Stream Debris Removal funds **can be used on any of the stream segments included in the Stream Debris Removal section of your 2024 StRAP Application**. It is your decision on how you will distribute funds between the stream debris removal stream segments listed on your application.
 - For any stream segments you choose to work on that will not change from your application, **please provide via email a list of these sites** to fully document your planned work (a full SOW Revision is not needed for these sites).
 - For any stream segments you choose to work on that will change from your application (EX: reducing the length of planned work on a stream segment due to funding limitations, increasing the cost estimate, etc.), please complete a SOW Revision form documenting the updated details for that stream segment.
- SOW: Sediment Removal, Streambank Stabilization, Stream Restoration, Other, and PL-566 Repair projects:
 - **StRAP funds can only be used on the listed stream segments/projects approved for funding**. The table above shows the maximum amount of your award that can be spent on each of these individual stream segments/projects.
 - If an individual stream segment received less funding than requested, you may need to change the planned work so that it can be completed using the reduced amount of funding (EX: reducing the length of the planned segment). If you do have to change the details on any stream segment/project, please complete a Scope of Work Revision form providing updated details for that stream segment.
 - If you will not need to change the Scope of Work for a stream segment/project selected for funding, **please respond via email** that the information on your 2024 StRAP Application remains accurate and no Scope of Work revision is necessary for that stream segment/project.
 -

Submit all scope of work revisions and project timelines

to matt.safford@ncagr.gov and heather.reichert@ncagr.gov **Please include your organization's name in the subject line.**

To demonstrate the importance of this program, the Commission has set a 45-day deadline for grantees to submit their Scope of Work revisions. If you do not submit the revised Scope of Work(s) by **August 16th, 2024**, then this allocation may be rescinded and added to the allocation for other applicants.

Virtual Pre-award Meeting

Once we receive the scope of work revision and project timeline, the NC Department of Agriculture and Consumer Services will prepare and send you a contract to accept the funding award. You will have 60 days to get the appropriate signatures on the contract and additional supporting documents and return it to the attention of Heather Reichert. We will then obtain signatures from authorized officials in the Department and return the fully executed contract to you. Please note, you may not begin work on StRAP-funded activities prior to the date the contract is fully executed.

All grantees are required to attend a virtual pre-award meeting with StRAP staff within 45 days of receiving the draft StRAP Contract. This meeting will review grantee's duties, reporting requirements, payment provisions, and work standards. The contract cannot be fully executed until this meeting has taken place. Once you receive your contract, please contact matt.safford@ncagr.gov and heather.reichert@ncagr.gov with a list of times you would be available to hold this meeting. Please include your organization's name in the subject line.

Work and Permit Responsibilities

The Division encourages local sponsors to use an evidence-based approach, utilizing onsite surveys and publicly available geographic information system data from sources such as the Flood Inundation Mapping and Alert Network ([FIMAN](#)) or Flood Risk Information System ([FRIS](#)) to guide prioritization of awarded funds. These tools can be used to generally assess regional hydrologic conditions and better determine whether flooding is likely due to debris blockages versus the potential influence of downstream backwater effects due to topographic features, wind, saturated soils, or close proximity to downstream rivers or estuaries.

Please note that it is the grantee's responsibility to obtain all required permits, approvals, and land access authority. Recommendations on required permits can be found on the [StRAP website](#). Please note that this list may not be exhaustive.

Other organizations in yours or neighboring counties may have also received StRAP funds. Consult the [full list of organizations receiving funds](#) for more information. I encourage you to reach out to other nearby StRAP grant recipients to discuss opportunities for collaboration.

Please feel free to contact StRAP staff with questions. You can contact either myself, at 919-707-3784 (office), 984-960-9168 (cell), or matt.safford@ncagr.gov, or Heather Reichert at 919-707-3768 or Heather.Reichert@ncagr.gov. As you work through your project, you may also receive automated emails from StRAP at "noreply@salesforce.com" on behalf of Heather Reichert or Matt Safford". These are legitimate emails and not spam.

We look forward to your response and to working with you to implement this important project. Please let me know if you have questions or need assistance.

Thank you, and Congratulations!

Best,

Matt Safford
Streamflow Rehabilitation Assistance Program Manager
NC Division of Soil & Water Conservation
office: (919) 707-3784
cell: (984) 960-9168
Matt.safford@ncagr.gov

Conceptual Engineer's Estimate
Flat Creek StRAP Grant
February 20, 2024

Item	Description	Quantity	Unit	Unit Price	Extended
Construction					
1	Mobilization	1	LS	\$10,000.00	\$10,000.00
2	Excavation	2,000	CY	\$25.00	\$50,000.00
3	Off-site waste soil disposal	2,000	CY	\$15.00	\$30,000.00
4	Tree and log removal	2	EA	\$2,000.00	\$4,000.00
5	Water diversion	1	LS	\$20,000.00	\$20,000.00
6	Coir matting	1,200	SY	\$6.00	\$7,200.00
7	Constructed riffle (Class 1 & B Stone)	80	TON	\$70.00	\$5,600.00
8	Geolifts per lift (includes brush/live stakes plus foundation)	2,700	LF	\$25.00	\$67,500.00
9	Boulders for vane structures	80	TON	\$100.00	\$8,000.00
10	Silt fence	2,000	LF	\$4.00	\$8,000.00
11	Bank and buffer seeding (temporary, permanent, mulching)	1.0	AC	\$4,000.00	\$4,000.00
12	Live stakes	1,400	EA	\$4.50	\$6,300.00
13	Bare root shrubs	650	EA	\$4.50	\$2,925.00
				Sum =	\$223,525.00
				Add 15% contingency	\$33,528.75
				Construction Total =	\$257,053.75
Professional Services					
1	Assessment, Surveying				\$15,000.00
2	Design and Construction Documents				\$20,000.00
3	Permitting (401/404, Land Disturbance, Floodplain)				\$10,000.00
4	Construction Administration and Observation				\$15,000.00
				Professional Services Total =	\$60,000.00
				Grand Total =	\$317,053.75



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Asst. Town Manager* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5F **DEPARTMENT:** Planning

TITLE OF ITEM: Call for Public Hearing to Amend Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses to Add Section 5.17 Mobile Retail Vendors and to Amend Chapter 4, Section 4.7.14, Table of Permitted Uses to Add Mobile Retail Vendors

SUGGESTED MOTION(S):

To call for a public hearing to amend Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses to add mobile retail vendors to be held on Monday, September 9, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue.

SUMMARY:

There is currently no language regarding mobile retail vendors and a citizen applied for a text amendment to the Planning Board to add language for mobile retail vendors. The Planning Board heard the request at their July 22, 2024, meeting and recommends that language be added to allow for mobile retail vendors.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: [Notice of Public Hearing](#)



LEGAL NOTICE

BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, September 9, 2024, at 6:00 p.m.

The Black Mountain Town Council will meet on **Monday, September 9, 2024, at 6:00 p.m.** in the Council Chambers in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments to Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses, to add mobile retail vendors.

The meeting is open to the public.

Wesley M. Barker
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Wesley Barker, Town Clerk at 419-9310 or by email at townclerk@townofblackmountain.org.

Posted to the Town Bulletin Board 08/15/2024
Published in the Black Mountain News 08/22/2024 and 08/29/2024

www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5G **DEPARTMENT:** Finance

TITLE OF ITEM: System Development Fee Capital Reserve Fund Amendment

SUGGESTED MOTION(S):

Staff move that Council approve the Amended SDF Capital Reserve Fund Resolution and Adopt Budget Amendment Transferring revenues collected within FY24

SUMMARY:

On April 13th, 2020, the Town of Black Mountain governing board adopted Resolution R-20-04 establishing the System Development Fee Capital Reserve Fund in accordance with the General Statutes of the State of North Carolina 159-18 and Chapter 162A, Art. 8. System Development Fees shall be collected and allocated for future expenses related to the cost of construction or acquisition of capital improvements, professional fees, and to make debt service payments on existing debt related to past capital projects incurred for the construction or acquisition of capital improvements of the Town's water system. The System Development Fee Capital Reserve Fund may be amended from time to time by adopting an amended resolution.

The attached amended resolution establishes system development fees as a funding source and accounts for SDF's collected for current projects and/or debt service associated with current projects as defined within the resolution. Any projects that are allocated within the resolution that are not currently in progress will remain as restricted fund balance in the capital reserve fund until funding is needed.

Recommended Amendment:

- An amended resolution to increase SDF Revenue fees collected within FY24 and to make available within the SDF Capital Reserve Fund. Collected Fees in the amount of \$233,427 were collected within the Water Enterprise Fund and will be transferred to the SDF Capital Reserve Fund.
- Upon approval of this amendment System Development Fees in the amount of \$233,427 will be transferred to the SDF CRF and the total amount of funds contained within the Capital Reserve Fund will remain within the SDF Capital Reserve Fund within the restricted fund balance for future water capital projects.

BUDGET IMPACT: Increase in SDF Capital Project reserved funds in the amount of \$233,427.

ATTACHMENTS:

- i. Amendment Resolution
- ii. Budget Amendment



Resolution # R-24-26

**RESOLUTION
AMENDING THE SYSTEM DEVELOPMENT FEE (SDF)
CAPITAL RESERVE FUND (CRF)
FOR PUBLIC UTILITIES**

WHEREAS there is a need in the Town of Black Mountain to provide funds for future capital projects related to its water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system; and

WHEREAS NCGS 159-18 authorizes the creation of a capital reserve fund; and

WHEREAS NCGS 162A, Art. 8 requires that all system development fee (SDF) proceeds be accounted for in a capital reserve fund,

WHEREAS, on April 13, 2020, the Town created a capital reserve fund to account for such system development fee proceeds and fund water capital projects (“System Development Fee Capital Reserve Fund” or “SDF CRF”) within ordinance R-20-04; and

WHEREAS, the Town wishes to amend the System Development Fee Capital Reserve Fund to account for additional system development fee proceeds received and appropriate certain amounts; and

NOW, THEREFORE, BE IT RESOLVED that the governing board of Town of Black Mountain hereby adopts and enacts the following:

Section 1. The following additional system development fee revenues were collected within FY2024 and are to be transferred into the CRF fund from the Water Enterprise Fund:

System Development Fees	\$233,427.00
--------------------------------	---------------------

Section 2. The Governing Board hereby creates a Capital Reserve Fund (CRF) for the purpose of funding the following capital projects related to the Town’s water and wastewater system:

RESERVE FOR WATER CAPITAL PROJECTS. Reserve funds for the purpose of funding capital projects that are considered eligible for recoverable cost through system development fees. Items to be included within this capital project category are:

- current and future capital waterline improvements and replacements throughout the Town.
- Future water line extensions

- upgrade and replacement of existing pumps. Pumps will help safeguard the town's ability to provide a consistent supply of water for years to come.
- Future System Development Fee Study required every five years

Reserve Funds Available for Water Capital Projects:

Capital Reserve Fund Balance	\$153,254.88
Transfer of SDF Revenues FY2024	<u>\$233,427.00</u>
Total SDF CRF funds reserve funds available as of June 30th, 2024	<u>\$386,681.88</u>

Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 12th day of August, 2024.

C. Michael Sobol
Mayor

ATTEST:

Wesley M. Barker, Town Clerk

Adjustment Number	Description	Summary	Account Number	Account Name	Sum of Amount
SDFCRF 2024	SDF Collected FY24	Transfer of System Development Fees Collected within FY24 to the System Development Capital Reserve Fund			
			456-7000-48590	Transfers In	-\$233,427.00
			456-7000-59510	Transfer Out	\$233,427.00
			600-0000-44130	Water System Development Fees	-\$233,427.00
			600-7000-59510	Transfer Out	\$233,427.00



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** August 12, 2024

AGENDA SECTION: Consent Agenda- Item 5H **DEPARTMENT:** Planning

TITLE OF ITEM: Resolution to Request CORE Strategic Planning Services

SUGGESTED MOTION(S):

To approve the resolution to request CORE strategic planning services.

SUMMARY:

The Town has participated in the CORE program and has adopted an economic development plan and is now seeking to receive financial support for training and technical assistance.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Resolution*

RESOLUTION #

RESOLUTION BY THE TOWN COUNCIL OF BLACK MOUNTAIN REQUESTING CORE STRATEGIC PLANNING SERVICES

WHEREAS, the Creating Outdoor Recreation Economies (CORE) program offers financial support to local governments for training and technical assistance related to the development of rural outdoor recreation economies; and

WHEREAS, the Town of Black Mountain has successfully participated in the CORE program and adopted and resulted economic development plan; and

WHEREAS, such training and technical assistance may include webinars, conferences, courses, workshops, group visits to learn best practices from communities with successful outdoor recreation economies, and other similar activities; and

WHEREAS, to receive financial support for training or technical assistance, including reimbursement for expenses, the local government must have adopted a resolution requesting CORE strategic planning services and entered into a memorandum of understanding with the North Carolina Department of Commerce, Rural Economic Development Division, Main Street & Rural Planning Center and/or its Rural Planning Programs.

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

SECTION 1: The Town of Black Mountain hereby requests CORE strategic planning services and commits to entering into a memorandum of understanding with the North Carolina Department of Commerce, Rural Economic Development Division, Main Street & Rural Planning Center and/or its Rural Planning Program.

SECTION 2: The Town of Black Mountain will actively engage in the CORE strategic planning process to qualify for training and technical assistance support.

SECTION 3: The Town of Black Mountain will acknowledge that all expenses for training and technical assistance must receive prior approval from CORE program administrators to be eligible for reimbursement and must adhere to the CORE Guidelines and the N.C. Department of Commerce Travel Expense Policy.

SECTION 4: The Town of Black Mountain authorizes the submission of the CORE Training/Technical Assistance Support Pre-Approval Request Form to obtain prior approval for expenses related to training and technical assistance.

ADOPTED this ____ day of ____, ____.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

APPROVED AS TO FORM:

Craig Justus, Town Attorney



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Asst. Town Manager* **MEETING DATE:** August 12, 2024

AGENDA SECTION: New Business- Item 9A **DEPARTMENT:** Planning

TITLE OF ITEM: Ordinance To Amend Section 2.1.2 of the Land Use Code to remove shut-off valve requirements

SUGGESTED MOTION(S):

I move that we approve the proposed text amendments to Chapter 2, Section 2.1.2, Plumbing Code Additions, as presented and find that the proposed changes are consistent with current state regulations and find that these recommendations promote the general welfare and are in keeping with good zoning practice. The NC Residential Code still requires a shut-off valve, this amendment just removes the requirement of a redundant shut-off valve.

SUMMARY:

The NC General Assembly recently passed Senate Bill 166 which includes a provision to eliminate redundant shut-off valves for water lines. The NC Residential Code already requires a shut-off valve. The amendment would only remove the requirement for a second shut-off valve three feet from the meter. The Town Attorney's office has reviewed these proposed text amendments and finds no issue.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Draft Ordinance

ORDINANCE #

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.1.2, PLUMBING CODE ADDITION, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE

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 NC General Assembly passed Senate Bill 166 which prohibits redundant shut-off valves for water lines in residential dwellings; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 2, Section 2.1.2, Plumbing Code Addition, of the Town of Black Mountain Land Use Code, be amended to the following:

CHAPTER 2

Sec. 2.1.2. – Plumbing code addition.

Water line leak prevention ~~and shut-off valves~~. To minimize leaks and conserve water, the Town of Black Mountain requires a test of 100 pounds of pressure on all water supply piping to structures in new construction, and on replacement water lines in existing structures. ~~A shut-off valve shall be required between the town meter and the structure it is serving that is externally accessible in order to isolate or shut off all water to the structure without accessing the town meter per section 48-163. The shut-off valve shall be located within three feet of the town's meter.~~

READ, APPROVED, AND ADOPTED by a vote of _____ to _____ this the 12th day of August 2024.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, *Town Manager* **MEETING DATE:** August 12, 2024

AGENDA SECTION: **New Business- Item 9B** **DEPARTMENT:** Administration

TITLE OF ITEM: Financing for 3 new police vehicles.

SUGGESTED MOTION(S): I move that we approve the proposed financing to purchase three new police vehicles with Truist Bank and authorize Town Manager to sign the necessary paperwork.

SUMMARY: The FY24-25 budget allocates \$194,000 to purchase three police cars with installment purchase financing. The proposal from Truist for financing for a 4-year term is 4.88%. The annual debt payment is \$54,794.21 at 4.88%.

BUDGET IMPACT: none

Is this expenditure approved in the current fiscal year budget? yes

If no, describe how it will be funded. n/a

ATTACHMENTS: **Truist Bank Financing Term Sheet**

Resolution to Approve Financing Term

Financing Amortization Schedule



Town of Black Mountain, NC

Term Sheet

8/1/2024

Truist Bank (“Bank”) is pleased to submit the following summary of terms and conditions for discussion purposes only. The term sheet is non-binding and does not represent a commitment to lend. The term sheet is intended only as an outline of certain material terms of the requested financing and does not purport to summarize all of the conditions, covenants, representations, warranties and other provisions that would be contained in any definitive documentation for the requested financing.

Borrower:	Town of Black Mountain, NC (“Town”)
Lender:	Truist Bank
Facility/Purpose/ Description:	Tax-exempt, Bank Qualified direct bank loan evidenced by an Installment Purchase Agreement (“Agreement”) pursuant to N.C.G.S. 160A-20 (the “Facility”). The proceeds of the Agreement will be used to finance the purchase of police vehicles.
Amount:	Up to \$194,000.
Funding:	The Loan will be funded in a single drawdown on the closing date and any proceeds of the Loan not advanced to the Borrower at closing will be required to be deposited into a project fund account held with Truist.
Repayments:	Installment payments (interest and principal) are to be made annually in arrears. ACH shall be set up for automatic payments. Please see attached debt service schedule.
Maturity Date:	4 years from the closing date.
Fees:	None.
Interest Rate:	4.88% Tax-Exempt The tax-exempt fixed interest rate for the Loan will be subject to increase in the event of a Determination of Taxability. Rate Lock Period: The rates are locked, and available, through September 27, 2024. Accrual basis: 30/360 The Borrower understands that the market interest rates are subject to change. The Borrower also understands that in the event the Facility is funded during the Rate Lock Period, the Rate will become the effective interest rate for the Facility even if market interest rates are lower than the Rate at the time the Facility is funded.
Prepayment:	The Lender will allow prepayment in whole at par plus accrued interest and without penalty at any time upon two Business Days' notice to the Lender.

Security:	The Town's obligation to make installment payments will be subject to annual appropriation. The Town's obligation under the Agreement will be further secured by a security interest in the police vehicles being financed.
Documentation:	Truist will provide documentation for the Loan. The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Service Code. All documentation must be deemed appropriate by Lender before closing.
Covenants:	Usual and customary covenants, reporting requirements, representations and warranties and events of default, for transactions of this type, including, without limitation, the following financial covenants and reporting requirements: • Annual Financial Statements within 270 days of fiscal year end.
Conditions Precedent and Other Terms:	1. <u>Borrower's Counsel Opinion</u>: An opinion of Borrower's counsel covering matters customary to transactions such as this and in all respects acceptable to the Bank, the Lender and its counsel. 2. <u>Other Items</u>: The Bank and the Lender shall have received such other documents, instruments, approvals or opinions as may be reasonably requested.
Lender's Legal Counsel	N/A – internal documents shall be utilized for this transaction
Governing Law & Jurisdiction:	State of North Carolina.
Municipal Advisor Disclosure:	The Bank is a regulated bank and makes direct purchase loans to Municipal Entities and Obligated Persons as defined under the Municipal Advisor Rule, and in this term sheet is solely providing information regarding the terms under which it would make such a purchase for its own account. The Bank is not recommending an action or providing any advice to the Borrower and is not acting as a municipal advisor or financial advisor. The Bank is not serving in a fiduciary capacity pursuant to Section 15B of the Securities Exchange Act of 1934 with respect to the information and material contained in this communication. The Bank is acting in its own interest. Before acting on the information or material contained herein, the Borrower should seek the advice of an IRMA and any other professional advisors which it deems appropriate for the Loan described herein, especially with respect to any legal, regulatory, tax or accounting treatment.
Patriot Act:	Pursuant to the requirements of the Patriot Act, the Bank and its affiliates are required to obtain, verify and record information that identifies loan obligors, which information includes the name, address, tax identification number and other information regarding obligors that will allow Lender to identify obligors in accordance with the Patriot Act, and Lender is hereby so authorized. This notice is given in accordance with the requirements of the Patriot Act and is effective for the Bank and its affiliates.
Expiration Date:	This Term Sheet shall expire on August 31, 2024 unless a formal commitment letter has been issued prior to such date.

Resolution Approving Financing Terms

WHEREAS: The TOWN OF BLACK MOUNTAIN (“Borrower”) has previously determined to undertake a project for the financing of police vehicles (the “Facility”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated July 31st, 2024. The amount financed shall not exceed \$194,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.88% and the financing term shall not exceed four (4) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 20__

By: _____

By: _____

Title: _____

Title: _____

DISCLAIMER

**Town of Black Mountain, NC
Series 2024**

MUNCIPAL ADVISOR DISCLOSURE

This analysis and any rates utilized herein have been provided by Truist solely for illustrative purposes. Truist is not recommending an action or providing advice to the borrower and is not acting as a municipal advisor or financial advisor.

SOURCES AND USES OF FUNDS

Town of Black Mountain, NC
Series 2024

Sources:

Bond Proceeds:	
Par Amount	194,000.00
	194,000.00

Uses:

Project Fund Deposits:	
Project Fund	194,000.00
	194,000.00

BOND SUMMARY STATISTICS

Town of Black Mountain, NC
Series 2024

Dated Date	10/08/2024
Delivery Date	10/08/2024
Last Maturity	10/01/2028
Arbitrage Yield	4.857267%
True Interest Cost (TIC)	4.857267%
Net Interest Cost (NIC)	4.880004%
All-In TIC	4.857267%
Average Coupon	4.880004%
Average Life (years)	2.547
Duration of Issue (years)	2.411
Par Amount	194,000.00
Bond Proceeds	194,000.00
Total Interest	24,111.38
Net Interest	24,111.38
Total Debt Service	218,111.38
Maximum Annual Debt Service	54,794.21
Average Annual Debt Service	54,794.21
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life
Bond Component	194,000.00	100.000	4.880%	2.547
	194,000.00			2.547

	TIC	All-In TIC	Arbitrage Yield
Par Value	194,000.00	194,000.00	194,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense			
- Other Amounts			
Target Value	194,000.00	194,000.00	194,000.00
Target Date	10/08/2024	10/08/2024	10/08/2024
Yield	4.857267%	4.857267%	4.857267%

BOND DEBT SERVICE**Town of Black Mountain, NC
Series 2024**

<i>Period Ending</i>	<i>Principal</i>	<i>Coupon</i>	<i>Interest</i>	<i>Debt Service</i>	<i>Annual Debt Service</i>
10/01/2025	44,445.64	4.880%	9,283.12	53,728.76	53,728.76
04/01/2026			3,649.13	3,649.13	
10/01/2026	47,495.95	4.880%	3,649.13	51,145.08	54,794.21
04/01/2027			2,490.23	2,490.23	
10/01/2027	49,813.75	4.880%	2,490.23	52,303.98	54,794.21
04/01/2028			1,274.77	1,274.77	
10/01/2028	52,244.66	4.880%	1,274.77	53,519.43	54,794.20
	194,000.00		24,111.38	218,111.38	218,111.38

FORM 8038 STATISTICS

Town of Black Mountain, NC

Series 2024

Dated Date10/08/2024

Delivery Date10/08/2024

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Bond Component:	10/01/2025	44,445.64	4.880%	100.000	44,445.64	44,445.64
	10/01/2026	47,495.95	4.880%	100.000	47,495.95	47,495.95
	10/01/2027	49,813.75	4.880%	100.000	49,813.75	49,813.75
	10/01/2028	52,244.66	4.880%	100.000	52,244.66	52,244.66
		194,000.00			194,000.00	194,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	10/01/2028	4.880%	52,244.66	52,244.66		
Entire Issue			194,000.00	194,000.00	2.5468	4.8573%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	0.00
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00