



TOWN OF BLACK MOUNTAIN TOWN COUNCIL

August 11, 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. Pool Lifesaving Award

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Recreation & Parks Department Annual Report

3.B. Wildfire Risk Update from Fire Chief John Coffey

3.C. Recovery & Resiliency Update

3.D. 200 NC-9 Hwy Landscape Presentation

4. 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.

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 the June 5, 2025 Agenda Work Session, June 9, 2025 Regular Meeting and June 25, 2025 Special Meeting. - Wesley Barker, Town Clerk

Motion: Motion to approve the meeting minutes as presented.

5.B. Monthly Property Tax Report - May 2025 & June 2025 - Laurel Mabery, Accountant

Motion: I move to approve tax collection reports as presented.

5.C. Acceptance of Donation - Friends of the Community Garden - Josh Henderson, Recreation & Parks Director

Motion: Accept Donated Items as Presented

5.D. Acceptance of Bench Donations - Lake Tomahawk Park - Josh Henderson, Recreation & Parks Director

Motion: Accept Donations as Presented.

5.E. Request to Pursue Grant Funding for Part-Time Assistant Garden Manager -

Josh Henderson, Recreation & Parks Director

Motion: Approve request as submitted.

- 5.F. Resolution to Apply for NC Department of Commerce Small Business Infrastructure Program for Downtown Stormwater Improvements.** - Jessica Trotman, Assistant Town Manager
Motion: Approve the resolution as presented.
- 5.G. Selection of Multiple Grant Writing & Consulting Professional Services** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize staff to enter into contracts and execute on-call professional service contracts with the seven qualified firms that responded to the Grant Writing and Consulting Services RFQ, not to exceed \$20,000 per firm.
- 5.H. Resolution Supporting Submission of a Hazard Mitigation Grant Application for Diesel Pump at Water Booster Station** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for an estimated \$250,000 to the State for consideration of this project.
- 5.I. Resolution Supporting Submission of a Hazard Mitigation Grant Application for Generators at Public Facilities** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for an estimated \$700,000 to the State for consideration of this project.
- 5.J. Resolution Supporting Submission of a Hazard Mitigation Grant Application for Installation of SCADA Panels** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for an estimated \$10,000 to the State for consideration of this project.
- 5.K. Resolution Supporting Submission of a Hazard Mitigation Grant Application for Standby Generators at Water Pump Stations** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for this project, at an estimated \$1,500,000, to the State for consideration of this project.
- 5.L. Resolution Supporting Submission of a Hazard Mitigation Grant Application for Reducing & Hardening Waterline Stream Crossings** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for this project, at an estimated \$1,700,000, to the State

for consideration of this project.

- 5.M. Resolution Supporting Submission of a Hazard Mitigation Grant Application for relocating aging and exposed waterlines that are located in streambanks and floodways.** - Jessica Trotman, Assistant Town Manager
Motion: Motion to authorize the Town Manager or designee to submit the letter of interest for this project, at an estimated \$3,000,000 to the State for consideration of this project.
- 5.N. Amended System Development Fee Capital Reserve Fund** - Tammy Holland, Finance Director
Motion: Staff move that Council approve the Amended SDF Capital Reserve Fund Resolution and Adopt Budget Amendment Transferring in of revenues collected within FY25 and Transfer Out of Capital Reserve Funds to Water Automated Meter Capital Project
- 5.O. Tropical Storm Helene Stormwater Infrastructure Enterprise Capital Project Ordinance and Budget Amendments** - Tammy Holland, Finance Director
Motion: Motion to approve the Helene Stormwater Infrastructure Enterprise Capital Project Ordinance & Budget Amendments as presented.
- 5.P. Annual Property Tax Settlement for Fiscal Year 2025 & Adoption of the Order of Collection of Taxes for Fiscal Year 2026** - Tammy Holland, Finance Director
Motion: Motion to approve the Property Tax Settlement for FY25 and adoption of the Order of Collection of Taxes for FY26.
- 5.Q. Consideration of Art in the Afternoon Lease Renewal (one-year)** - Josh Harrold, Town Manager
Motion: Approval of the lease agreement for Art in the Afternoon for an additional year to expire August 31, 2026.
- 5.R. HL-0013 Right of Way Acquisition & Services** - Angela Reece, Facilities & Project Manager, Deputy Town Clerk
Motion: I move that Council ratify the agreement with Vaughn & Melton Engineering as executed by Town Manager Josh Harrold on June 16, 2025, for right of way acquisition services and fees as part of the Ninth Street Bridge (HL-0013) project.
- 5.S. HL-0013 Right of Way Acquisition Acceptance Parcel #3** - Angela Reece, Facilities & Project Manager, Deputy Town Clerk
Motion: I move that Council ratify and accept the donation of right of way of town-owned property as outlined in Tax Parcel 0700-9011-6500-000 for an amount of \$10.00 as presented.
- 5.T. HL-0013 Utility Relocation Agreement Approval** - Angela Reece, Facilities & Project Manager, Deputy Town Clerk

Motion: I move that Council approve the agreement with Duke Progress LLC. as presented for utility line relocation in the amount of \$103,424.27 as part of the Ninth Street Bridge (HL-0013) project and to authorize the Town Manager to execute same.

5.U. EB-5547B (Greenway) Temp Construction Easement Donation - Angela Reece, Facilities & Project Manager, Deputy Town Clerk

Motion: I move that Council accept the donation of a temporary construction easement for property owned by Montreat College as outlined in Exhibit A of the attached agreement dated July 24, 2025 for Section B of the River Walk Greenway for an amount of \$0.00.

5.V. Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of New Wells - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve the resolution to apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of New Wells.

5.W. Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines within High-Risk Hazard Areas - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve the resolution to apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines within High-Risk Hazard Areas.

6. PUBLIC HEARING

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

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8. UNFINISHED BUSINESS

8.A. Ordinance Granting Public Service Company of NC, Inc. the use to construct, operate and maintain a gas utility system within the Town of Black Mountain for a period of thirty (30) years. - Josh Harrold, Town Manager

Motion: An Ordinance Granting To Public Service Company Of North Carolina, Incorporated, Its Successors And Assigns, The Right To Use And

Occupy The Public Ways Of The Town Of Black Mountain, North Carolina, For The Construction, Operation And Maintenance Of A Gas Utility System And All Necessary Means For Transmitting And Distributing Gas Within Said Town For A Period Of 30 Years.

9. NEW BUSINESS

- 9.A. Petition for Town to Take Over Maintenance of Fay Jones Lane and Rantis Lane** - Jennifer Tipton, Senior Admin

Motion: Motion will be based on Council discussion and a decision on whether or not to accept taking over road maintenance of Fay Jones Ln. and Rantis Ln.

- 9.B. Discussion of Turning S. Ridgeway Avenue and a Portion of Sutton Avenue to One-Way** - Jennifer Tipton, Senior Admin

Motion: No suggested motion. This is for discussion only, however, Council may choose to take action if they would like to.

- 9.C. Text Amendments to Amend Ch. 1, Sec. 1.2.3, Ch. 4, Sec. 4.7.7.2, Ch. 4, Sec. 4.7.14, and Ch. 5, Sec. 5.18 in the Land Use Code; and Ch. 4, Alcoholic Beverages, Sec. 4-1 in the Town Code of Ordinances, to add provisions for sidewalk seating** - Michelle Kennedy, Planning Director

Motion: I move we approve the proposed text amendment to Amend Ch. 1, Sec. 1.2.3, Ch. 4, Sec. 4.7.7.2, Ch. 4, Sec. 4.7.14, and Ch. 5, Sec. 5.18 in the Land Use Code; and Ch. 4, Alcoholic Beverages, Sec. 4-1 in the Town Code of Ordinances, to add a definition and requirements for sidewalk seating and that the proposed amendment is consistent with Elevate Black Mountain as it identifies Downtown as one of six Activity and Employment areas and one of the four opportunities for Downtown aligns with amending the Land Use Code to provide clear standards for business owners to safely establish sidewalk seating and is reasonable and in the public interest as the public health and safety are at the core of the Town's Code or Ordinances, including the Land Use Code.

- 9.D. Ordinance Prohibiting Construction of New Town-Owned Buildings in the Regulatory Floodplain** - Jessica Trotman, Assistant Town Manager

Motion: Approve the Land Use Ordinance Amendment Prohibiting Construction of New Town-Owned Buildings in the Regulatory Floodplain.

- 9.E. Amendment to the Town's Personnel Policy Manual to add an Emergency Lodging & Meal Support Policy** - Jessica Trotman, Assistant Town Manager

Motion: To approve the addition of the Emergency Lodging & Meal Support Policy to the Town's Personnel Policy Manual as presented.

- 9.F. Recommendation of Engineering Firms for FEMA Projects.** - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve recommendations and direct the Assistant Town Manager to negotiate contracts for these projects.

9.G. Appointment to the Black Mountain ABC Board - Wesley Barker, Town Clerk
Motion: Motion to appoint [name] to the Black Mountain ABC Board for a three-year term.

9.H. Appointments to the Active Mobility Commission -
Motion: Appointment of members to the Active Mobility Commission.

9.I. Appointments to the Board of Adjustment - Wesley Barker, Town Clerk
Motion: Appointment of members to the Board of Adjustment.

9.J. Appointments to the Historic Preservation Commission - Wesley Barker, Town Clerk
Motion: Appointment of members to the Historic Preservation Commission.

9.K. Appointments to the Planning Board. - Wesley Barker, Town Clerk
Motion: Motion to make appointments to the Planning Board.

9.L. Appointment to the Recreation Commission - Wesley Barker, Town Clerk
Motion: Appointment of member to the Recreation Commission.

10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

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

13. ADJOURNMENT