



TOWN OF BLACK MOUNTAIN TOWN COUNCIL

April 14, 2025

REGULAR SESSION AGENDA

Time: 6:00 PM

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

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1. CALL TO ORDER

- 1.A. Welcome
- 1.B. Pledge of Allegiance
- 1.C. Moment of Silence
- 1.D. Announcements
- 1.E. 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

- 2.A. Resolution Proclaiming "No Mow May" within the Town of Black Mountain**
- 2.B. Resolution of Affirmation by the Town Of Black Mountain to Freedom of Speech as Protected by the United States Constitution and Recommitment to Public Library Services by the Town of Black Mountain and Buncombe County.**
- 2.C. A Resolution Of The Town Council Proclaiming That All Are Welcome In Our Community, Regardless Of Sexual Orientation, Gender, Ethnicity, Religion, National Origin, Race, Ability, Socioeconomic Status, Age Or Any Other Characteristic, And That All Individuals Will Be Treated Equally In The Name Of The Law.**
- 2.D. Resolution Celebrating and Recognizing 2025 Earth and Arbor Day**

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. Note: Council will not respond during the citizen comment period.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- 4.A. Monthly Helene Storm Recovery Update**
- 4.B. Water System Update**

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.

- 5.A. Adoption of Meeting Minutes from February 24, 2025 Joint Meeting with Planning Board, March 1, 2025 Council Retreat, March 6, 2025 Agenda Work Session and March 10, 2025 Regular Meeting. - Wesley Barker, Town Clerk**
Motion: Adoption of meeting minutes as presented (or amended).
- 5.B. Monthly Tax Collector Report - Laurel Mabery, Accountant**
Motion: Motion to approve the monthly tax report as presented.
- 5.C. Call for Public Hearing to Amend Chapter 8, Sections 8.2.2, 8.2.7, 8.2.14, 8.2.15, 8.2.18, and 8.2.29, Phase II Stormwater Ordinance to align the Phase II**

Stormwater Ordinance with the Town's requirements from the NC Department of Environmental Quality for the Town's National Pollutant Discharge Elimination System (NPDES) permit and the Stormwater Management Plan (SWMP). - Jennifer Tipton, Senior Admin

Motion: To call for a public hearing to amend Chapter 8, Sections 8.2.2, 8.2.7, 8.2.14, 8.2.15, 8.2.18, and 8.2.29, Phase II Stormwater Ordinance, to align the Phase II Stormwater Ordinance with the Town's requirements from the NC Department of Environmental Quality for the Town's National Pollutant Discharge Elimination System (NPDES) permit and the Stormwater Management Plan (SWMP), to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

5.D. Call for Public Hearing for Voluntary Annexation of Property Owned by Givens Highland Farms - Jennifer Tipton, Senior Admin

Motion: To call for a public hearing for voluntary annexation for two parcels known as Buncombe County PIN #0609-56-4489.00000 and PIN #0609-56-1464.00000 to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

5.E. Call for Public Hearing to Rezone 99999 Frances Avenue and 320 Tabernacle Road from R-1 to OI-6 - Jennifer Tipton, Senior Admin

Motion: To call for a public hearing to rezone 99999 Frances Avenue (PIN #0609-56-4489.00000) and 320 Tabernacle Road (PIN #0609-56-1464.00000) from R-1 (Buncombe County zoning) to OI-6 (office and institutional) to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

5.F. Cragmont Park Renovation Capital Project Closure - Tammy Holland, Finance Director

Motion: To Approve the Cragmont Park Capital Project Closure Ordinance and Budget Amendments as Presented.

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

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. Note: Council will not respond during the citizen comment period.

8. UNFINISHED BUSINESS

- 8.A. EPA's Lead & Copper Service Line Inventory Project - Update** - Jessica Trotman, Asst. Town Manager
Motion: n/a

9. NEW BUSINESS

- 9.A. Historic Preservation Commission Member Removal** - Jennifer Tipton, Senior Admin
Motion: To remove the listed member from the Historic Preservation Commission due to excessive absences from meetings.

- 9.B. Black Mountain Radio Sailing Club - Permanent Signage at Lake Tomahawk Park** - Josh Henderson, Recreation & Parks Director
Motion: Approve signage proposal as presented.

- 9.C. Amended Project Ordinance and Budget Amendments for Hurricane Helene** - Tammy Holland, Finance Director
Motion: The Finance Department requests the Town Council approve the amended grant project ordinance and budget amendment as presented and recommended.

10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION - N.C.G.S. 143-318-11 (A)(3)- ATTORNEY-CLIENT PRIVILEGE

13. ADJOURNMENT

[MEET_FOOT]



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Alice Berry, Town Council Member
MEETING DATE: April 14, 2025

AGENDA SECTION: Proclamations, Awards, Recognitions, Special Resolutions
DEPARTMENT: Administration

TITLE OF ITEM: Resolution Proclaiming "No Mow May" within the Town of Black Mountain

SUGGESTED MOTION(S):

Motion to approve the resolution as presented.

SUMMARY:

No Mow May is a grassroots initiative that encourages people to refrain from mowing their lawns during the month of May. The idea is to allow wildflowers, grasses, and plants to grow freely, providing valuable habitat and food for pollinators like bees, butterflies, and other insects.

By leaving the lawn unmowed for a month, you can help support local ecosystems, promote biodiversity, and create a more sustainable environment. No Mow May is often promoted by environmental groups, beekeepers, and conservation organizations, such as Bee City USA, as a way to help protect pollinators, which are facing declines due to habitat loss and other threats.

A resolution has been prepared to encourage citizen participation in the No Mow May initiative by refraining from mowing their lawns, and to raise educational awareness about its benefits to pollinators. Further, this proposed resolution would pause enforcement of the "tall grass ordinance" during the month of May, so that grasses and plants can grow freely during the month to benefit these pollinators. Mowing and enforcement processes would resume on June 1st.

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 for No Mow May 2025

Council Member _____ made a motion to adopt the following resolution. A vote of __ to __.

RESOLUTION PROCLAIMING NO MOW MAY WITHIN THE TOWN OF BLACK MOUNTAIN

Resolution No. R-25-15

WHEREAS, insects, especially bees, serve a significant and critical role as pollinators of plants including agricultural plants; and

WHEREAS, the ideal pollinator-friendly habitat is one comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season; and

WHEREAS, the formative period for establishment of pollinators and other insect species and the many songbirds and other urban wildlife species that depend upon them occurs in late spring and early summer as they emerge from dormancy and require flowering plants as crucial foraging habitat; and,

WHEREAS, “No Mow May” is a community science initiative that encourages property owners to limit lawn mowing practices during the month of May to provide early season foraging resources for pollinators that emerge in the spring, especially in urban landscapes when few floral resources are available; and

WHEREAS, the Town of Black Mountain Town Council would like to encourage interested residents to increase pollinator-friendly habitat by encouraging pollinator-friendly lawn-care practices on their own properties for the month of May during this formative period; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Black Mountain Town Council recognizes “**No Mow May**” to actively promote and educate the community about the critical period of pollinator emergence, generation of crucial pollinator-supporting habitat and early spring foraging opportunities. The Town Council also encourages citizens to visit www.beecityusa.org/no-mow-may to learn more.

BE IT FURTHER RESOLVED, that the Town of Black Mountain Town Council directs staff not to issue correction notices for long grass and weed violations for the month of May, permitting all residents to voluntarily delay lawn care until June. This would allow pollinator species to emerge and early flowering grasses and forbs to establish, which may result in groundcover exceeding established ordinance height restrictions of 12 inches, as referenced in the Town Code of Ordinances, Chapter 20, Article V, Section 20-203.

Adopted by the Town Council of the Town of Black Mountain, this 14th day of April 2025.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Pam King, Town Council Member **MEETING DATE:** April 14, 2025

AGENDA SECTION: Proclamations, Awards, **DEPARTMENT:** Administration
Recognitions, Special Resolutions

TITLE OF ITEM: Resolution of Affirmation by the Town Of Black Mountain to Freedom of Speech as Protected by the United States Constitution and Recommitment to Public Library Services by the Town of Black Mountain and Buncombe County.

SUGGESTED MOTION(S):

Motion to approve the resolution as presented.

SUMMARY:

Resolution of Affirmation by the Town Of Black Mountain to Freedom of Speech as Protected by the United States Constitution and Recommitment to Public Library Services by the Town of Black Mountain and Buncombe County. Also, recognition of Black Mountain-Tyson Public Library and its retired board members, and recognition of National Library Week 2025.

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 Supporting Public Library Services + Library Week
2. BM Library_Town Council_Slide_QR_4.14.2025

Council Member ____ made a motion to approve the following resolution. A vote of ____.

RESOLUTION

AFFIRMATION BY THE TOWN OF BLACK MOUNTAIN TO FREEDOM OF SPEECH AS PROTECTED BY THE UNITED STATES CONSTITUTION AND RECOMMITMENT TO PUBLIC LIBRARY SERVICES BY THE TOWN OF BLACK MOUNTAIN AND BUNCOMBE COUNTY

Resolution #R-25-16

WHEREAS, libraries inspire lifelong learning, offering a space where individuals can explore new ideas; connecting people with knowledge, technology, and resources while fostering civic engagement, and providing safe and welcoming space for all;

WHEREAS, libraries serve as vibrant community hubs, providing free and equitable access to books, digital tools, wi-fi, and innovative programming for all ages;

WHEREAS, libraries protect the right to read, think, and explore without censorship, standing as champions of intellectual freedom and free expression;

WHEREAS, the Town of Black Mountain has a long history of appreciating the value of public libraries, the first one being established here in 1922;

WHEREAS, the Black Mountain-Tyson Public Library has enjoyed a long and fruitful partnership with the Buncombe County Libraries in its current location, made possible in large part because of the service of local volunteers serving on the Town of Black Mountain Library Board overseeing building maintenance needs, including retired board members Judd Dougherty, Ron Sneed, and Carol Tyson having served a cumulative total of over 100 years;

WHEREAS, Buncombe County through its Department of Library Services maintains the highest professional standards for library management at twelve locations ensuring safe, enriching environments for patrons and meeting all requirements put forth by the State Library of North Carolina;

WHEREAS, the Friends of the Black Mountain Library are relentless advocates for quality library services;

WHEREAS, recent changes by the federal government include the elimination of the Institute of Museum and Library Services (IMLS), one outcome being the reduction or elimination of funding for state library services like NC Cardinal, our state library consortium for shared library

services; another outcome being the stated intention to influence the nature of materials available in public libraries;

WHEREAS, the Friends of the Black Mountain Library work tirelessly to raise funds necessary to supplement the resources available in the Black Mountain-Tyson Public Library, including periodical subscriptions, large print book purchases, furniture, children’s programming, cultural programming, and more;

WHEREAS, the long history of municipal, county, and volunteer partnership has been fruitful, cost efficient, and rewarding for our community;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Black Mountain in honor of National Library Week, April 6-12, 2025, that the Town reaffirms our commitment to our partnership with Buncombe County in making sure quality library services are available for our area residents and visitors.

READ, APPROVED, AND ADOPTED by the Town Council of the Town of Black Mountain, North Carolina, upon a motion by Council Member _____, on the 14th day of April 2025.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk



Drawn to the Library

National Library Week

April 6-12, 2025

ALA
American Library Association

Library Champions
American Library Association
Investing in America's Libraries

SCHOLASTIC

Feel *drawn* to help the library?

Replace damaged books for the library collection

You can replace books damaged or lost during Helene and help supplement our budget for replacing older books.

You can use the link or QR code below to support the Black Mountain Library!

<https://bookshop.org/wishlists/2b01324708a4d183fa604b64eedcaf523ae814b8>





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Doug Hay, Town Council Member **MEETING DATE:** April 14, 2025

AGENDA SECTION: Proclamations, Awards, **DEPARTMENT:** Administration
Recognitions, Special Resolutions

TITLE OF ITEM: A Resolution Of The Town Council Proclaiming That All Are Welcome In Our Community, Regardless Of Sexual Orientation, Gender, Ethnicity, Religion, National Origin, Race, Ability, Socioeconomic Status, Age Or Any Other Characteristic, And That All Individuals Will Be Treated Equally In The Name Of The Law.

SUGGESTED MOTION(S):

Motion to approve the resolution as presented.

SUMMARY:

Council Member Doug Hay will present the resolution entitled: "A Resolution Of The Town Council Of Black Mountain, North Carolina Proclaiming That All Are Welcome In Our Community, Regardless Of Sexual Orientation, Gender, Ethnicity, Religion, National Origin, Race, Ability, Socioeconomic Status, Age Or Any Other Characteristic, And That All Individuals Will Be Treated Equally In The Name Of The Law."

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 for Inclusivity within TOBM

Council Member _____ made a motion to approve the following resolution. A vote of __ to __.

A RESOLUTION OF THE TOWN COUNCIL OF BLACK MOUNTAIN, NORTH CAROLINA PROCLAIMING THAT ALL ARE WELCOME IN OUR COMMUNITY, REGARDLESS OF SEXUAL ORIENTATION, GENDER, ETHNICITY, RELIGION, NATIONAL ORIGIN, RACE, ABILITY, SOCIOECONOMIC STATUS, AGE OR ANY OTHER CHARACTERISTIC, AND THAT ALL INDIVIDUALS WILL BE TREATED EQUALLY IN THE NAME OF THE LAW.

Resolution No. [_____]

WHEREAS, the Town of Black Mountain recognizes the inherent dignity and worth of every individual; and

WHEREAS, our community thrives on its diversity and the rich contributions of residents and visitors from every background; and

WHEREAS, it is the commitment of this Town to ensure that all persons — regardless of sexual orientation, gender, ethnicity, religion, national origin, race, ability, socioeconomic statuses, age, or any other distinguishing characteristic — are afforded the full protection of the law and the warmth of our community; and

WHEREAS, inclusivity and equality are foundational principles that strengthen our community, promote civic harmony, and reflect the best of our shared values; and

WHEREAS, by enacting this resolution, the Town of Black Mountain publicly reaffirms its dedication to treating every individual with fairness, respect, and justice.

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

1. **Affirmation of Inclusivity:** That the Town of Black Mountain formally proclaims that all persons, regardless of sexual orientation, gender, ethnicity, religion, national origin, race, ability, socioeconomic status, age, or any other distinguishing characteristic, are welcome and valued as integral members of our community.
2. **Equal Treatment Under the Law:** That every individual in our Town shall be treated equally in the eyes of the law and afforded all rights, privileges, and protections without discrimination.
3. **Community Commitment:** That the Town Council will continue to uphold and promote policies and practices that foster inclusivity, respect, and equal opportunity for all

residents and visitors.

4. **Public Declaration:** That this resolution serves as a public affirmation of our commitment to creating an environment where diversity is celebrated, and every person is guaranteed dignity, respect, and equal access to community resources.

PASSED, ADOPTED, AND ENACTED by the Town Council of Black Mountain, North Carolina on this 14th day of April, 2025.

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: **MEETING DATE:** April 14, 2025

AGENDA SECTION: Proclamations, Awards, **DEPARTMENT:** Administration
Recognitions, Special Resolutions

TITLE OF ITEM: Resolution Celebrating and Recognizing 2025 Earth and Arbor Day

SUGGESTED MOTION(S):
Motion to approve the resolution as presented.

SUMMARY:

This resolution recognizes and celebrates Earth Day on April 22nd, 2025, and Arbor Day on April 25th, 2025. The resolution also highlights the Town's commitment to environmental stewardship, conservation and educational programming.

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. 2025 Earth and Arbor Day Resolution- April 2025

Resolution

Earth Day & Arbor Day Celebration Week 2025

WHEREAS, Earth Day is observed annually to promote awareness of Earth's life-sustaining ecosystem, and the importance of preserving its integrity, through education and wise stewardship; and

WHEREAS, April 22, 2025 marks the 55th Earth Day annual celebration, and EARTHDAY.ORG has selected "OUR POWER, OUR PLANET" inviting everyone around the globe to unite behind renewable energy, and to triple the global generation of clean electricity by 2030; and

WHEREAS, the Town of Black Mountain practices energy conservation measures at Town facilities including LED lighting, waste reduction and recycling initiatives that includes recycling containers placed in parks, facilities and offices; providing recycling pickup services to Town residents, composting at the community garden; and

WHEREAS, the Town of Black Mountain practices water conservation and sustainability strategies that includes, but aren't limited to, river clean-ups, streambank restoration/live staking, stormwater management areas, rainwater catch basins and organic growing practices at the Community Garden, pollinator garden bed installations, removal of invasive species in parks, and use of biodegradable and eco-friendly chemicals at facilities; and

WHEREAS, Arbor Day was first observed with the planting of more than a million trees in Nebraska in 1972 and is an annual day of observance, (observed on April 25, 2025), and individuals are encouraged to plant trees and educate themselves on the vast benefits trees provide; and

WHEREAS, the Town's Stormwater Department hosts several events annually to raise educational awareness about trees and tree planting by providing free native trees to residents and educational information thus furthering the goals of Tree City USA and the Arbor Day Foundation.

NOW, THEREFORE BE IT RESOLVED, by the Town of Black Mountain Town Council that April 20-27, 2025 be recognized as "**EARTH & ARBOR WEEK**" in Black Mountain and we encourage all citizens, businesses and institutions to celebrate Earth & Arbor Day, and invite citizens of Black Mountain & the Swannanoa Valley to attend the tree giveaway and memorial planting event on Saturday, April 26, 2025 at 10 a.m. at 304 Black Mountain Ave. in conjunction with Arbor Day.

ADOPTED this the 14th day of April 2025.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, Asst. Town Manager
MEETING DATE: April 14, 2025

AGENDA SECTION: Communications from Staff, Councils, Commissions & Agencies
DEPARTMENT: Administration

TITLE OF ITEM: Monthly Helene Storm Recovery Update

SUGGESTED MOTION(S):
N/A. Presentation only.

SUMMARY:

Assistant Town Manager Jessica Trotman will provide the monthly Hurricane Helene storm recovery update to the Council.

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. Recovery Update April 2025

Recovery Update

Jessica Trotman
Assistant Town Manager
April 2025

FEMA Site Inspections

We will complete site inspections this month.

Damage Inventory



Originally completed in February on time.



Deadline extended to April 17



Captured 3 additional damages, updated accordingly.



Updated DI will also be submitted to NCEM re: cashflow loan

Debris Removal

Type of Debris	Responding Agency	Status
Right-of-Way *This includes Town property*	FEMA And USACE contractor	Mission ended April 1
Waterways	FEMA/USACE contractors	Active. Anticipate completion in June.
PPDR (171 applications)	FEMA	Active. Applications accepted until April 15.
Town Bridges	TOBM Public Works (hailed by FEMA, USACE and USACE Contractors)	Active

Temporary Facilities



Arrive May 9, 2025.

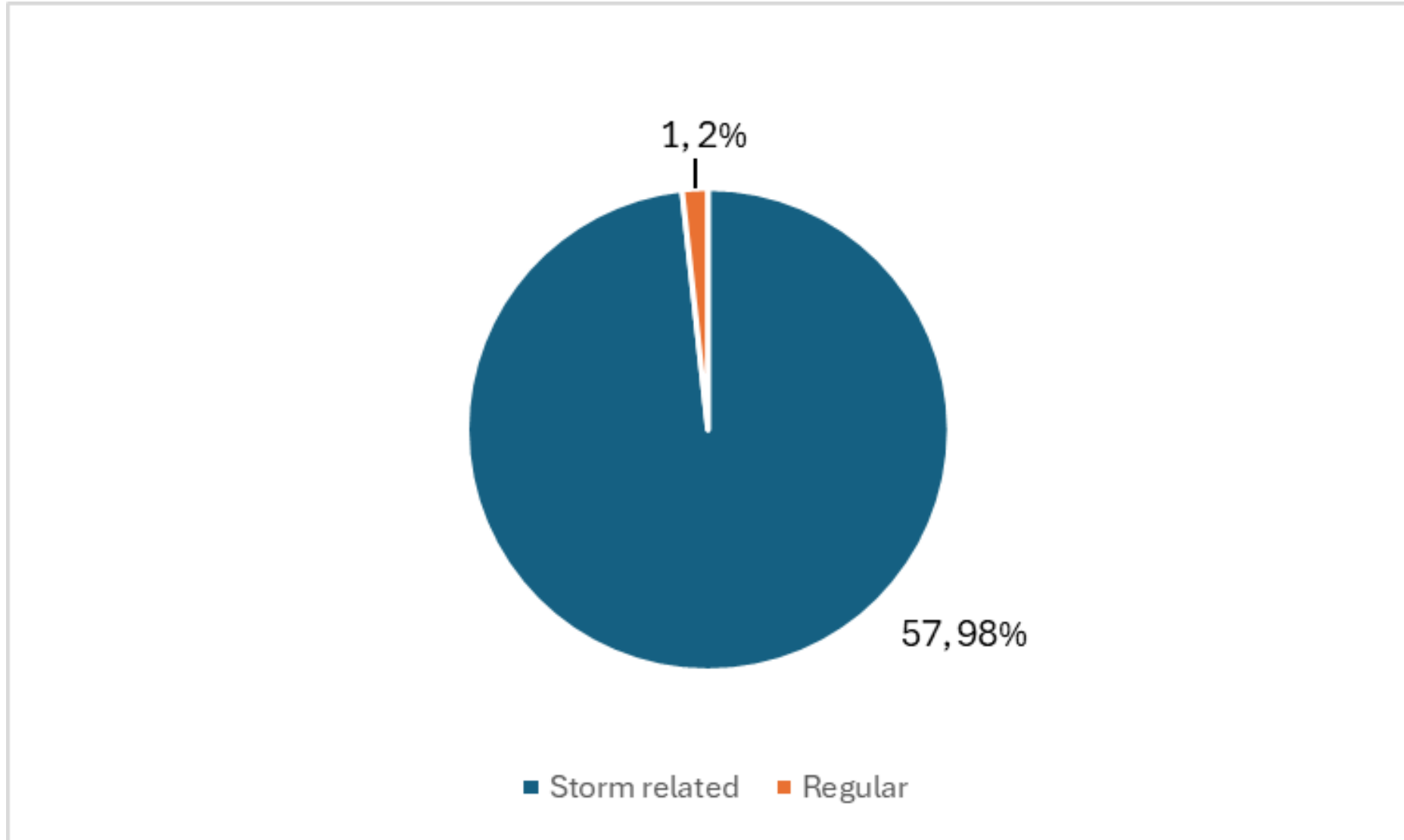


Public Works and Planning will relocate.

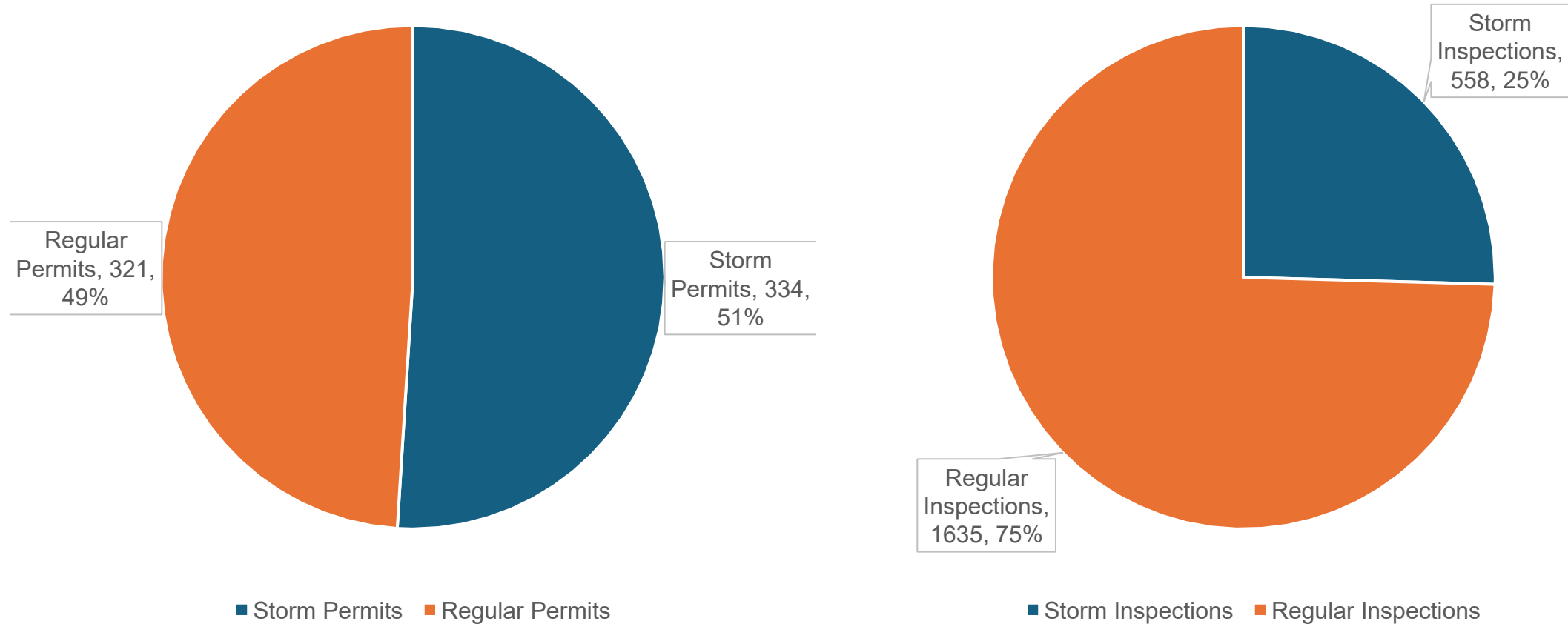


Announcements will be made regarding office operating hours for relocating.

Floodplain Administration

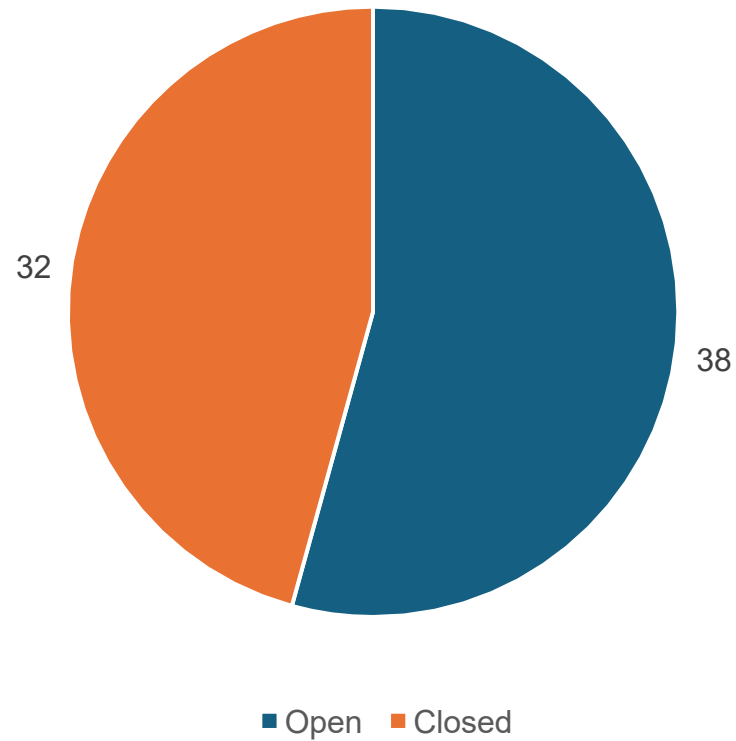


Planning & Development Services Since 10/7/24

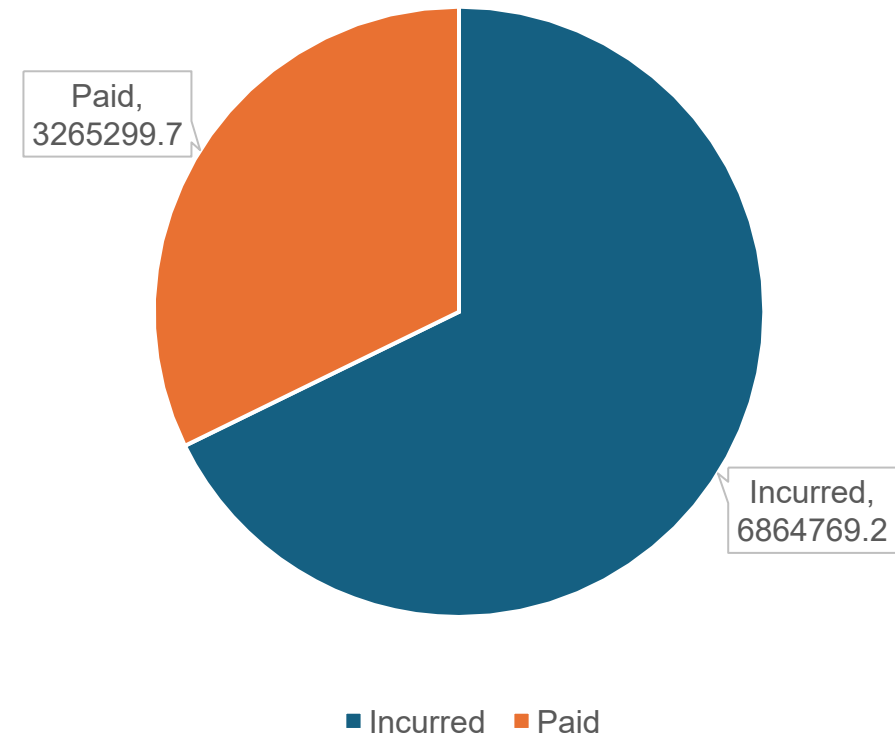


Insurance Update

Number of Claims (all types)



Amount



FEMA Projects

Expedited
Project

Small Roads
Project

EOC 1

Water
Distribution
System

Hilltop Road

Communication Updates



New website for recovery related funding/finances, project tracking etc.



Recovery communication strategy



Continue resources for community focused resources website



Continue existing avenues, including newsletter, social media, monthly updates



Advocating for the Needs of Residents and Town



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Asst. Town Manager	MEETING DATE:	April 14, 2025
AGENDA SECTION:	Communications from Staff, Councils, Commissions & Agencies	DEPARTMENT:	Administration
TITLE OF ITEM:	Water System Update		
SUGGESTED MOTION(S):	N/A.		

SUMMARY:

Staff will provide the Town Council with an update regarding a water system update, which is a follow-up request from the March 10, 2025 meeting.

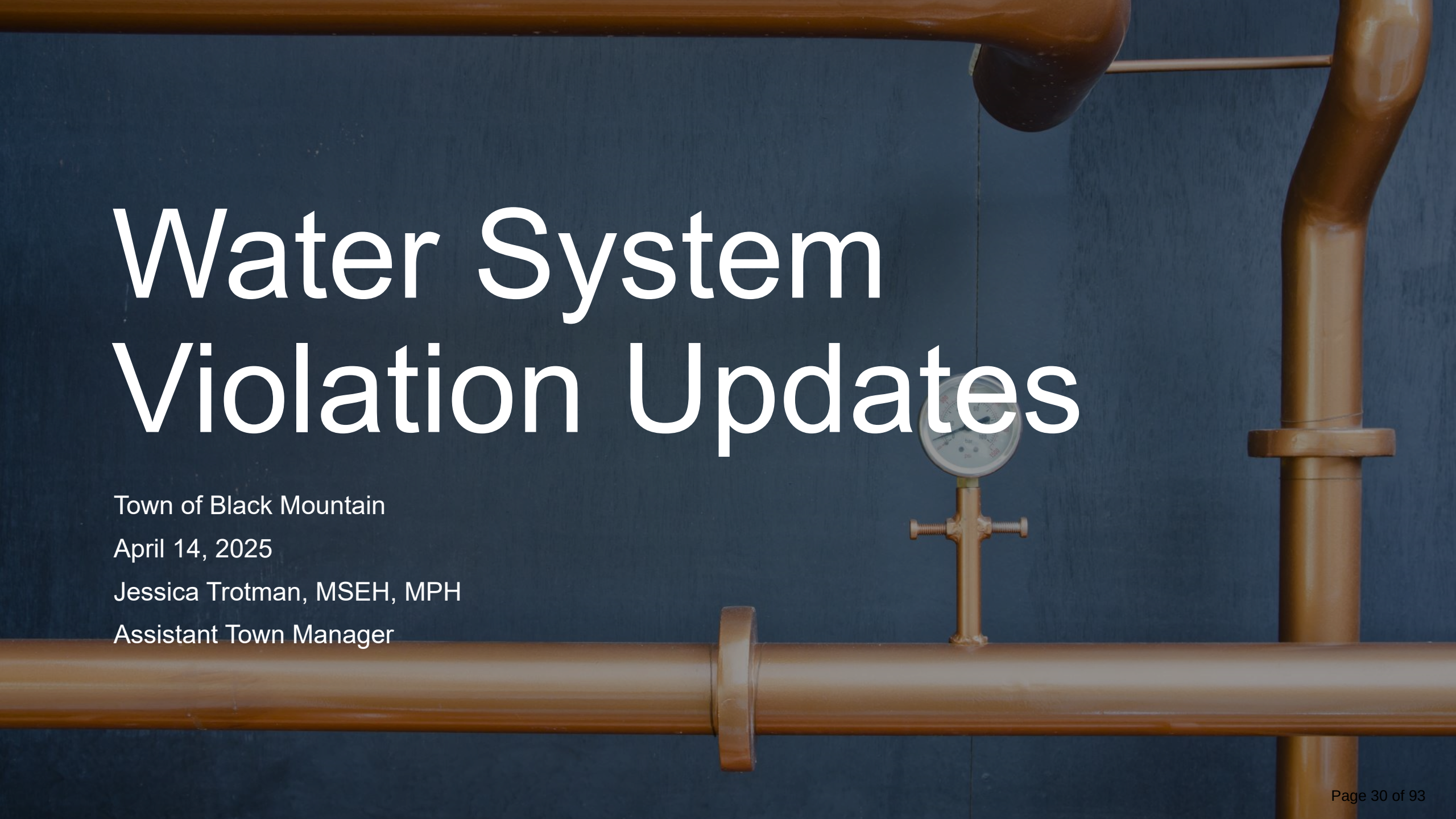
BUDGET IMPACT:

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

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

ATTACHMENTS:

1. April 2025 Water System Update

The background of the slide features a close-up photograph of a water system. It shows several large, brown-painted metal pipes. One pipe runs horizontally across the bottom, while another runs vertically on the right side. A pressure gauge is mounted on a vertical pipe in the center-right area. The background wall is a dark, textured blue-grey.

Water System Violation Updates

Town of Black Mountain

April 14, 2025

Jessica Trotman, MSEH, MPH

Assistant Town Manager

Status of Town Water System

“According to Public Water Supply staff, the most recent violation was related to monitoring in Q4 2024, but the Town is in compliance currently.”

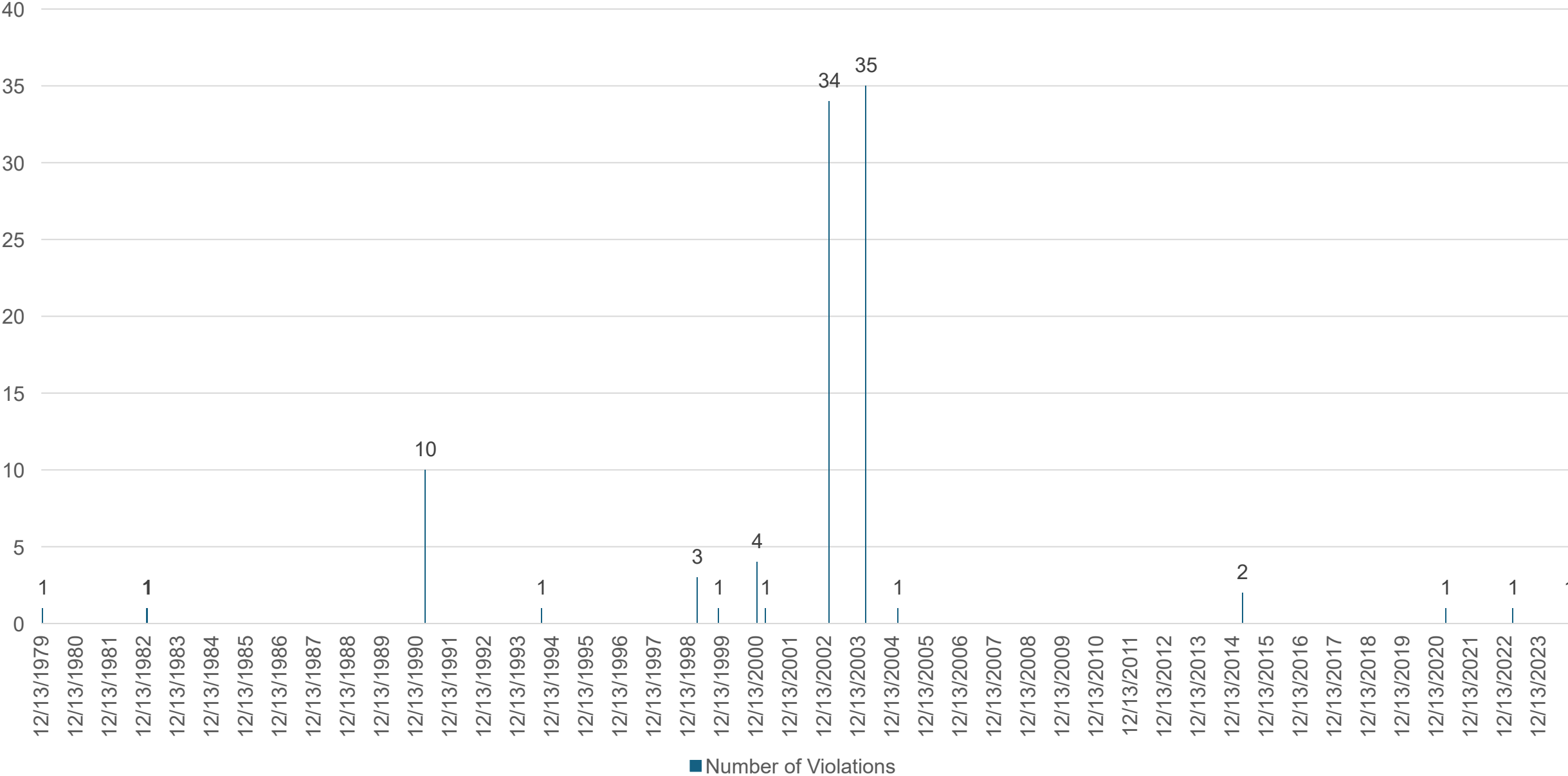
Josh Kastrinsky, Deputy Communications Director

North Carolina Department of Environmental Quality

March 19, 2025



Number of Violations





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, Town Clerk **MEETING DATE:** April 14, 2025
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Administration
TITLE OF ITEM: Adoption of Meeting Minutes from February 24, 2025 Joint Meeting with Planning Board, March 1, 2025 Council Retreat, March 6, 2025 Agenda Work Session and March 10, 2025 Regular Meeting.

SUGGESTED MOTION(S):

Adoption of meeting minutes as presented (or amended).

SUMMARY:

Adoption of Meeting Minutes from the following Council meetings:

- February 24, 2025 Joint Meeting with the Planning Board for Unified Development Ordinance (UDO) Workshop.
- March 1, 2025 Council Retreat.
- March 6, 2025 Agenda Work Session.
- March 10, 2025 Regular Meeting.

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. February 24, 2025 Joint Meeting with Planning Bd for UDO Worksession- Minutes
2. March 1, 2025 Council Retreat Workshop Minutes
3. March 6, 2025 Agenda Workshop Minutes
4. March 10, 2025 Regular Meeting Minutes



BLACK MOUNTAIN TOWN COUNCIL MINUTES

February 24, 2025 | Special Called Meeting | Time: 6:00 PM

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

Black Mountain Town Council held a joint meeting with the Black Mountain Planning Board on Monday, February 24, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

CALL TO ORDER

The meeting was called to order with the following Planning Board members present:

Chris Collins, Chair
Pam Norton, Vice Chair
Kathy Phillips
Chas Fitzgerald

Planning Board Members Absent:

*Joe Laudenslayer
Rick Earley
Lauronda Teeple*

Town Council members present:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Pam King
Council Member Doug Hay
Council Member Ryan Stone
Council Member Alice Berry was absent.

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Assistant Town Manager/Planning Director
Russell Cate, Planner I/Zoning Administrator
Josh Harrold, Town Manager
Wesley Barker, Town Clerk
Craig Justus, Town Attorney
Taylor Osborne, Town Attorney

The meeting was called to order at 6:02 p.m. by Planning Board Chair Chris Collins and Mayor Sobol, respectively.

Attorney Craig Justus began the workshop by recommending setting up a process to get through the UDO and get it ready for a public hearing. There are eleven chapters in total and a

methodical and realistic timeline would be to do at least two workshops per month, but maybe three. Mr. Justus will present comments, edits, and ideas and seek consensus from the Planning Board. Taylor Osborne will incorporate the proposed changes and then the draft chapters will be presented at the next workshop. Ideally, this process should take about two and a half or three months. Mr. Justus noted that there are legal complications to work through including downzoning and a moratorium on tree regulations.

Mr. Justus suggested that the Planning Board look at chapters one, seven, and eight, as chapters seven and eight are out of order in terms of flow. It makes more sense to have the operational items in the front. Duplications and redundancies will be eliminated.

The purpose of the workshop is not for staff to direct where the changes go, but for the Planning Board to guide that discussion while having this be an educational experience for Town Council and to make the public hearing process smoother.

This will be a collaborative effort and there will be a PowerPoint presentation to draw attention to the major changes and the process.

Mr. Justus will provide one page before each workshop to address the theme to be thinking about and examples of what might be addressed at each workshop.

Jessica Trotman spoke briefly about having to have a regulatory debrief after Hurricane Helene and that there may be changes that come from that. Ms. Trotman also floodplain regulations and that they are currently a moving target and Mr. Justus said that there might be clarity by the time that chapter is addressed.

Mr. Justus explained the four C's: clarity, consistency, context, and conformance. These will be the things to look for as the review process begins.

Chapter 1

- Section 1.01 (A) is repeated in Chapter 7 and is only needed once.
- Section 1.01 (A) – the name of the zoning map needs to be the same and the paper map kept in the office needs to be labeled. GS 160A-77 states that a municipality must maintain an ordinance book and the zoning map should be attached and that is the official zoning map for the town. The consensus was to label the map as “Official Zoning Map of Black Mountain, North Carolina”.
- Section 1.01 (C) – GS 160D pertains to development regulations and is a broad umbrella of regulations.
 1. Purpose...provide development regulations for...subdivision or use.
 2. Use the name of the comp plan, Elevate Black Mountain.
 3. Cross reference the code of ordinances and ordinances with police power. Mr. Justus will draft some language for this.
 4. Remove “individual” as regulations are for the common good. Mr. Justus will draft some language.
 5. Items three and four will be combined into one and current item four will be come a shorter section on character.

- Section 1.03
 - A. Remove NCGS – don't need an example – just needs to state 160D
 - B. Building should be changed to structure and will need to revisit this in the definitions section – also remove last sentence.
 - C. Use language similar to City of Asheville
 - D. This makes no sense. Chapter 160D does not direct but enables.

Consensus to make Chapter 7 the new Chapter 2 and make Chapter 8 the new Chapter 3.

Chapter 7

- Section 7.01.01 – remove
- Section 7.01.02 – remove
-
- and legislative
- Section 7.01.04 – keep the effective date only and this will apply to the UDO and the zoning map, which will be adopted at one time.
- Section 7.02.01
 - A. The comprehensive plan is a planning document and might not always be consistent. Chapter 160D requires a statement of consistency and the issue might not be consistent but rather in the best interest of the public.
 - B. Reform this section along with “A”.
- Section 7.02.02 – this states direction that is obvious and there can be administrative waivers that can be baked in – remove this section.
- Section 7.02.03
 - A. This section is okay.
 - B. 1. (a) rewrite to make sense.
(b) this section is okay.
2. clean up this section.
- Section 7.02.04
 - A. Clean up this section.
 - B. Item #2 is construed in favor of the town and violates the law – clean up this section.
- Section 7.02.05 – move to Chapter 1 – also, superior court should be changed to any court of law.
- Section 7.02.06 – what are transitional provisions?
 - A. 1. Should be legally issued permit, not mistakenly issued.
2. This section is not workable – 160D-108 speaks to vesting rules and has evolved since 2015 and is not consistent.
3. Staff will draft language for this section.
 - B. Mr. Justus to redraft this section to make clearer and easier to read.
- Section 7.02.07 – this section is okay.
- Section 7.02.08 – again, 160D-108 speaks about vested rights and there are multiple types of vested rights and this section mashes them all together and none are right. The section can just refer to 160D and the specific section and to even further simplify the section, it can include links to the statute and sections. This will remove liability from staff. This also needs to be moved to Chapter 1.

Jennifer Tipton will send out a poll to the Planning Board for potential workshop dates and will get those to Mr. Justus when decided upon.

ADJOURNMENT. *Planning Board Chair Chris Collins and Mayor Sobol adjourned the meeting at 7:59 p.m., respectively.*

Attest:

C. Michael Sobol, Mayor

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 1, 2025 | Council Retreat | Time: 9:00 AM

Montreat Conference Center | Montreat, NC 28757

Black Mountain Town Council held their Annual Retreat on Saturday, March 1, 2025, at 9:00 a.m. at the Montreat Conference Center Upper Anderson Auditorium, 303 Lookout Rd., Montreat, NC 28757.

1. Call to Order

Mayor C. Michael Sobol called the retreat to order at 9:00 a.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; Angela Reece, Project & Facilities Manager; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Tammy Holland, Finance Director.

Town of Black Mountain Board Retreat March 01, 2025 | Meeting Summary



Background

On March 01, 2025, the Town of Black Mountain Town Council convened for their annual board retreat. The purpose of the retreat was to bring the Council and staff department heads together to discuss post-Helene recovery efforts, and strategies to move forward.

The meeting was professionally facilitated by Fountainworks, a North Carolina-based consulting firm specializing in public sector strategy and implementation. This document summarizes the meeting's key takeaways and outcomes. Comments were captured as the conversation flowed and do not reflect any priority unless otherwise noted.

Outcomes and Agenda

Mayor Michael Sobol convened the meeting, and Warren Miller, of Fountainworks, began by reviewing the intended outcomes and agenda items, as listed below.

Outcomes

- Define the vision for recovery.
- Determine the key priorities, projects, and policies we aim to work towards and/or complete in the 12 months.
- Understand revenue tool preferences.
- Review and update non-recovery related priorities.

Agenda:

- Welcome and Orientation
- Accomplishments
- Strategic Visioning
- Project Prioritization
- Assess Financial Tool Options
- Other 2025 Priorities
- Plan to Continue Progress

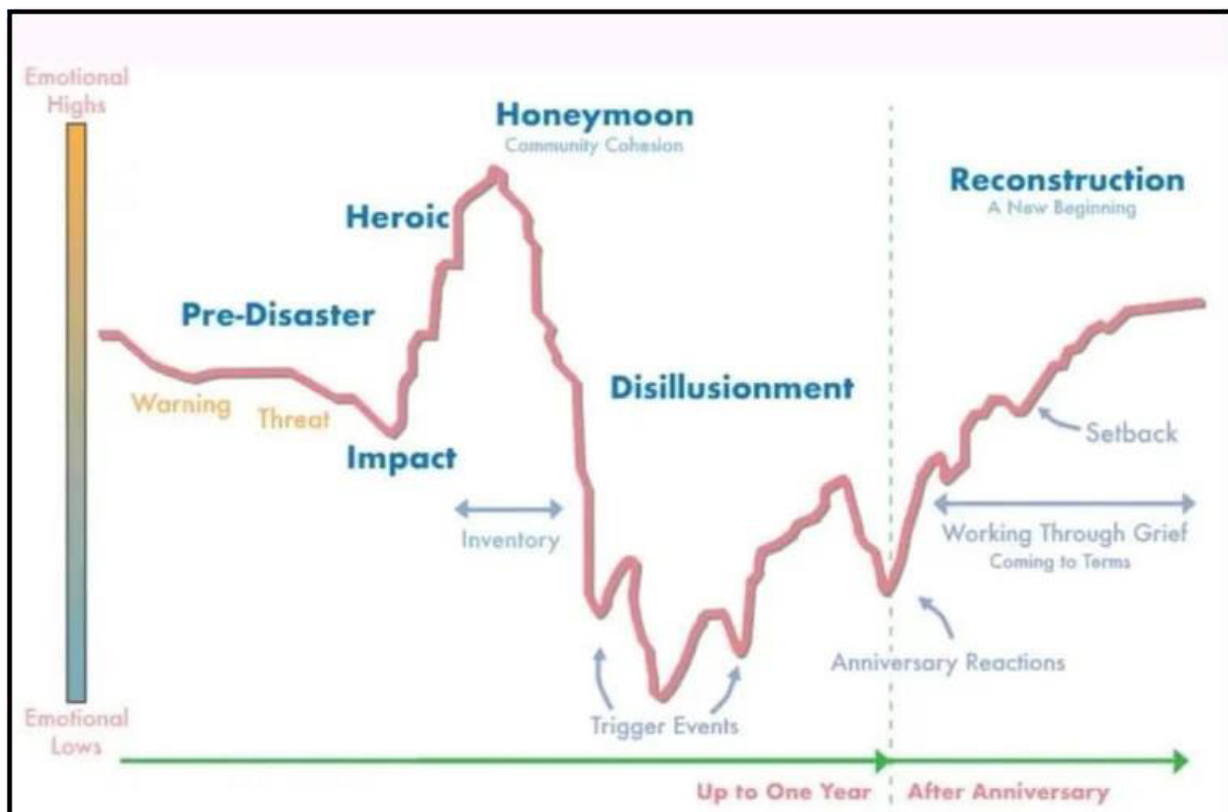
Accomplishments

Warren Miller then facilitated a conversation where Council and staff discussed the accomplishments they are most proud of since Hurricane Helene. Responses are captured below:

- Maintaining public safety
- Never feeling defeated
- Our quick response to restoring our water
- North Fork Rescue
- Our quick response to emergency situations
- Collaboration
- First to get water
- The way departments joined forces (Public Works, Fire, Police, etc.)
- Public/community partnerships
- Proactive and taking responsibility
- Swift, effective emergency response (EOC)
- Community partnerships were formed that will be lasting
- Communication creativity (i.e. town square meetings)
- Town staff showed such inspirational leadership
- Collaboration with community organizations
- County modeled training after what we did
- Early communication (public meetings, press releases, social posts)
- Citizens coming together
- Community coming together
- Miracles
- The way our community bonded together
- Community spirit and support was amazing
- Resourceful staff
 - Solar shower
- Prioritizing needs and communicating them as best we could
- Acting in the best interest of residents

- Creative problem-solving
- Clear and concise decision making
- Rising to the occasion
- Living without electricity
- Audit submitted on time
- Public engagement (community events)
- Accepting challenges without hesitation
- Ongoing staff commitment
- Staff's heroism and commitment
- Employee dedication, resilience, and compassion
 - Teamwork, self-sufficiency, resourcefulness
- Leveraging relationships (water company)
- Our emergency leaders knew what we needed
- Council leadership and support
- Our functioning downtown.

In light of the town's accomplishments, the Council discussed the following infographic showing the life cycle of recovery and its implications for the Town's focus over the next year.



Strategic Visioning

From there, participants discussed their vision for recovery, identifying what they would like recovery to look like in 5-10 years. The Council identified the following recovery vision statement as one that resonated:

- *A united Black Mountain - resilient, connected, thriving.*

The Council identified the following points of interest that will inform their recovery approach.

- Thoughtful and balanced
- Prioritize needs and find balance
- A community that comes together
- Better means:
 - Build back
 - Suits today's need
- Community connection
 - Involving and empower people to be involved
- Building back better for everyone
- Strong communications system
- Strong staff recruitment and retention
- More solar
- Back up plans
- Community collaboration regionally
- People aware of how hard we try
- A message of hope
- A broad and diverse community
- Participation regionally
- Affordable housing
 - Above flood risk
 - Mobile
- Regional approach

Review Principles

The Black Mountain Town Council then identified the principles of recovery that will guide priorities.

- Revenue generating
- "Spirit lifting"
- Put a more immediate focus on useable
 - Doesn't have to be 100% right away
 - Be sure to explain timeline to public
- Does it address a public safety need
- Do we have a work around option

Project Prioritization

Next, Assistant Town Manager Jessica Trotman walked through the list of projects that are already paid and moving forward. The Council then went through a list of 23 upcoming projects to determine which projects were most important and most urgent.

The funding status for each project was also identified and differentiated by the following color code:

- Green - funding has been identified.
- Yellow - partial funding has been identified.
- Pink - no funding has currently been identified.

The results of the conversation are captured below:

Important and Most Urgent	Most Important and Most Urgent
Green Infrastructure	Public Safety Building Public Works Equipment Police Vehicles Major Road Permanent Repair - Hilltop Lakewood Center Golf Course Sanitation Trucks Ocooneechee Sinkhole Center for the Arts Watershed Restoration
Important and Urgent	Most Important and Urgent
Flat Creek Greenway Minor Road Permanent Repairs Riverwalk Park/Dog Park Parks & Recreation Truck Public Works Trucks Watershed Dam Major Road Permanent Repair - Cragmont Road	Police Dept. Shooting Range Veteran's Park Lake Tomahawk Dam Police SWAT Public Services Building

Assess Financial Tool Options

After the project prioritization activity, Council members were asked to provide guidance on financial tool options. The Council expressed more interest in using the fund balance, grants, and loans to fund projects. The Council also had some interest in bonds and a food and beverages tax, but had less interest in raising other taxes.

Other 2025 Priorities

The Council also discussed the importance of continuing other capital projects alongside recovery efforts. Other 2025 priorities that were identified are listed below.

- PIO – Keeping public informed
- A lessons learned analysis of the storm response
 - Communications equipment investment
- Trash/water reduction strategy
 - Messaging

Plan to Continue Progress

To conclude the meeting, the Council discussed a timeline for next steps. The timeline is as follows:

- March
 - Identify funding sources in detail
 - How much money do we currently have?
 - Department budget meetings
 - Review next year operating expenses
 - Insurance company presentation
- April and May
 - Community survey and engagement
 - Hear communities input on recovery priorities
 - Budget workshops
- July through December
 - Conversations on public safety building operations



BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 6, 2025 | Agenda Workshop Meeting | Time: 5:00 P.M.

Black Mountain Town Hall | 160 Midland Ave., Black Mountain, NC 28711

The Black Mountain Town Council held their agenda workshop meeting on Thursday, March 6, 2025, at 5:01 p.m. at Black Mountain Town Hall, 160 Midland Ave., 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, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone. *Vice Mayor Archie Pertiller was absent.*

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

March 10, 2025 Council Meeting Agenda Review: Town Manager Josh Harrold reviewed the proposed agenda for the upcoming March 10, 2025 Regular Town Council meeting.

The following additions to the agenda were proposed: Hurricane Helene storm recovery update presentation under staff presentations, and the addition of a Belfor Restoration Services resolution amending resolution #R-24-40 ratifying and approving an agreement for professional services for disaster-related property restoration services, which would be placed under Unfinished Business.

With no additional comments, Council Member Doug Hay made a motion to adopt the agenda as presented, with the amendments proposed. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:18 p.m.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 10, 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, March 10, 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: Town Council Member Alice Berry, Town Council Member Ryan Stone, Town Council Member Pam King, Town Council Member Doug Hay. Vice Mayor Archie Pertiller was absent.

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

The Mayor led those in attendance in the Pledge of Allegiance, a moment of silence, then read the ethics statement.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

Proclamation Honoring Roberta Flack- The Mayor read the proclamation honoring musician and humanitarian Roberta Flack and then asked the Town Clerk to play two videos about Black Mountain from local news stations, one about Roberta Flack, and the other about citizens spreading love with signs.

Proclamation for 2025 International Transgender Day of Visibility (TDOV), March 31, 2025- The Mayor read a proclamation for 2025 International Transgender Day of Visibility which is held on March 31st. Several Council Members asked that the minutes reflect that an addendum to this proclamation was added in by the Mayor compared to the proclamation in the agenda packet that was approved by Council at the Agenda Work Session meeting on March 6th, 2025.

3. CITIZEN COMMENTS

Mark White, Town citizen and former Town employee, spoke about the Town's water system, water quality and testing requirements.

Alma Bush, 115 Ash. St., spoke about the Senior Center, senior meal sites, and spoke about a future vision for the Senior Center.

Joyce Miles, 1182 Old US 70 W., spoke on the Senior Center's lower level and asked that the Town re- open the top level for senior center activities as soon as possible.

Alice Sherman, 88 Mountain View Rd., wanted to thank the Town for beginning to improve its facilities after the storm. She stated she would like to see a schedule of progress for fixing this area. She stated she is willing to volunteer to assist the Town with improvements if needed.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Storm Recovery Updates. Assistant Town Manager Jessica Trotman gave a presentation on Helene Storm Recovery Updates. Mayor Sobol asked about repair timelines for the golf course irrigation panels and asked for additional information on this from staff. **This presentation is attached at the end of these minutes as Appendix A.**

5. CONSENT AGENDA

- 5.A. Adoption of Meeting Minutes from February 6, 2025 Agenda Work Session, February 10, 2025 Regular Monthly Meeting and February 17, 2025 Special Called Meeting. *Council Member Ryan Stone made a motion to approve the meeting minutes as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

- 5.B. Monthly Tax Collector Report. *Council Member Ryan Stone made a motion to approve the tax collector report as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

CURRENT YEAR TAX -ADVALOREM TAXES

Billed	\$ 5,324,247.84
Collected	\$ 5,087,590.55
Adjustments and Releases	\$ 5,392.66
Outstanding real and personal property taxes	\$ 242,049.95

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR

95.46%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	\$ 958.83
Adjustments and Releases	\$ -

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

Ad Valorem	\$ 7,929.09
Motor Vehicle	\$ 307.78

- 5.C. **Consideration of Budget Amendments.** *Council Member Ryan Stone made a motion to approve the FY24-25 budget amendments as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.*

- 5.D. **Consideration of Interlocal Agreement with Buncombe County for Hazard Mitigation Grant Program.** *Council Member Ryan Stone made a motion to approve the Interlocal Agreement with Buncombe County for the Hazard Mitigation Grant Program as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent. Interlocal Agreement number is R-25-14. A copy of this Interlocal Agreement is included as Appendix B.*

6. **PUBLIC HEARING – NONE**

7. **UNFINISHED BUSINESS**

- 7.A. **A Resolution Amending Resolution #R-24-40 Ratifying and Approving an Agreement for Professional Services for Disaster-Related Property Restoration Services.**

Project and Facilities Manager Angela Reece provided the Council with some information regarding Belfor Property Restoration Group, Inc. Under the authority granted in Town Resolution #R-24-34, and with guidance from emergency personnel and FEMA guidelines, staff secured a contract with Belfor Property Restoration Group, Inc. on October 18, 2024, for emergency property restoration services who immediately began remediation work on town owned facilities to address flood damage efficiently and within the necessary federal compliance framework. Due to the nature of emergency property remediation, the scope of the work was developed with authorization by the town as identified by Belfor's Project Managers, in accordance with local, state, and federal codes and FEMA funding guidelines. In other words, town staff identified the most critical sites for remediation and then worked with Belfor professionals to determine a nominal scope of work for each site. All but one site, the Carver Center, were remediated to the point of only making the facility safe and free of mold. This meant that no reconstruction took place in any facility except the Carver Center. Due to the nature of activities which take place within the Carver Center (Montessori School and Art in the Afternoon Program), this facility received new flooring in the flooded areas to allow the school to open back up.

Over the last several weeks, the Town's insurance company, NC League of Municipalities (NCLM), assigned claims adjusters and an insurance clerk to review all the remediation work and associated costs and repairs conducted by Belfor to ensure the invoices matched the requested work and that costs were within reason. The total fees and costs are in line with similar fees and costs for services of this nature across the state and are found to be reasonable for emergency remediation and repairs. The initial resolution (R-24-40) approved and ratified selection of the firm (Belfor) and their itemized rate, materials schedule, and authorized the

Town Manager, or designee, to negotiate the necessary scope of work and fee not to exceed \$1,000,000.00. Any subsequent amendments that resulted in additional fees or services were to come back to the Council for approval. We received the invoices for a total amount of **\$1,289,975.62**, which is **\$289,975.62** more than the initial authorized amount. Staff have prepared this amendment to reflect authorization of the total fees for services and to amend the initial resolution, paragraph 5, to reflect approval of a total amount of **\$1,289,975.62**. Staff have applied for and received emergency expedited funding from FEMA to cover this expense.

Council Member Doug Hay made a motion to approve the Resolution amending Resolution #R-24-40, paragraph 5, to approve a total fee not to exceed \$1,289,975.62 to mitigate water intrusion and implement emergency repairs to prevent further degradation and restore town facilities to a safe, usable condition. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

**RESOLUTION TO AMEND RESOLUTION R-24-40, RESOLUTION BY THE TOWN OF
BLACK MOUNTAIN TOWN COUNCIL TO APPROVE AND RATIFY A CONTRACT FOR
PROFESSIONAL EMERGENCY PROPERTY RESTORATION SERVICES FOR THE BLACK
MOUNTAIN - FEDERAL DISASTER 4827- TROPICAL STORM HELENE**

Resolution #R-25-13

WHEREAS, on September 25, 2024, Governor Roy Cooper signed a State of Emergency declaration in anticipation of impacts from Tropical Storm Helene; and

WHEREAS, on September 25, 2024, the Buncombe County Commissioners signed a Local State of Emergency declaration by and with the consent of the mayors of the municipalities within Buncombe County; and

WHEREAS, on September 30, 2024, the Town Council signed Local State of Emergency declaration and on October 7, 2024, the Town Council adopted Resolution #R-24-34 authorizing emergency contracting measures; and

WHEREAS, under 2 C.F.R. § 200.320(f) and the authority granted in Town Resolution #R-24-34, and with guidance from emergency personnel and FEMA guidelines, the Project & Facilities Manager secured a contract with Belfor Property Restoration Group, Inc. on October 18, 2024, for emergency property restoration services; and

WHEREAS, contracting of disaster remediation services from Belfor Property Restoration Group, Inc. is an eligible expense under FEMA's Public Assistance Program. The services provided will support emergency protective measures and the restoration of damaged public infrastructure, which is necessary for the continued operation of government services and community programs. The expenses align with FEMA's guidelines for the mitigation of disaster-related damage to public buildings and facilities in response to Federal Disaster 4827- Tropical Storm Helene.

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

1. The contract with **Belfor Property Restoration Group, Inc.** (selected firm) is hereby ratified and approved as it was procured during the exigency period of Federal Disaster 4827 in order to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, and to support emergency protective measures and the restoration of damaged public infrastructure, which is necessary for the continued operation of government services and community programs.
2. The town determined that additional formal procurements were not necessary since Belfor provided competitive rates consistent with competitively procured contracts for other sub-recipients, and thus the costs are reasonable per 2 CFR 200. and the use of a competitive procurement proposal would prevent the urgent action required to address the situation.
3. **Belfor Property Restoration Group, Inc.** (selected firm) is most advantageous to provide emergency professional property restoration services for the Town of Black Mountain in response to Federal Disaster 4827- Tropical Storm Helene.
4. **Belfor Property Restoration Group, Inc.** (selected firm) contract and itemized rate and materials schedule (Exhibit B) is consistent with the Town's purchasing terms and conditions, Uniform Guidance, and FEMA's rules and regulations and of this Resolution.
5. The Town Manager or his designee is further authorized to negotiate the necessary scope of work and a **total** fee not to exceed ~~\$1,000,000.00~~ **\$1,289,975.62**. Any subsequent amendments that result in additional fees or services will come back to the Council for approval.

This AMENDMENT is adopted by the Town Council of the Town of Black Mountain, North Carolina on the 10th day of March 2025.

8. CITIZEN COMMENTS- none.

9. NEW BUSINESS

9.A. Consideration of Donation of Surplus Police Vehicles to McDowell Tech.

The Black Mountain Police Department requests donating two fleet vehicles that are scheduled for decommissioning due to age, mileage, and maintenance costs. The department proposes donating the following 2013 Dodge Chargers:

- Vehicle 1 – VIN: 2C3CDXAT2DH742635. Currently inoperable with 130,345 miles. Over its service life, it has incurred \$13,055.33 in maintenance costs.
- Vehicle 2 – VIN: 2C3CDXAT4DH742636. Experiencing electrical issues with 92,938 miles.

Over its service life, it has incurred \$20,308.26 in maintenance costs.

The department has researched the potential resale value using Kelley Blue Book and CarMax estimates. If sold through GovDeals, the maximum expected payout for both vehicles combined is \$4,900.

However, before selling, each vehicle must be decommissioned and stripped of police equipment, which costs \$1,048 per vehicle, totaling \$2,100. This would result in a net gain of only \$2,800, assuming we receive the highest estimated offer, which is unlikely. Instead, it is requested that the Town donate these vehicles to McDowell Technical Community College to support law enforcement driver training for new officers. These vehicles would also be available for BMPD's annual driver training, providing a valuable resource for officer skill development. In accordance with N.C.G.S. 160A-280, the Town has posted a public notice at least five days prior to this consideration of this resolution approving the donation at this Town Council meeting. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. Town Council will consider the attached resolution and vote.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN
DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING DONATION**

Resolution: R-25-11

WHEREAS, the Town of Black Mountain Police Department desires to dispose of certain surplus property; and

WHEREAS, the Town believes the McDowell Technical College BLET program could benefit from the surplus property; and

WHEREAS, the Town would like to donate the following 2013 Dodge Chargers:

- **Vehicle 1** – VIN: 2C3CDXAT2DH742635 Currently inoperable with **130,345 miles**.
- **Vehicle 2** – VIN: 2C3CDXAT4DH742636 Experiencing electrical issues with **92,938 miles**.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The above stated described property (vehicles) are hereby declared surplus to the needs of the Town.

Section 2. Said surplus property be approved for donation to the **McDowell Technical College BLET program**.

Section 3. A public notice was duly published in accordance with N.C.G.S. 160A-280, prior to the consideration of this resolution.

Section 4. Upon conclusion of the published notice period and adoption of this resolution, said surplus property shall be released to the **McDowell Technical College BLET program**.

READ, APPROVED AND ADOPTED this 10th day of March 2025.

9.B. Cragmont Park Project Viability Determination. In the Fall of 2023, the Town Council identified Cragmont Park as a capital project and began discussions for budget and plans. In 2024, Council subsequently authorized a capital improvement project for Cragmont Park Renovations (O-24-09 & O-24-10) pursuant to N.C. Gen. Stat. § 143-128.1A, to construct, repair, rehabilitate, or replace existing park infrastructure along two (2) adjoining parcels of land totaling 5.14 acres along Swannanoa Avenue. Staff conducted a qualification-based selection process, and the Town Council approved contracting with Harper General Contractors Inc. to perform this work (R-24-10 & R-24-22). Harper General Contractors has completed concept plans which were provided to Council.

Because of the impacts of Hurricane Helene on September 27, 2024, the town must now examine all financial obligations and realign its priorities in order to facilitate continued recovery from this disaster. The current approved capital project budget is \$492,000 with a total of \$15,685.80 in expenditure. The remaining funds are **\$476,314.20**. Harper General Contractors and project stakeholders are aware of the fluid nature of this project and understand any decisions the Council must make regarding the future of this project.

To assist Council with this decision, some options that could be considered are as follows:

1. Terminate the project for convenience in accordance with the contract.
2. Modify the project scope and budget as determined by Council.
3. Continue with the project and budget as planned with no changes.

Council members expressed their thoughts about terminating this project but felt that it was the best decision to make at this time as there were important issues to address and funding needs to recover from the storm. ***Council Member Ryan Stone made a motion that the Council authorize and direct the Town Manager to draft a letter for termination of convenience as outlined in the contract subject to Town Attorney approval, and provide a copy to Harper General Contractors Inc. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

9.C. Approval of Phase II Design Build Construction Contract for SRP-SW-ARP-0026 (Floodbench).

The Town received a \$5 million-dollar Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) in March 2023 to design, construct, repair, rehabilitate, and/or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along a section of the Swannanoa River as identified in the Stormwater Master Plan. The Council subsequently approved R-24-14 to accept the grant funding, R-24-03 establishing design build criteria, R-24-04 authorizing design build delivery method, and R-24-15 to enter into the initial contract (Phase I) for services with North State Environmental (NSE). The project is on track and is ready to

move into the permitting and construction phases. The proposed resolution is to approve the Phase II construction contract for this project in the amount of \$4,700,000.00.

Council Member Alice Berry made the motion that the Town Council of the Town of Black Mountain approve the resolution and Phase II design-build contract with North State Environmental Inc. in the amount of \$4,700,000 for the Swannanoa River Floodbench and Wetland Construction Project# SRP-SW-ARP-0026. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO ENTER
INTO PHASE II CONTRACT FOR DESIGN-BUILD CONSTRUCTION SERVICES FOR THE
BLACK MOUNTAIN SWANNANOA RIVER FLOODBENCH & CONSTRUCTED
WETLANDS PROJECT-SRP-SW-ARP-0026**

Resolution #R-25-12

WHEREAS, The State of North Carolina passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design- build method for construction contracting pursuant N.C. Gen. Stat.§ 143- 128.1A; and

WHEREAS, the Town received a \$5 million-dollar Local Assistance for Stormwater Infrastructure Investments (LASH) grant from the American Rescue Plan Act (ARPA) in March 2023; and

WHEREAS, on January 8, 2024, the Town Council of the Town of Black Mountain passed a Resolution to establish criteria to be utilized by the Town when considering the design-build delivery method for Town projects ("Town of Black Mountain Design-Build Criteria"); and

WHEREAS, on March 2, 2024, the Town Council of the Town of Black Mountain passed a Resolution (R-24-15) selecting North State Environmental Incorporated as the most advantageous and negotiated general fees for services to provide Phase I engineering, design, permitting, and construction administration services to support the project in the amount of \$1,001,600.00; and

WHEREAS, Resolution R-24-15 further authorized the Town Manager and Town Attorney to negotiate and execute a final contract with North State Environmental Incorporated not to exceed a total amount of \$5,000,000.00; and

WHEREAS, the project is on track and is entering into the permitting and construction phase (Phase II) and requires additional design build agreements to be approved. Although Resolution R-24-15 previously authorized staff to execute the final design build contract, staff feel it is prudent and in the best interest of transparency to ensure proper review of these documents is adhered to and that they comply with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto.

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

1. The phase II design build contract, general conditions, and permit list (attached as Exhibit A) for design, permitting, and construction services fees from North State Environmental Incorporated are approved in the amount \$4,700,000.00.

2. That the Town Manager and Town Attorney are authorized to negotiate any final revisions, other than price, to the contract which are consistent with the Town's purchasing terms and conditions and any state or federal requirements.

Adopted by the Town Council of the Town of Black Mountain, North Carolina on the 10 day of March 2025.

9.D. Acceptance of Donation From Asheville Fence for Fencing Components at Veteran's Park.

To support recovery efforts at Veteran's Park from Hurricane Helene, Asheville Fence has offered to donate the following fencing components to the park totaling a value of \$37,000:

- A new barrier gate and timber guardrail at the park entrance to prevent after-hours vehicular access. The gate can be either galvanized or black powder-coated and will include a locking mechanism and a hold-open feature. This would replace the temporary barrier currently installed at this location. Valued at \$14,500.
- Replacement of the missing or damaged split rail fence at the parking area perimeter with a two- rail wood fence constructed of 4x4 posts and horizontal deck boards. Valued at \$12,000.
- Installation of a black chain link fence around the playground area to enhance security for families with young children. Valued at \$10,500.

Recreation and Parks Director Josh Henderson stated there was no requirement of fencing around playgrounds, but it is a good measure of safety for children and parents alike to have this installed. Mayor Sobol asked about the restrooms at Veterans Park and engineering needs. Staff stated that FEMA was involved with facility damages and because the restroom facility was flooded, it may have to be torn down and rebuilt in order to comply with floodplain regulations.

Council Member Doug Hay made a motion to approve the resolution to accept the donation from Asheville Fence as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

RESOLUTION TO ACCEPT DONATION FROM ASHEVILLE FENCE FOR FENCE COMPONENTS AT VETERAN'S PARK

Resolution # R-25-09

WHEREAS, the Town of Black Mountain was significantly impacted by Tropical Storm Helene, which caused extensive damage to the town's baseball fields and equipment, used by the community for recreation, youth sports, and community events; and

WHEREAS, various fencing and guardrail components were damaged by Tropical Storm Helene at Veteran’s Park; and

WHEREAS, Asheville Fencing wishes to donate the following to the Town of Black Mountain for the reasons described below:

- A new barrier gate and timber guardrail at the park entrance to prevent after-hours vehicular access. The gate can be either galvanized or black powder coated and will include a locking mechanism and a hold-open feature. This would replace the temporary barrier currently installed at this location. Valued at \$14,500.
- Replacement of the missing or damaged split rail fence at the parking area perimeter with a two-rail wood fence constructed of 4x4 posts and horizontal deck boards. Valued at \$12,000.
- Installation of a black chain link fence around the playground area to enhance security for families with young children. Valued at \$10,500.

WHEREAS, the value of this donation would total approximately \$37,000 and this reflects Asheville Fence’s commitment to supporting local recreational facilities and their donation aligns with the Town’s mission to provide high-quality public spaces for residents and visitors.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Asheville Fence, with deep appreciation for the company’s commitment of restoration to Veteran’s Park; and

BE IT FURTHER RESOLVED that the Town Council directs town staff to coordinate with the donor to ensure timely and effective completion of the repairs, with oversight to ensure compliance with any applicable town policies and procurement regulations.

This the 10th day of March 2025.

9.E. Approval to Pursue Grant Funding for the Dr. John Wilson Community Garden through Community Foundation of Western NC.

Community Garden Manager Leonora Stefanile spoke on this grant opportunity for the Community Garden to install an irrigation system. Until July 2024, the community garden sourced unfiltered surface water from the Swannanoa River for irrigation. At that time, data emerged that stated that E. Coli was found in unsafe levels in samples taken from the Swannanoa River upstream of the community garden. Due to food safety concerns, the community garden ceased sourcing irrigation water from the Swannanoa River, which left the garden with very limited access to irrigation, which quickly led to crop decline both in the community garden rental plots, and the donation plots where the manager and interns grow food that can be given to the community.

To respond to this situation, staff began to look at a filtration system to be placed in line with the irrigation pump that would filter and treat pathogenic bacteria potentially present in the

Swannanoa River. Additionally, flooding caused by Hurricane Helene occurred, after which many more contaminants, in addition to E. Coli, were found in the river water, creating potentially even greater instances of unsafe conditions in the river water. River water contamination is still under investigation. Given this ongoing investigation of additional contaminants present in the Swannanoa River, the filtration system attached to the river pump was no longer viable for the community garden as method of ensuring that the water was safe to use for irrigation. The only other water available for irrigation and general use at the community garden is rainwater collected from the roof of the Grey Eagle building and from leftover water from the fire department, which has been hauled in via tanker truck. These sources simply do not supply enough water to irrigate the entire garden and created a huge increase in labor for the manager, interns, and gardeners to distribute the water to where it was needed.

Staff are exploring the possibility of installing a well to source irrigation. Elena Rogers, food safety specialist with NCSU's Cooperative Extension, was consulted and agreed that given the recreational nature of the garden, and the distribution network that involves the garden distributing food to the public via food banks such as Bounty and Soul, a well would make the most sense as an irrigation source.

Staff have been in touch with the Community Foundation of Western North Carolina and were told that this irrigation well project is eligible for receiving funds from their Emergency and Disaster Response Fund and been encouraged to apply for the grant.

Council Member Pam King made a motion to approve staff to pursue grant funding through the Community Foundation of Western North Carolina Emergency Disaster Response Fund (EDRF). A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

9.F. Authorization for Staff to Explore Town's Eligibility for a USDA Community Facilities Direct Loan.

The Town of Black Mountain experienced significant damage to several public facilities and equipment due to Tropical Storm Helene. To explore potential funding options for recovery, staff requests authorization to determine the Town's eligibility for a USDA Community Facilities Direct Loan. The Town does not qualify for a grant through this program. This process would not authorize acceptance of any loan offer but would allow staff to gather information and assess financing options for the following damaged assets:

- Public Works Building
- Public Safety Building
- Lakeview Center
- Shooting Range
- Public Works and Police Department Equipment and Vehicles

The USDA Community Facilities Direct Loan Program provides financing to develop essential community facilities in rural areas, including municipal buildings and public safety

infrastructure. If eligible, staff will return to Council with findings and recommendations before any loan application or acceptance is pursued. Parks and golf course facilities are not eligible to be included in the loan program.

Council Member Doug Hay made a motion to authorize staff to explore the Town's eligibility for a USDA Community Facilities Direct Loan and report findings back to the Town Council. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

- 9.G. Request for Council Direction on EPA's Lead and Copper Rule Improvements.** Discussion ensued. ***Consensus was to table this item until April until more information could be researched.***

- 9.H. Amended Project Ordinance and Resolution to Accept Funding for Hurricane Helene.**

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 period 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 approval of the Resolution to accept funding, amendment of the Grant Project Ordinance and budget amendment for Hurricane Helene. The Town of Black Mountain is included in FEMA-4827-DR, North Carolina Disaster Declaration. The following items are recognized within the amended project ordinance and budget amendments.

- North Carolina Department of State Treasurer Loan Acceptance for Cashflow aid due to Hurricane Helene, in the amount of \$705,703.37.
- Insurance Claims paid to date for Vehicles and Equipment from NCLM equaling to \$716,452.40.
- Transfer from the General Fund in the amount of \$200,000 and the Powell Bill in the amount of \$100,000 to address Hilltop Road Damage.

Council Member Alice Berry made a motion to approve the following resolution accepting the funding loan by the NC Department of State Treasurer Cashflow Aid and approve the amended grant project ordinance and budget amendment as presented and recommended. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

TOWN OF BLACK MOUNTAIN RESOLUTION
ACCEPTANCE OF FUNDING FROM THE STATE OF NC DEPT OF STATE TREASURE
STATE CASH FLOW LOAN
Resolution: R-25-08

WHEREAS, the Town of Black Mountain has need for cashflow funding due to impacts by Hurricane Helene; and

WHEREAS, in connection with the State of North Carolina cashflow loan program (Loan Program) authorized by the Disaster Recovery Act of 2024, Session Law 2024-53 (as amended by Session Law 2024-57), the North Carolina Department of State Treasurer has been working with the North Carolina Department of Public Safety-Division of Emergency Management (NCEM), the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM) to formulate a working plan for the disbursement of cashflow loans aimed at assisting local governments affected by Hurricane Helene; and

WHEREAS, the Town of Black Mountain's requested, State loan and/or grant assistance for the State Cashflow Loan, has been approved by The North Carolina Department of State Treasurer; and

WHEREAS, The Department of State Treasurer "NCDST" has offered funding through the State Cashflow Loan Program for disaster response activities for local governments; and

WHEREAS, Local governments wishing to participate in the Loan Program are required to execute a Cashflow Loan Agreement and Promissory Note with the State of North Carolina, by and through the North Carolina Department of the State Treasurer; and

WHEREAS, The Town of Black Mountain has accepted total funding in the amount up to \$705,703.37 from the NCDST Cashflow Loan Funds; Hundred Percent of the Loan will be repayable at 0% interest at the following intervals:

- \$1 by the first anniversary of the Loan Date
- 10% of the Loan Rounded Amount on June 30, 2027
- 20% of the Loan Rounded Amount on June 30, 2028
- 30% of the Loan Rounded Amount on June 30, 2029
- 40% (less \$1) of the Loan Rounded Amount on the earlier of the 5th Anniversary of the Loan Date or June 30, 2030; and

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Black Mountain, North Carolina, the following:

- That the Town of Black Mountain, the **Applicant**, does hereby accept the NC Department of State Treasurer Cashflow Loan Funding through the NCDST Department

in the amount of \$705,703.37.

- That the Cashflow Loan Agreement and Promissory Note provided by the North Carolina Department of the State Treasurer are hereby approved.
- That Josh Harrold, Town Manager and Jessica Trotman, Assistant Town Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the project described above.
- That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
- That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Duly adopted this 10th day of March 2025.

Council Member Alice Berry made a motion to approve the following amended grant project ordinance and budget amendment as presented and recommended. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

**TOWN OF BLACK MOUNTAIN HURRICANE HELENE
AMENDED GRANT PROJECT ORDINANCE
ORDINANCE: O-25-03**

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 O-24-15, originally adopted October 7, 2024, is hereby amended and 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 Hurricane Helene. Beginning September 25th, 2024, the Town of Black

Mountain entered into a State of Emergency within North Carolina. September 28th, 2024 a Federal Major Disaster Declaration for the State of North Carolina due to Tropical Storm Helene was issued. September 30th, 2024 the Town of Black Mountain declared a State of Emergency. FEMA-4827-DR, North Carolina Disaster Declaration as of September 28, 2024, defines the Incident Period as September 25, 2024 and continuing.

Section 3. Funding

This project is to be funded in whole or part by FEMA-4827-DR. FEMA's Office of Response and Recovery has determined that with the President's Emergency Declaration, exigent and emergency circumstances currently exist. FEMA Assistance for this project has been declared for 100% of approved expenditures. For all permanent expenditures related to the storm FEMA has declared 90% reimbursement. The state of NC Emergency Management has declared funding of 10% to cover remaining unreimbursed amounts from FEMA. 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.

Town of Black Mountain Operating Fund Transfers:

- Initial Funding for this project will need to be provided by a budget amendment from the General Fund Balance. In the case of funding that is not needed due to other funding sources, the Town will transfer unneeded funds transferred from the General Fund back to the general fund.
- The board approved in the January agenda meeting to Transfer funding from the general fund to the Helene Project to cover costs to Veteran Park Fencing in the amount of \$121,000.

FEMA Funding Received to Date:

- The Town has received a payment of 50% of the emergency expenditures submitted. The total amount received was \$860,666.18.

NCLM is the Town's insurance carrier. The following payments have been received to date:

- An advanced payment of \$1,500,000 has been received by NCLM to assist in immediate needs while our insurance claims are being completed. This payment will be deducted from the insurance proceeds to be received for flood damage to Town property.
- Total Insurance Claims paid to date from NCLM equal \$716,452.40.

State Funding Has Been Received for the Following Items:

- NC DEQ Division of Water Infrastructure project Number HEL-0003 provides funding up to the amount of \$3,000,000, repayable at 0% interest. The DEQ Water Infrastructure Emergency Bridge Loan Program established in Session Law 2024-53 Section 4C.7 has been awarded to the Town.
- The Town has also been awarded an additional \$200,000 in grant funds for engineering assessment, planning and design work associated with the Water Infrastructure Emergency Bridge Loan.
- NC Department of State Treasurer has awarded a loan in the amount of \$705,703.37 to aid with Cashflow due to Hurricane Helene.

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 hereby 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>Budgeted Revenues</u>	<u>Prior Authorized</u>	<u>Change</u>	<u>Amended Funding</u>
Transfer In From General Fund	2,121,000.00	200,000.00	2,321,000.00
Transfer In From Powell Bill Fund	0.00	100,000.00	100,000.00
Grant Revenue Federal - FEMA Emergency Expenditures	860,666.18	0.00	860,666.18
NCDEQ - Infrastructure Loan	3,000,000.00	0.00	3,000,000.00
NCDEQ - Infrastructure Technical Assist Grant	200,000.00	0.00	200,000.00
NCDST - Cashflow Loan	0.00	705,703.37	705,703.37
Insurance Proceeds	2,159,143.40	57,309.00	2,216,452.40
Total Funds	<u>\$8,340,809.58</u>	<u>\$1,063,012.37</u>	<u>\$9,403,821.95</u>

Section 6. Expenditure

The following anticipated appropriations are hereby adopted:

Budgeted Expenses			
<u>Budgeted Expenses</u>	<u>Prior Anticipated</u>	<u>Change</u>	<u>Amended Expense</u>
Salaries and Benefits	\$500,000.00	-\$2,000.00	\$498,000.00
Protective Clothing	\$8,009.80	\$2,000.00	\$10,009.80
Contract Services	\$1,722,090.29	\$690,703.37	\$2,412,793.66
Professional Services - Engineering and Design	\$204,000.00	\$0.00	\$204,000.00
Professional and Technical Service	\$50,100.00	\$0.00	\$50,100.00
Technology and Software License	\$25,000.00	-\$24,000.00	\$1,000.00
Emergency Preparedness	\$1,037.13	\$0.00	\$1,037.13
R&M Buildings	\$6,261.58	\$10,000.00	\$16,261.58
R&M Grounds/Parks/Greenways	\$50.00	\$0.00	\$50.00
R&M Equipment	\$6,764.43	\$18,500.00	\$25,264.43
R&M Vehicle	\$2,375.96	\$0.00	\$2,375.96
R&M Streets/Sidewalks/Curb	\$16,289.76	\$10,000.00	\$26,289.76
R&M Utility System	\$135,500.00	\$0.00	\$135,500.00
Office Supplies	\$1,986.54	\$0.00	\$1,986.54
Medical Supplies	\$210.49	\$500.00	\$710.49

Non-Capital Equipment and Furniture	\$55,251.34	\$1,683.00	\$56,934.34
Lease Rental -Equipment	\$144,150.00	\$0.00	\$144,150.00
Miscellaneous Expense	\$39,010.03	\$0.00	\$39,010.03
Capital Outlay - Land Improvements	\$121,000.00	\$0.00	\$121,000.00
Capital Street/Bridge/Sidewalk	\$50,000.00	\$300,000.00	\$350,000.00
Capital Outlay - Dist. Lines and Connections	\$2,500,000.00	\$0.00	\$2,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations	\$500,000.00	\$0.00	\$500,000.00
Capital Outlay - Vehicles	\$2,156,722.23	\$55,626.00	\$2,212,348.23
Capital Outlay - Furnishings & Non-Motorized Equipment	\$95,000.00	\$0.00	\$95,000.00
Total Expenses	\$8,340,809.58	\$1,063,012.37	\$9,403,821.95

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 10th day of March 2025.

10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Town Council will hold a closed session on Thursday, March 13, 2025 at 5pm at Town Hall to discuss personnel per NCGS 143-318.11(a)(6).

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Ryan Stone made some comments on storm recovery efforts. Council Member Pam King suggested adding in information on storm recovery efforts for next month's presentation addressing the comments made on the water system.

12. CLOSED SESSION - NONE

13. ADJOURNMENT. With nothing further, the Mayor adjourned the meeting at 7:41 p.m.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk

Appendices A & B attached.



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Laurel Mabery, Accountant **MEETING DATE:** April 14, 2025
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Finance
TITLE OF ITEM: Monthly Tax Collector Report

SUGGESTED MOTION(S):

Motion to approve the monthly tax report as presented.

SUMMARY:

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. Tax Collector Report - February 2025



TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners

FROM: Laurel Mabery, Municipal Tax Collector

DATE: Monday, April 14, 2025

SUBJECT: February 2025 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 -ADVALOREM TAXES

Billed	\$ 5,324,247.84
Collected	\$ 5,191,075.31
Adjustments and Releases	\$ 4,933.18
Outstanding real and personal property taxes	<u>\$ 138,105.71</u>

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR 97.41%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	\$ 44.05
Adjustments and Releases	\$ 49.79

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

Ad Valorem	\$ 793.62
Motor Vehicle	\$ 90.84



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER:	Jennifer Tipton, Senior Admin	MEETING DATE:	April 14, 2025
AGENDA SECTION:	Consent Agenda	DEPARTMENT:	Planning & Development Services
TITLE OF ITEM:	Call for Public Hearing to Amend Chapter 8, Sections 8.2.2, 8.2.7, 8.2.14, 8.2.15, 8.2.18, and 8.2.29, Phase II Stormwater Ordinance to align the Phase II Stormwater Ordinance with the Town's requirements from the NC Department of Environmental Quality for the Town's National Pollutant Discharge Elimination System (NPDES) permit and the Stormwater Management Plan (SWMP).		

SUGGESTED MOTION(S):

To call for a public hearing to amend Chapter 8, Sections 8.2.2, 8.2.7, 8.2.14, 8.2.15, 8.2.18, and 8.2.29, Phase II Stormwater Ordinance, to align the Phase II Stormwater Ordinance with the Town's requirements from the NC Department of Environmental Quality for the Town's National Pollutant Discharge Elimination System (NPDES) permit and the Stormwater Management Plan (SWMP), to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

SUMMARY:

Key Findings:

- The ordinance requires Stormwater Control Measures (SCMs) for projects creating as little as 5,000 square feet of impervious surface, exceeding the NPDES Small MS4 permit's 1-acre minimum threshold.
- The ordinance is unpopular among residents, particularly single-family homeowners, due to high compliance costs and administrative complexity.
- Enforcement has been inconsistent, leading to confusion, non-compliance, and inefficiencies in stormwater management.
- Staff time and resources dedicated to enforcing the ordinance could be reallocated to broader community-wide stormwater initiatives.
- Inspection requirements, developed with previous state guidance, need revision to align with the NPDES permit and the Town's Stormwater Management Plan (SWMP).
- The lower threshold has not reduced the number of impairments in the Swannanoa

River.

Recommended Changes:

1. Adjust the SCM Threshold:
 - Increase the minimum impervious surface threshold from 5,000 square feet to half an acre (21,780 square feet) to reduce regulatory burdens while maintaining stormwater benefits.
 - Classify projects into high-density (requiring periodic permit renewals) and low-density (monitored for built-upon-area changes).
2. Revise Inspection Requirements:
 - Amend the ordinance to allow property owners or any qualified professional to conduct annual SCM inspections, keeping records on-site.
 - Modify the SWMP to:
 - Require low-density SCMs to be inspected by the Town once per permit cycle.
 - Require high-density SCMs to be inspected twice per permit cycle.
3. Refocus Stormwater management Strategies:
 - Rescind post-construction permits for properties that would no longer be subject to the revised threshold, reducing financial strain on homeowners.
 - Develop a community-wide SCM program, reallocating resources to voluntary or incentivized stormwater requirements.
 - Enhance education and outreach initiatives to promote best practices in stormwater management.
4. Clarify and Streamline Regulations:
 - Update ordinance language to ensure consistency between post-construction stormwater regulations and sedimentation and erosion control regulations.
 - Improve permitting clarity to align enforcement with the Town's broader stormwater goals.

By implementing these changes, the Town can ensure a more effective, equitable, and sustainable approach to stormwater management while maintaining compliance with regulatory requirements and improving public trust in local governance.

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. LEGAL_NOTICE_STORMWATER_AMENDMENTS



LEGAL NOTICE
BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, May 12, 2025, at 6:00 p.m.

**Location: Council Chambers, Black Mountain Town Hall, 160
Midland Ave., Black Mountain, NC 28711**

The Black Mountain Town Council will meet on **Monday, May 12, 2025, at 6:00 p.m.** in the Council Chambers at Town Hall, 160 Midland Ave., Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments to Appendix A Land Use Code Chapter 8, Sections 8.2.2, 8.2.7, 8.2.14, 8.2.15, 8.2.18, and 8.2.29 to align the Phase II Stormwater Ordinance with the Town's requirements from NC Department of Environmental Quality for the Town's National Pollutant Discharge Elimination System (NPDES) permit, <https://tinyurl.com/23fz8u4t>, and Stormwater Management Plan (SWMP) <https://tinyurl.com/2s4b8n2d>. Copies of the NPDES permit and SWMP can also be requested by emailing: anne.phillip@tobm.org.

The amendment proposals include increasing the threshold of impervious surface area that requires a stormwater permit and adding requirements for high- and low-density stormwater permits.

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 828-419-9310 or by email at town.clerk@tobm.org.

Posted to the Town Bulletin Board: 04/17/2025
Published in the Black Mountain News 04/24/2025 and 05/01/2025
www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Tipton, Senior Admin **MEETING DATE:** April 14, 2025
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Planning & Development Services
TITLE OF ITEM: Call for Public Hearing for Voluntary Annexation of Property Owned by Givens Highland Farms

SUGGESTED MOTION(S):

To call for a public hearing for voluntary annexation for two parcels known as Buncombe County PIN #0609-56-4489.00000 and PIN #0609-56-1464.00000 to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

SUMMARY:

There are two parcels (99999 Frances Avenue, PIN #0609-56-4489.00000 and 320 Tabernacle Road, PIN #0609-56-1464.00000) that have been purchased by Givens Highland Farms. The parcel identified as 99999 Frances Avenue is 3 acres and the parcel identified as 320 Tabernacle Road is 0.5 acres. Givens Highland Farms is seeking voluntary annexation of these parcels to be able to combine the parcels with their existing 75+ acre campus, all of which is inside Town limits. The Planning Board heard this request at their March 24, 2025, meeting and found no reasons the property should not be annexed into the Town limits. The Planning Board made one comment to request that Givens Highland Farms not use the access easement from Tabernacle Road to access the properties.

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. LEGAL_NOTICE_HIGHLAND_FARMS_ANNEXATION_99999 Frances Ave_320 Tabernacle



LEGAL NOTICE
BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, May 12, 2025, at 6:00 p.m.

**Location: Council Chambers, Black Mountain Town Hall, 160
Midland Ave., Black Mountain, NC 28711**

The Black Mountain Town Council will meet on **Monday, May 12, 2025, at 6:00 p.m.** in the Council Chambers at Town Hall, 160 Midland Ave., Black Mountain, NC. The purpose of this meeting is to hold a public hearing for the voluntary annexation request of a property known as 99999 Frances Avenue, Buncombe County PIN #0609-56-4489.00000 as described in Plat Book 0095 Page 0120 and a property known as 320 Tabernacle Road, Buncombe County PIN #0609-56-1464.00000 as described in Plat Book 0095 Page 0120.

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 828-419-9310 or by email at town.clerk@tobm.org.

Posted to the Town Bulletin Board: 04/17/2025

Published in the Black Mountain News 04/24/2025 and 05/01/2025

www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Tipton, Senior Admin **MEETING DATE:** April 14, 2025
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Planning & Development Services
TITLE OF ITEM: Call for Public Hearing to Rezone 99999 Frances Avenue and 320 Tabernacle Road from R-1 to OI-6

SUGGESTED MOTION(S):

To call for a public hearing to rezone 99999 Frances Avenue (PIN #0609-56-4489.00000) and 320 Tabernacle Road (PIN #0609-56-1464.00000) from R-1 (Buncombe County zoning) to OI-6 (office and institutional) to be held on Monday, May 12, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

SUMMARY:

There is a 3-acre parcel off of Frances Avenue (identified as 99999 Frances Avenue, PIN #0609-56-4489.00000) and a 0.5-acre parcel off of Tabernacle Road (identified as 320 Tabernacle Road, PIN #0609-56-1464.00000) that have been purchased by Givens Highland Farms. The parcels are currently zoned R-1 by Buncombe County. Givens Highland Farms is also seeking voluntary annexation of these two parcels and, if approved, would like to have the properties rezoned to OI-6, which is the zoning designation for the existing 75+ acre campus. The Planning Board heard the request at their March 24, 2025, meeting and recommended the properties be rezoned to OI-6 upon annexation into the Town limits. The motion passed with a vote of 7-0.

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. LEGAL_NOTICE_HIGHLAND_FARMS_REZONING



LEGAL NOTICE
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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, Finance Director **MEETING DATE:** April 14, 2025

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Finance

TITLE OF ITEM: Cragmont Park Renovation Capital Project Closure

SUGGESTED MOTION(S):

To Approve the Cragmont Park Capital Project Closure Ordinance and Budget Amendments as Presented.

SUMMARY:

Project Ordinances are adopted by the Board for projects that extend beyond a one-year time frame. When these projects are completed, closing ordinances are necessary to remove any remaining authorizations for expenditures. The Cragmont Park Renovation Capital Project is being closed due to financial impacts created by Hurricane Helene. Included is a proposed project closure ordinance and budget amendment allowing for unspent budgeted funds to be de-obligated.

The proposed project closures are consistent with good accounting practice, support the closeout of completed grants, if used, and will allow project savings to be allocated back to the original funding source.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

1. Capital Project Fund Ordinance Closure Cragmont Park
2. Cragmont Park Budget Amendment



**Town of Black Mountain
Cragmont Park Renovation
Authorizing Closure of Capital Project Fund Ordinance**

WHEREAS, A Capital Project Fund Ordinance O-24-09 was adopted by the Town of Black Mountain on June 25, 2024 for the purpose of Renovations to Cragmont Park.

WHEREAS, Due to financial impacts caused by Hurricane Helene within September of 2024 the Town must close the Cragmont Park Renovation Project.

WHEREAS, \$492,000 was appropriated to this project from the General Fund.

Section 1: Actual Revenues of \$442,000 were received from the General Fund.

Section 2: Actual Expenditures of \$15,685.80 were expended during the life of the project. These expenditures consisted of billing of Engineering and Design Services provided by Harper General Contractors.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina,

Section 1. The Council hereby closes the above-mentioned project and the unutilized budget of \$426,314.20 will transfer back to the General Fund, the original funding source.

Section 2: This ordinance shall take effect upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 14th day of April 2025.

C. Michael Sobel
Mayor

ATTEST:

Wesley Barker
Town Clerk

Budget Code Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
APPROVED	BOARD APPROVED BUDGET	100-0000-48900	Appropriated Fund Balance	-4,354,420.00	426,314.20	-3,928,105.80
		100-7000-48590	Transfers In	-15,000.00	-426,314.20	-441,314.20
		400-8009-48590	Transfers In	-50,000.00	50,000.00	0.00
		400-8009-52012	Professional Services - Enginnering...	50,000.00	-34,314.20	15,685.80
		400-8009-57210	Capital Outlay - Land Improvements	342,000.00	-342,000.00	0.00
		400-8009-57310	Capital Outlay - Buildings	100,000.00	-100,000.00	0.00
		400-8009-59510	Transfer Out	0.00	426,314.20	426,314.20
			APPROVED Total:	-3,927,420.00	0.00	-3,927,420.00
	Grand Total:	-3,927,420.00	0.00	-3,927,420.00		



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, Asst. Town Manager
MEETING DATE: April 14, 2025

AGENDA SECTION: Unfinished Business
DEPARTMENT: Administration

TITLE OF ITEM: EPA's Lead & Copper Service Line Inventory Project - Update

SUGGESTED MOTION(S):
n/a

SUMMARY:

The Environmental Protection Agency (EPA) has finalized updates to the Lead and Copper Rule through two distinct regulatory efforts.

- **Lead and Copper Rule Revisions (LCRR)** - Finalized in 2021, LCRR requires all community water systems to develop and maintain a comprehensive inventory of water service line materials. This inventory is mandatory and forms the foundation for future lead mitigation efforts.
- **Lead and Copper Rule Improvements (LCRI)** - Finalized in 2024, the LCRI expands upon the LCRR by requiring full lead service line replacement within 10 years. While there is uncertainty about the future of LCRI due to possible administrative changes, **the LCRR remains in effect and enforceable.**

Key Point:

Even if the LCRI is repealed or modified, the LCRR remains federal law, and its inventory requirement is non-negotiable. We are required to continue developing a complete and accurate service line inventory, including both the public and private sides of each connection.

Next Step:

Staff will notify the contractor and move forward with the Service Line Inventory Project as planned. This includes hiring a contractor to conduct field Verifications of service lines, document material types, record GIS locations, and collect photo documentation. This investment is essential for regulatory compliance and positions the Town to be competitive for future funding should the replacement mandate move forward. This proactive approach protects public health, demonstrates regulatory responsibility, and ensures readiness regardless of the outcome of potential changes to the LCRI. Staff will update Council on project

timelines after revisiting the project scope with contractor.

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:

None



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Tipton, Senior Admin **MEETING DATE:** April 14, 2025

AGENDA SECTION: New Business **DEPARTMENT:** Planning & Development Services

TITLE OF ITEM: Historic Preservation Commission Member Removal

SUGGESTED MOTION(S):

To remove the listed member from the Historic Preservation Commission due to excessive absences from meetings.

SUMMARY:

Since January 2024, the Historic Preservation Commission has met eleven times (two meetings were canceled due to Tropical Storm Helene). Of those eleven meetings, Leigh Vidrine attended two (April and May 2024) and missed all the other meetings, with no notification to staff.

The Town's Advisory Board, Commission and Committee Member Handbook states under Section 6: Attendance Policy, *"In order for a board or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body, therefore, the Town Council may dismiss any member who misses THREE CONSECUTIVE REGULAR MEETINGS or one-half of the meetings held in a single six-month period without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon or complaint by the board chairperson, a member of the board, staff, or on the Town Council's own motion. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy.*

On January 1st of each year, a member of any board or commission appointed by the Mayor or Town Council may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year."

Further, the handbook states *"Members of boards and commissions may be removed from said body for failure to meet attendance requirements."*

Due to these absences, and following the Town's advisory board handbook on attendance policies, the Commission Chair and staff recommend that Ms. Vidrine be removed from the Historic Preservation Commission, and that the remainder of her term be advertised for a replacement.

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:

None



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Henderson, Recreation & Parks Director

MEETING DATE: April 14, 2025

AGENDA SECTION: New Business

DEPARTMENT: Recreation & Parks

TITLE OF ITEM: Black Mountain Radio Sailing Club - Permanent Signage at Lake Tomahawk Park

SUGGESTED MOTION(S):

Approve signage proposal as presented.

SUMMARY:

The Black Mountain Radio Sailing Club was established in 2005 and has added to the beauty and enjoyment of the lake to our Town residents and visitors since then. Seeing sailboats moving silently through the water causes many people to stop their walk around the lake and watch. Many stop and ask questions about our activity.

The club is seeking to install permanent signage at Lake Tomahawk Park near the boating launch pad. The purpose of a permanent sign is to give people information about the Radio Sailing Sport during times when we are not on the water sailing. Radio sailing is a wonderful hobby for young and older, especially a great activity for Seniors. It gives motivation to be out in the fresh air, enjoy nature and enjoy great camaraderie.

Project Scope:

The sign frame dimensions will be the same as the Story Book stations around the lake, 34"x26" and approx. 4 feet high affixed to a 4"x4" anchored post. The framework consists of pressure-treated lumber or composite lumber 2"x4". The sign panel will be 32" x 24" and consist of Aluminum Composite Metal or Poly Metal and the text will be printed directly on the highly-durable panel.

Cost:

The cost will be carried by the club, no financial assistance from TBM is requested.

Timing:

Assuming approval and support by the Town Council the club will begin building and installing the station right away.

Location:

The sign will be placed between the observation deck and the tree next to the launchpad, facing towards the walkway. See attached images.

Ongoing Maintenance:

The club will take responsibility for ongoing maintenance, cost and repairs of the station with the exception of routine landscape maintenance such as grass cutting, path repair and such that the Town handles currently.

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. BlkMtnRSC Sign Proposal Layout
2. Proposed Lake Sign Location
3. BM Sailing Club Photos

Home of the Black Mountain Radio Sailing Club

The Club

The Black Mountain Radio Sailing Club, founded in 2005, runs races here every Wednesday and Saturday afternoon, weather permitting.



The Boats

Radio sailboats are entirely driven by the wind; the sailor controlling sails and rudder with a radio transmitter. Winning races requires the skills and tactics of any form of sailing, but standing ashore together, we can chat and joke with our competitors while racing!

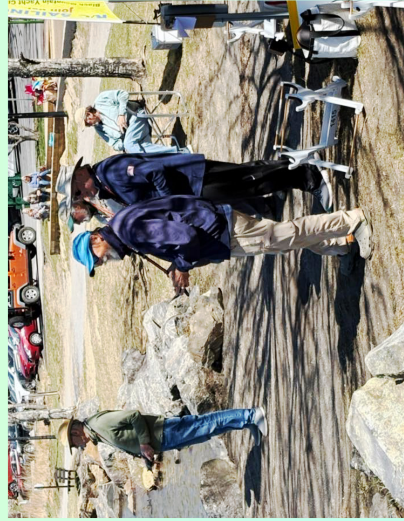
The Lake The Club commissioned the landing — our "marina". Our colorful bouys provide a variety of interesting racing courses.

The People

Anyone can learn and join in the fun. Because there are no physical demands on the sailor, this sport is ideal for seniors. Give it a try. You'll probably love it!

Contact

Try these QR codes, or email BlackMtnRSC@gmail.com









TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, Finance Director **MEETING DATE:** April 14, 2025
AGENDA SECTION: New Business **DEPARTMENT:** Finance
TITLE OF ITEM: Amended Project Ordinance and Budget Amendments for Hurricane Helene

SUGGESTED MOTION(S):

The Finance Department requests the Town Council approve the amended grant project ordinance and budget amendment as presented and recommended.

SUMMARY:

The Town of Black Mountain periodically establishes grant project ordinances for endeavors that involves 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 approval of the amendment of Hurricane Helene Grant Project Ordinance and budget amendment. The Town of Black Mountain is included in FEMA-4827-DR, North Carolina Disaster Declaration. The Following items are recognized within the amended project ordinance and budget amendments.

- Donation received from Black Mountain Presbyterian Church for Veteran's Park Repairs in the amount of \$67,000.
- Additional Revenues received from NCLM Vehicles and Equipment Insurance Claims equaling to \$38,732.07.
- Adjustment reallocating budgeted expense accounts.

BUDGET IMPACT: Yes

Increase in budgeted funds and Expenditures within the Grant Project Fund of \$105,732.07

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? -- Increase in budgeted funds and Expenditures within the Grant Project Fund of \$105,732.07

If no, describe how it will be funded. Increase in budgeted funds and Expenditures through donation and insurance proceeds received.

ATTACHMENTS:

1. Amended Grant Project Ordinance Hurricane Helene April 2025
2. Helene Budget Adjustment Report 040825



Town of Black Mountain

Hurricane Helene

Amended 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 O-24-15, originally adopted October 7, 2024, is hereby amended and 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 Hurricane Helene. Beginning September 25th, 2024 the Town of Black Mountain entered into a State of Emergency within North Carolina. September 28th, 2024 a Federal Major Disaster Declaration for the State of North Carolina due to Tropical Storm Helene was issued. September 30th, 2024 the Town of Black Mountain declared a State of Emergency. FEMA-4827-DR, North Carolina Disaster Declaration as of September 28, 2024, defines the Incident Period as September 25, 2024 and continuing.

Section 3. Funding

This project is to be funded in whole or part by FEMA-4827-DR. FEMA's Office of Response and Recovery has determined that with the President's Emergency Declaration, exigent and emergency circumstances currently exist. FEMA Assistance for this project has been declared for 100% of approved expenditures. For all permanent expenditures related to the storm FEMA has declared 90% reimbursement. The state of NC Emergency Management has declared funding of 10% to cover remaining unreimbursed amounts from FEMA. 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.

Town of Black Mountain Operating Fund Transfers:

- Initial Funding for this project will need to be provided by a budget amendment from the General Fund Balance. In the case of funding that is not needed due to other funding sources, the Town will transfer unneeded funds transferred from the General Fund back to the general fund.
- The board approved in the January agenda meeting to Transfer funding from the general fund to the Helene Project to cover costs to Veteran Park Fencing in the amount of \$121,000.

NCLM is the Town's insurance carrier. The Town has received insurance proceeds totaling \$2,243,085.73 to date:

- An advanced payment of \$1,500,000 has been received by NCLM to assist in immediate needs while our insurance claims are being completed. This payment will be deducted from the insurance proceeds to be received for flood damage to Town buildings.
- Total Vehicle and Equipment Insurance Claims paid to date from NCLM equal \$743,085.73

Donations

- The Town has received a donation in the amount of \$67,000 from Black Mountain Presbyterian Church to assist in the repairs at Veteran's Park

FEMA Funding Received to Date:

- The Town has received a payment of 50% of the emergency expenditures submitted. The total amount received was \$860,666.18.

State Funding Has Been Received for the Following Items:

- NC DEQ Division of Water Infrastructure project Number HEL-0003 provides funding up to the amount of \$3,000,000, repayable at 0% interest. The DEQ Water Infrastructure Emergency Bridge Loan Program established in Session Law 2024-53 Section 4C.7 has been awarded to the Town.
- The Town has also been awarded an additional \$200,000 in grant funds for engineering assessment, planning and design work associated with the Water Infrastructure Emergency Bridge Loan.
- NC Department of State Treasurer has awarded a loan in the amount of \$705,703.37 to aid with Cashflow due to Hurricane Helene

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 hereby 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:

<u>Budgeted Revenues</u>	<u>Prior Authorized</u>	<u>Change</u>	<u>Amended Funding</u>
Transfer In From General Fund	2,321,000.00	0.00	2,321,000.00
Transfer In From Powell Bill Fund	100,000.00	0.00	100,000.00
Grant Revenue Federal - FEMA Emergency Expenditures	860,666.18	0.00	860,666.18
NCDEQ - Infrastructure Loan	3,000,000.00	0.00	3,000,000.00
NCDEQ - Infrastructure Tech Assist Grant	200,000.00	0.00	200,000.00
NCDST - Cashflow Loan	705,703.37	0.00	705,703.37
Contributions/Donations	0.00	67,000.00	67,000.00
Insurance Proceeds	2,216,452.40	38,732.07	2,255,184.47
Total Funds	\$9,403,821.95	\$105,732.07	\$9,509,554.02

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenses</u>	<u>Prior Anticipated</u>	<u>Change</u>	<u>Amended Expense</u>
Salaries and Benefits	\$498,000.00	\$3,500.00	\$501,500.00
Protective Clothing	\$10,009.80	\$900.00	\$10,909.80
Professional Services - Engineering and Design	\$204,000.00	\$0.00	\$204,000.00
Professional and Technical Service	\$50,100.00	\$0.00	\$50,100.00
Contract Services	\$2,412,793.66	-\$7,000.00	\$2,405,793.66
Technology and Software License	\$1,000.00	\$0.00	\$1,000.00
R&M Buildings	\$16,261.58	\$0.00	\$16,261.58
R&M Grounds/Parks/Greenways	\$50.00	\$3,450.00	\$3,500.00
R&M Equipment	\$25,264.43	-\$3,650.00	\$21,614.43
R&M Vehicle	\$2,375.96	\$0.00	\$2,375.96

Ordinance: O-25-05
Board Meeting: April 14, 2025

R&M Streets/Sidewalks/Curb	\$26,289.76	\$700.00	\$26,989.76
R&M Utility System	\$135,500.00	\$7,000.00	\$142,500.00
Office Supplies	\$1,986.54	\$100.00	\$2,086.54
Medical Supplies	\$710.49	\$0.00	\$710.49
Non-Capital Equipment and Furniture	\$56,934.34	\$0.00	\$56,934.34
Lease Rental -Equipment	\$144,150.00	\$0.00	\$144,150.00
Emergency Preparedness	\$1,037.13	\$0.00	\$1,037.13
Miscellaneous Expense	\$39,010.03	-\$5,000.00	\$34,010.03
Capital Outlay - Land Improvements	\$121,000.00	\$67,000.00	\$188,000.00
Capital Outlay - Vehicles	\$2,212,348.23	\$38,732.07	\$2,251,080.30
Capital Outlay - Furnishings & Non-Motorized Equip	\$95,000.00	\$0.00	\$95,000.00
Capital Street/Bridge/Sidewalk	\$350,000.00	\$0.00	\$350,000.00
Capital Outlay - Dist Lines and Connections	\$2,500,000.00	\$0.00	\$2,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations	\$500,000.00	\$0.00	\$500,000.00
Total Expenses	\$9,403,821.95	\$105,732.07	\$9,509,554.02

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 14th day of April 2025.

C. Michael Sobol
Mayor

ATTEST:

Wesley Barker
Town Clerk



TOWN OF BLACK MOUNTAIN CAPITAL PROJECT HELENE BUDGET AMENDMENT REPORT

BE IT ORDAINED by the Town Council of The Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2025.

Adjustment Number	Summary	Description	Account Number	Account Name	Account Type	Amended Amount
BA25-0000111	BADJ-Move funds to R&M Utility System	Helene - Adjust Allocated Expense Budget	425-8806-52020	Contract Services	Expense	-\$7,000.00
			425-8806-52330	R & M -Utility System	Expense	\$7,000.00
BA25-0000122	BAMEND- Donation Veteran Park Fencing	Donation from Church to replace Fencing at Veteran's Park	425-8806-57210	Capital Outlay - Land Improvements	Expense	\$67,000.00
			425-8806-47070	Contributions/Donations - Private Sources	Revenue	\$67,000.00
BA25-0000126	BAMEND - Insurance Proceeds PW F250	Insurance Proceeds VIN#32645- PW- 2011 Ford F250	425-8806-57410	Capital Outlay-Vehicles	Expense	\$26,633.33
			425-8806-48010	Insurance Recovery Proceeds	Revenue	\$26,633.33
BA25-0000127	BAMEND - Insurance Proceeds- PD Dodge	PD-2016 Dodge Charger -VIN 22376 Upfitting	425-8806-57410	Capital Outlay-Vehicles	Expense	\$12,098.74
			425-8806-48010	Insurance Recovery Proceeds	Revenue	\$12,098.74
BA25-0000128	BADJ - Helene Allocate Expense Budget	Helene - Adjust Allocated Expense Budget	425-8806-52315	R & M - Equipment	Expense	-\$3,650.00
			425-8806-50100	Salaries - Regular	Expense	\$3,500.00
			425-8806-52320	R & M - Streets/Sidewalks/Curb	Expense	\$700.00
			425-8806-51016	Protective Clothing	Expense	\$900.00
			425-8806-52311	R & M - Grounds/Parks/Greenways	Expense	\$3,450.00
			425-8806-55099	Miscellaneous Expense	Expense	-\$5,000.00
			425-8806-52410	Office Supplies	Expense	\$100.00